



DEPARTMENT OF TRANSPORTATION

MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

24845

[Docket No. HM-103/112; Amdt. No. 172-43]

**PART 172—HAZARDOUS MATERIALS
TABLE AND HAZARDOUS MATERI-
ALS COMMUNICATIONS REQUIRE-
MENTS**

Placarding Extension for Nurse Tanks

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: This action provides a 30-day placarding extension for highway carriage of agricultural anhydrous ammonia in nurse tanks. The extension is due to a late corn planting season resulting from unusually wet soil. The extension is intended to avoid the necessity of removing nurse tanks from agricultural service for replacarding before fertilizing operations are essentially completed.

EFFECTIVE DATE: This amendment is effective on June 8, 1978.

**FOR FURTHER INFORMATION
CONTACT:**

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SUPPLEMENTARY INFORMATION: By letter of May 22, 1978, the Fertilizer Institute, a national association representing about 90 percent of the fertilizer producers as well as certain associated interests, asked the Office of Hazardous Materials Regulation for a 30-day delay in the July 1, 1978 mandatory placarding compliance date (49 CFR 172.506(c), see HM-103/112, 42 FR 58522, November 10, 1977). The Institute states that a late planting season for corn, dictated by weather conditions, is likely to require the continued use of fertilizer nurse tanks into July, with the result that a July 1, 1978, compliance date will necessitate removal and replacarding of the tanks when they are needed in service. The Institute states that anhydrous ammonia distributors generally serve an area within a 15-mile radius of bulk storage facilities and that the low

speeds, limited distances, sparse rural populations and overall safety record associated with the highway transport of anhydrous ammonia nurse tanks indicate that a limited extension will not prejudice safety.

By letter dated May 25, 1978, the Acting Secretary of Agriculture also expressed similar concerns with probable conflict between the mandatory placarding compliance date and fertilizer needs resulting from late planting, urging that a delay until August 1, 1978, be considered.

The MTB has concluded that such an extension is in the public interest. Because of the limited time remaining before the new placarding requirements become effective, and since this extension is a relaxation of an existing requirement, public notice has not been provided and this amendment is effective without delay. The amendment will not result in any significant environmental or economic impact.

In consideration of the foregoing, Part 172 of Title 49, code of Federal Regulations, is amended as follows:

In § 172.506, a new paragraph (d) is added to read as follows:

§ 172.506 Providing and affixing placards:
Highway.

(d) Until August 1, 1978, the provisions of paragraph (c) of this section continue to apply to any cargo tank (commonly known as a nurse tank and considered an implement of husbandry) transporting anhydrous ammonia, and operated by a private carrier exclusively for agricultural purposes.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107 nor an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.).

Issued in Washington, D.C., on June 5, 1978.

L. D. SANTMAN,
Acting Director,

Materials Transportation Bureau.

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