



DEPARTMENT OF TRANSPORTATION
MATERIALS TRANSPORTATION BUREAU
WASHINGTON, D.C. 20590

41537

[49 CFR Parts 102, 107, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189]

[Docket No. HM-112; Notice No. 73-9A]

FLAMMABLE, COMBUSTIBLE, AND PYROPHORIC LIQUIDS ABOARD VESSELS

Proposed Rulemaking

The purpose of this notice is to propose an amendment to the regulations in Title 49, Code of Federal Regulations, Part 102, Part 107 (as proposed under Docket HM-127; Notice 75-7; 40 FR 32758; August 4, 1975) and Parts 170-189 applicable to flammable, combustible, and pyrophoric liquids aboard vessels, consistent with the definitions adopted for these materials in amendment 172-23, 173-78, 174-19, 177-29, and 173-78A under Docket No. HM-102 published on January 24, 1974 (39 FR 2768), May 22, 1975 (40 FR 22263) and June 12, 1975 (40 FR 25024).

Rather than publishing extensive proposed changes to Title 46, Code of Federal Regulations, Part 146, the Materials Transportation Bureau (MTB) proposes to modify existing proposals dealing with these materials shipped aboard vessels that were made by the Hazardous Materials Regulations Board (the Board) under Docket No. HM-112; Notice 73-9 (39 FR 3022; January 24, 1974) wherein the Board proposed to consolidate the Department's Hazardous Materials Regulations.

In particular, the Bureau proposes to modify Notice 73-9 to specify in proposed § 170.8 that the regulations in the subchapter do not apply to combustible liquids aboard vessels in packagings having capacities of 110 gallons or less and remove limitations on applicability of the regulations specified in proposed § 176.300. The Bureau proposes that the terms flammable liquid, combustible liquid and pyrophoric liquid will have the same meaning in the Department's regulations pertaining to the carriage of hazardous materials in containers aboard vessels as they have to transportation by air, highway and rail. Commenters should note

that specific packaging proposals were made by the Board in Notice 73-9 for combustible liquids transported aboard aircraft and passenger vessels (see proposed §§ 173.119a and 173.119b). Also, that same notice contained a proposal to modify the exemptions in § 173.118 thereby making the transportation of combustible liquids aboard aircraft and vessels subject to specification packaging requirements when in tanks having capacities of more than 110 gallons.

In order to expedite this proceeding and to limit the delay on final consideration of the proposals made previously under this Docket, the Bureau will hold a public hearing in Room 8332, Nassif Building, 7th & D Streets, SW., Washington, D.C. on October 1, 1975 beginning at 9:30 a.m. to hear the comments of interested persons on the proposals in this Notice. Persons desiring to present their comments in writing should submit them to: Section of Dockets, Materials Transportation Bureau, U.S. Department of Transportation, Trans Point Building, Washington, D.C. 20590. All comments received before the close of business on October 8, 1975, will be considered, and will be available in the docket for examination both before and after the closing date. Comments received after the closing date and too late for consideration will be treated as suggestions for future rule making.

(Transportation of Explosives Act (18 U.S.C. 831-835); sec. 6, Department of Transportation Act (49 U.S.C. 1655); Title VI and sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), and 1655(c)); Dangerous Cargo Act, as amended (46 U.S.C. 170); Tank Vessel Act of 1936 (46 U.S.C. 391a, 46 U.S.C. 375, 46 U.S.C. 416, 49 U.S.C. 1655(b) (1)); 49 CFR 146(b))

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Hazardous Materials Operations.

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