



DEPARTMENT OF TRANSPORTATION

MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

59598

[Docket No. HM-132; Amdt. No. 173 92]

PART 173—SHIPPERS

Asphalts in Cargo Tanks

● The purpose of this amendment to 49 CFR Part 173 of the Hazardous Materials Regulations is to permit certain asphalt formulations, newly defined as flammable liquids by regulations adopted under Docket HM-102 (See 39 FR 2768, 40 FR 22263, 40 FR 25024), to be shipped in cargo tanks currently in service. ●

A petition has been received requesting reclassification of these materials as combustible liquids, however, no justification for this request based on safety was submitted. The Bureau believes that the materials should be identified as flammable liquids not only because of their flash points but also due to the fact that they are usually shipped and maintained at temperatures at or above their flash points during transportation.

The Bureau has received a number of requests for exemptions for continued shipment of these materials in a type of cargo tank similar to a MC 306 cargo tank. Of the several tanks authorized for the carriage of flammable liquids, a specification MC 303 provides the minimum safety features believed necessary to accommodate such cargo. The cargo tanks, apparently in widespread use, which are covered by these exemption requests, are manufactured by several firms and meet the basic structural requirements for a MC 306 cargo tank except for manhole design, venting, and emergency flow control.

Tanks used for the transport of hot asphalt are well-insulated double-shell tanks. This construction increases their resistance to impact and puncture over that of standard MC 306 tanks. The vapor pressures of asphalt materials are quite low. One asphalt, RC-70, which has a flash point in the 80° F. range, has a boiling range of approximately 350 to

600° F. Since asphalt materials do not reach these temperatures during transportation, the need for venting is minimized. Also, the high viscosity of these materials makes the valving requirements specified for a MC 306 cargo tank impractical.

In consideration of the foregoing, 49 CFR Part 173 is amended by adding paragraph (a) (2) in § 173.131 to read as follows:

§ 173.131 Road asphalt, or tar, liquid.

(a) * * *

(2) If the material has a flash point of 73° F. or higher, it may be transported in a nonspecification cargo tank that is at least equivalent in design and construction to specification MC 306 (§§ 178.340, 178.341 of this subchapter) except for the requirements of §§ 178.340-10, 178.341-3, 178.341-4, and 178.341-5.

Because this amendment will provide for the continued use of cargo tanks that in the past have proved safe with respect to the carriage of asphalt materials with flash points of 73° F. or higher, I find that notice and public procedure thereon are unnecessary.

In addition, since this amendment provides for the continued use of cargo tanks that would otherwise be prohibited on and after January 1, 1976, and does not impose any new duties or obligations, it is being made effective in less than 30 days after publication in the FEDERAL REGISTER.

(18 U.S.C. 834, 49 CFR 1.53(g)).

Effective: January 1, 1976.

Issued in Washington, D.C. on December 22, 1975.

JAMES T. CURTIS, Jr.,
Director,

Materials Transportation Bureau.

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