

Storage Tanks,” Third Edition, dated March 1996.

Section 171.8

This final rule revises the definition of “Cargo tank” to include intermediate bulk containers (IBCs) in the list of specifications that are not considered cargo tanks. In addition, we are revising the definition of “Maximum Allowable Working Pressure” to include a new section reference.

This final rule also revises the definitions of “Design Certifying Engineer (DCE)” and “Registered Inspector (RI)” to permit an individual who does not meet the educational requirements in the definitions to be recognized as a DCE or RI if the person was performing those functions for three years prior to September 1, 1991, and meets all other qualifications. In addition, this final rule eliminates a requirement for an individual to have registered with the DOT before December 31, 1995.

Part 172

Section 172.101

This final rule modifies the Hazardous Materials Table by adding a new Special Provision 144 in Column (7) for the following proper shipping names: Diesel fuel; Fuel, aviation, turbine engine; Fuel oil (no. 1, 2, 4, 5, or 6); Gas oil; Gasohol gasoline mixed with ethyl alcohol, with not more than 20 percent alcohol; Gasoline; Hydrocarbons, liquid, n.o.s.; Kerosene; Petroleum crude oil; Petroleum distillates, n.o.s. or Petroleum products, n.o.s.; and Petroleum oil. Special Provision 144 clarifies that underground storage tanks (USTs) may be shipped as unregulated materials if they meet the definition of “empty” in § 173.29 or if they are cleaned, purged, or made inert in accordance with the American Petroleum Institute Standard 1604 for USTs.

Section 172.102

We are revising paragraph (c)(1) to add Special Provision 144 concerning the transportation of empty USTs, as detailed above.

Section 172.328

In this final rule, we are adding new paragraph (d) to require all manually activated, on-vehicle remote shutoff devices for closure of a cargo tank’s internal shutoff valve to be marked “Emergency Shutoff.” This requirement is effective two years after the effective date of this final rule. The marking must be at least 0.75” high.

Part 173

Section 173.33

The minimum design requirements for cargo tanks used to transport Packing Group I and II liquid ladings in current paragraph (g) are re-designated as new paragraph (c)(6) and paragraph (h) is re-designated as paragraph (g). Paragraph headings are added for new paragraphs (c)(6) and new paragraph (g).

Section 173.150

We are removing the references to §§ 173.21, 173.24, 173.24a, and §§ 173.24b in paragraph (f)(3)(viii). Current paragraph (f)(3)(vii) requires compliance with Subpart B of part 173, so these references are redundant.

We are also revising paragraph (f)(3) by adding a new paragraph (ix) to clarify that hazardous materials (HM) training requirements apply to persons involved with the transportation of a combustible liquid that is either in a bulk package or is also a hazardous substance, a hazardous waste, or a marine pollutant in any packaging. In 1992, RSPA reviewed the costs and safety benefits of the training requirement (Docket HM-126F; 57 FR 20952) and found HM training to be justified. However, the training requirement was inadvertently omitted from this section.

Part 177

Section 177.817

A final rule under Docket HM-207B (67 FR 46123; 07/12/2002) revised § 177.817(a). In that final rule, we changed § 177.817(a) to read: “A carrier may not transport a hazardous material unless it is accompanied by a shipping paper prepared in accordance with part 172 of this subchapter.” This revision inadvertently eliminated the shipper’s certification exception for carriers consolidating multiple shipments of hazardous materials. In this final rule, we are revising paragraph (a) to clarify that only the initial carrier of a hazardous materials shipment is required to have a shipping paper that includes the shipper certification.

Section 177.834

This final rule revises paragraph (j) of this section that specifies that all manhole closures must be closed and secured on cargo tanks containing hazardous materials or residues of hazardous materials to add a reference that cargo tanks that have been cleaned and purged may be transported with open manhole closures.

Part 178

Section 178.320

We are revising paragraph (a) to add definitions applicable to cargo tanks that are currently in § 178.345-1(c). In addition, we are revising and moving the definition of “maximum allowable working pressure (MAWP)” from § 178.345-1(k) to paragraph (a). Finally, we are replacing the term “stop-valve” with “stop valve” in paragraph (a) each place it appears.

In addition, we are revising paragraph (b) to state specifically that accident damage protection devices must be certified by a DCE. FMCSA has found that there is a misunderstanding among assemblers installing cargo tanks onto a motor vehicle chassis as to whether the rear-end tank protection devices must be certified by a DCE. Because rear-end tank protection devices are required by the specification to meet specific structural integrity requirements, the design of these devices must be certified by a DCE.

We had proposed to create a new paragraph (d) for the definition of “minimum thickness.” Instead of creating a separate paragraph for this term, we are including this definition in the listing of other definitions in this section.

Section 178.337-3

We are making an editorial change in paragraph (b) by breaking this paragraph into two paragraphs. In order to further clarify the minimum thickness definition and requirements, in this final rule we are altering the wording in paragraph (e) to indicate that the minimum metal thickness of 0.187 inches for steel and 0.270 inches for aluminum is for tanks with a design pressure of at least 100 psig. In addition, this final rule clarifies that, in all cases, the minimum thickness of the tank shell and head shall be determined using structural design requirements in Section VIII of the ASME Code or 25% of the tensile strength of the material used.

This final rule revises paragraph (g) as follows: (1) Groups all requirements for mounting pads in § 178.337-3(g)(2); (2) deletes an unnecessary requirement that mounting pads be the same material as the cargo tank and, instead, allows the pad material to be selected by the DCE; (3) achieves conformity with relevant requirements for DOT 400-series cargo tanks in § 178.345-3; and (4) eliminates the exception for a small gap in the continuous weld around mounting pads while permitting continued use of weep holes or telltale holes as currently allowed.