



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

28951

Materials Transportation Bureau  
**NEW HAZARDOUS MATERIALS PLACARDS;  
DATE ON WHICH USE BECOMES MANDATORY**  
Public Hearing

On April 15, 1976, a final rule was published by the Materials Transportation Bureau (MTB) in Docket HM-103/112 (41 FR 15972) requiring new diamond-shaped hazardous materials placards to be used exclusively after July 1, 1977, in place of previously required placards of different design.

Petitions were submitted on February 14, 1977, by the National Oil Jobbers Council (NOJC), and on March 2, 1977, by the American Trucking Associations, Inc. (ATA), seeking a delay of the date on which use of new diamond-shaped hazardous materials placards (49 CFR Part 172, Subpart F) becomes mandatory. NOJC seeks a delay until September 1, 1978. ATA seeks to continue the use of the old permanent rectangular highway placards until those placards or the vehicles upon which they are mounted are retired from service. Although the existing July 1, 1977, mandatory placarding date, upon which both petitions were based, is changed to January 1, 1978, by a final rule appearing elsewhere in this issue of the FEDERAL REGISTER, the MTB is seeking public comment on both petitions and will hold a public hearing on July 21, 1977, to receive both written and oral comments on the merits of any further adjustment of the mandatory placarding date as sought by those petitions. In general, for reasons already extensively addressed in Docket HM-103/112, the MTB is concerned that a unified and consistent placarding system, as part of the hazard information system that includes closely related labeling, marking and shipping paper requirements, be achieved as rapidly as practicable. Public comment will be considered in the context of this well-established goal.

The petition submitted by NOJC argues that heating oil delivery vehicles are

being required to display the new placards only eighteen months after a previous rule change which also required the replacement of placards (Docket HM-102, 40 FR 22263, May 22, 1975), and that the costs the vehicle operators must incur to affix new placards to their vehicles can and should be minimized by a delay until September 1, 1978, to provide a period of time during which the new placards can be replaced in the normal vehicle maintenance cycle.

In support of its request for continuing the use of existing permanent highway placards until the placards or the vehicles to which they are affixed are retired, ATA argues that a gradual phase-in of the new placards, for those using permanent placarding systems rather than the less expensive temporary placards, is more cost effective and operationally efficient than imposition of a specific mandatory compliance date and would not have a detrimental impact on transportation safety. "Grandfathering" the old permanent placards is said by ATA to be justified by vehicle downtime and labor costs necessary to effect the changeover, as well as by "ripple effects" of an abrupt changeover in other areas of carrier activity, all of which ATA urges can and should be minimized by allowing the old permanent placards to be replaced as much as possible in the normal course of business. ATA also alleges that, based on a very limited survey of 27 hazardous materials carriers, compliance costs will exceed \$13 million (a figure subject to adjustment as a result of the six-month delay already granted).

Persons supporting the NOJC or the ATA petition should be prepared to verify the assertions made therein and to add any needed additional information on costs and safety or other impacts likely to result from failing to grant the relief sought. In particular, MTB is interested in the total number of motor vehicles now using permanent metal placards, and the length of the average period of service between downtime for repair, maintenance or overhaul of per-

manently placarded vehicles carrying hazardous materials on a routine or dedicated basis.

Persons opposing the petitions should be prepared to analyze any deficiencies therein, and to provide documented opinions on the costs effects on transportation safety, and other impacts likely to result from granting the relief sought. In particular, the MTB is interested in information on any safety or operational problems experienced from July 1, 1976, to date, or likely to be experienced, as a result of simultaneous use of the old and the new placarding systems, and compliance costs already incurred by persons subject to the new placarding requirements.

A one-day public hearing will be held on July 21, 1977. The hearing will open at 9:30 a.m. in the auditorium of the FAA Building located at 800 Independence Avenue, SW., Washington, D.C.

Interested persons are invited to attend the hearing and present oral or written statements on the matter set for hearing. These statements will be a matter of public record. Any person wishing to make a statement at the hearing should notify the Docket Section prior to July 18, 1977. Written comments on the matter set for hearing will be received until August 22, 1977, and those comments, as well as the NOJC and ATA petitions, may be viewed in the Docket Section, Room 6500, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20590 (Phone: 202/426-2077).

The hearing will be informal and will not be a judicial or evidentiary-type hearing. There will be no cross-examination of persons presenting statements.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a) (4) of App. A to Part 102)

Issued in Washington, D.C., on June 2, 1977.

JAMES T. CURTIS, JR.,  
Director, Materials  
Transportation Bureau.

[FR Doc. 77-16053 Filed 6-3-77; 8:45 am]