

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.4(c).

Issued on February 16, 1970.

F. C. TURNER,  
Federal Highway Administrator.

Part 371 of Title 49, CFR, would be amended—

A. by revising § 371.7(a) to read as follows:

§ 371.7 Applicability.

(a) *General.* Except as provided in paragraphs (b) through (d) of this section, each standard set forth in Subpart B applies according to its terms to all motor vehicles or items of motor vehicle equipment the manufacture of which is completed on or after the effective date of the standard.

B. by amending paragraph S4 of Motor Vehicle Safety Standard No. 105 as follows:

1. Subparagraph S4.1 would be revised to read as follows:

S4.1 *Service Brake System.* Except as provided in S4.1.1 and S4.1.2, the performance ability of the fully operational service brake system for passenger cars shall not be less than that described in section D of Society of Automotive Engineers Recommended Practice J937, "Service Brake System Performance Requirements—Passenger Cars", June 1966, and tested in accordance with SAE Recommended Practice J943a, "Brake System Road Test Code—Passenger Car", June 1966.

2. A new subparagraph S4.1.1 and a new subparagraph S4.1.2 would be added, reading as follows:

S4.1.1 *Brake Effectiveness Tests.* If a vehicle cannot attain the test speeds specified in S4.1, it shall be tested at a speed of 5 miles per hour less than the maximum speed it can attain from a standing start by accelerating at its maximum rate for a distance of 1 mile on a zero gradient. The pedal force requirements for a 20 f.p.s.p.s. deceleration rate for that test shall be as follows:

Maximum attainable speed (m.p.h.)	Pedal force (pounds)
30 or less	15 to 100.
31 through 50	15 to 120.
51 through 80	20 to 150.

S4.1.2 *Fade Tests.* If a vehicle cannot attain a test speed specified in S4.1 within the stop interval provided for the fade test, its test speed shall be the speed it attains from a standing start by accelerating at its maximum rate on a zero gradient for a distance equal to the specified interval.

3. Subparagraph S4.2.1 would be revised to read as follows:

S4.2.1 *Emergency System Performance.* If failure of a pressure component or insufficient hydraulic fluid in the system causes loss of pressure in any part of the brake system, the remaining portion of the brake system shall be capable of stopping the vehicle loaded in accordance with SAE Recommended Practice J943a, June 1966, from a speed of 60 m.p.h., in not more than 646 feet, without pulling or swerving to the extent that would cause the vehicle to leave a level, 12-foot wide lane on a clean, dry smooth, Portland cement concrete pavement (or other surface with equivalent coefficient of surface friction). If a vehicle cannot attain the test speed of 60 m.p.h., it shall be tested at 5 miles per hour less than the maximum speed it can attain from a standing start by accelerating at its maximum rate for a distance of 1 mile on a zero gradient. The maximum stopping distance for that speed is provided in the following table:

If the speed is equal to or more than (m.p.h.)	But less than (m.p.h.)	The stopping distance is (feet)
55	50	533
50	45	449
45	40	383
40	35	327
35	30	279
30	25	237
25	20	199

C. By revising subparagraph S4.4.1(b) of Motor Vehicle Safety Standard No. 110 to read as follows:

(b) In the event of rapid loss of inflation pressure with the vehicle traveling in a straight line at 60 miles per hour or at 5 miles per hour less than the maximum speed it can attain from a standing start by accelerating at its maximum rate for a distance of 1 mile on a zero gradient, whichever is less, retain the deflated tire until the vehicle can be stopped with a controlled braking application.

[F.R. Doc. 70-2206; Filed, Feb. 20, 1970; 8:48 a.m.]

**Hazardous Materials Regulations Board**

[ 49 CFR Parts 172, 173, 174, 177 ]

[Docket No. HM-42; Notice No. 70-3]

**TRANSPORTATION OF HAZARDOUS MATERIALS**

**Combustible Liquids**

The Department's Hazardous Materials Regulations presently define a flammable liquid as any liquid having a flash point of 80° F. or lower. Liquids having flash points higher than 80° F. are not now within the scope of the Department's Hazardous Materials Regulations. Liquids in this higher flash point range include kerosene, fuel oil, turpentine, and

certain alcohols, all of which present fire hazards during transportation. These liquids are often referred to by the generic name, combustible liquids, which normally refers to liquids having flash points between 80° F. and 200° F. These materials are routinely transported in tank cars, tank trucks, and portable tanks with no requirement that these tanks be identified during transportation as containing a material having a fire hazard.

Fire, police, and rescue personnel are generally trained to deal with fuel oil and kerosene accidents in the same manner as they deal with gasoline accidents. In order to be able to do their job, they must have immediate information regarding the contents of these tanks. Without this information, the emergency personnel might well be misled into believing that the tanks contained some innocuous commodity such as milk or molasses. Their attention might, therefore, be misdirected away from this significant potential hazard. The Board believes that it will be in the public interest to require that tanks containing combustible liquids be marked or placarded to properly reflect the hazard present and is proposing in this notice to adopt an identification system.

Compounding the problem of lack of information as to hazards is the fact that many tank truck operators are transporting combustible liquids in tanks which bear the placard "Non-Flammable". This is apparently done in order to be able to permanently mark the word "Flammable" on tanks which are used interchangeably in shipping flammable or combustible liquids. In that way, the carrier need only to add a small tag or plate with the word "Non" on it rather than having to constantly remove and replace a larger placard having the word "Flammable". Placarding of this type is a gross misrepresentation of the actual hazard that would be present should such vehicles be involved in accidents, parked or stopped near fires, or otherwise placed in jeopardy.

A second related problem involves the transportation of liquids which have flash points above 200° F. but which are transported at temperatures at or exceeding their flash points. If tanks containing these hot liquids fall during transportation resulting in rupture or leakage, the overall public hazard may be just as great as flammable or combustible liquids with lower flash points.

The Board believes that these two closely related problem areas can best be resolved by including in the regulations a new hazard classification for combustible liquids (flash points between 80° F. and 200° F.) and other liquids (flash points above 200° F.) which are transported at a temperature higher than their flash points.

The 200° F. upper limit is one commonly used by industry and Government. The National Fire Protection Association, in their "Fire Protection Guide on Hazardous Materials," second edition, 1967, uses a 200° F. breakpoint in flash point. The Federal Highway Administration does the same in its "Motor Carrier Safety Regulations" (49 CFR 392). The 80°-200° F. range will include almost all of the commonly transported combustible fuel oils which comprise the major portion of bulk shipments. The Board recognizes that for certain other purposes a cutoff of 150° F. has been used. The Board therefore, while proposing a cutoff of 200° F., requests specific comment on whether a 150° F. cutoff would be warranted. Reasons for recommending either cutoff point or for any cutoff within this range should be given.

The Board is proposing to require that shipments of combustible liquids in tanks be clearly identified by the same type of vehicle placards used for identifying other rail and highway shipments. A new "Combustible" placard is proposed for highway use as an alternative to the "Flammable" placard, and the existing "Dangerous" placard is proposed for shipments by rail.

Because of the significantly lower degree of potential hazard involved in shipments of combustible liquids in smaller containers, the Board is proposing to apply these new rules only to shipments in containers having a volume greater than 110 gallons.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before May 5, 1970 will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 172, 173, 174, and 177 as follows:

I. Part 172 would be amended as follows:

(A) In § 172.4 paragraph (a) would be amended by adding the following abbreviation as the third line:

§ 172.4 Explanation of signs and abbreviations.

(a) \* \* \*  
Comb. L.—Combustible liquid.

(B) In § 172.5 paragraph (a), Commodity List, would be amended as follows:

§ 172.5 List of explosives and other dangerous articles.

(a) \* \* \*

Article	Classed as—	Exemptions and packing (See sec.)	Labels required if not exempt	Maximum quantity in 1 outside container by rail express
(add) Combustible liquid, n.o.s.	Comb. L.	173.118		
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II. Part 173 would be amended as follows:

(A) In the Table of Contents §§ 173.115, 173.118 would be amended to read as follows:

Sec. 173.115 Flammable and combustible liquids; definitions.  
173.118 Exemptions for flammable and combustible liquids.

(B) The heading to Subpart C would be amended to read as follows:

**Subpart C—Flammable and Combustible Liquids; Definitions**

(C) In § 173.115 the heading would be amended; paragraph (d) would be added to read as follows:

§ 173.115 Flammable and combustible liquids; definitions.

(d) A combustible liquid, for the purpose of Parts 170-189 of this chapter, is any liquid (other than a flammable liquid) which—

(1) Gives off flammable vapors (as determined by flash point from Tagliabue's open-cup tester,<sup>1</sup> as used for test of burning oils) at or below a temperature of 200° F., or

(2) Can give off flammable vapors and while carried has a temperature at or above its flash point when determined by the same test specified in subparagraph (1) of this paragraph.

(D) In § 173.118 the heading would be amended; paragraphs (b) and (c) would be added to read as follows:

§ 173.118 Exemptions for flammable and combustible liquids.

(b) Combustible liquids in packagings not exceeding 110 gallons rated capacity are exempt from Parts 171-189 of this chapter.

<sup>1</sup> ASTM Test D 1310.

(c) Combustible liquids in packagings of more than 110 gallons rated capacity are exempt from the packaging, marking, and labeling requirements of this part except § 173.401(a) (2).

(E) In § 173.401 subparagraph (a) (2) would be added to read as follows:  
§ 173.401 Dangerous articles.

(a) \* \* \*

(2) Every portable tank, having a rated capacity of more than 110 gallons, used for the transportation of combustible liquids must be marked "Combustible Liquid" in letters at least 2 inches high.

III. Part 174 would be amended as follows:

(A) In § 174.541 subparagraphs (a) (2), (a) (3) would be amended to read as follows:

§ 174.541 "Dangerous" placards; "Dangerous—Radioactive material" placards; or "Caution—Residual phosphorus" placards.

(a) \* \* \*

(2) Cars containing flammable solids, oxidizing materials, or poisonous solids (class B), in bulk; or combustible liquids in packagings exceeding 110 gallons rated capacity.

(3) Tank cars containing flammable liquids, combustible liquids, flammable solids or oxidizing materials, acids or corrosive liquids, poisonous liquids or solids (class B), flammable compressed gases, nonflammable compressed gases.

(B) In § 174.584 the Table in paragraph (a) would be amended by the following addition following the entry, "For flammable liquids":

§ 174.584 Waybills, switching orders, or other billing.

(a) \* \* \*

	Label notation to follow entry of the article on the billing	Placard notation to follow entry of the article on the billing	Placard endorsement must be 3/8" high and appear on the billing near the space provided for the car number
For combustible liquids	None	"Dangerous Placard"	"Dangerous"

IV. Part 177 would be amended as follows:

(A) In § 177.823 paragraph (a) (1) table would be amended by the following addition following the entry, "Flammable liquid, \* \* \*"; Note 1 following

subparagraph (b) (1) would be canceled as follows:

§ 177.823 Required exterior marking on motor vehicles and combinations.

(a) \* \* \*

(1) \* \* \*

Commodity	Type of marking or placard
Combustible liquid—in packagings exceeding 110 gallons rated capacity.	COMBUSTIBLE or FLAMMABLE (Red letters on white background).

(b) \* \* \*

(1) \* \* \*

NOTE 1: [Canceled]

\* \* \* \* \*

This proposal is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on February 12, 1970.

J. B. McCARTY, Jr.,  
*Captain, U.S. Coast Guard,*  
*By direction of Commandant,*  
*U.S. Coast Guard.*

R. N. WHITMAN,  
*Administrator,*  
*Federal Railroad Administration.*

F. C. TURNER,  
*Federal Highway Administrator.*

[F.R. Doc. 70-2222; Filed, Feb. 20, 1970;  
 8:47 a.m.]

## CIVIL AERONAUTICS BOARD

[14 CFR Parts 211, 302, 399]

[Docket No. 20029]

### FILING AND PROCESSING OF CERTAIN APPLICATIONS FOR FOREIGN PERMITS

#### Termination of Rule Making Proceeding

FEBRUARY 17, 1970.

On July 10, 1968, the Board gave notice by circulating PSDE-21, EDR-

140, and PDR-27 (33 F.R. 10108) that it had under consideration amendments to Parts 399, 211, and 302 concerning the filing and processing of applications for foreign air carrier permits. The Part 399 amendments proposed to establish a new Policy Statement articulating the Board's decisional standards for foreign permit applications in conformity with bilateral agreements. Revised Part 211 would have specified the information which foreign carriers must file to support their permit applications. The Part 302 amendments would have provided new procedures for invoking and rebutting the Policy Statement standards.

Pan American, Saturn and 16 foreign carriers filed written comments.<sup>1</sup> With the exception of two foreign carriers, APSA and Air Afrique, the parties op-

pose or decline to support major features of the proposed regulations.

As stated in the notice of proposed rule making, the Board's purpose in proposing the regulations was to speed up and simplify foreign carrier permit proceedings. Before proposing the regulation, the Board believed that some foreign governments may have viewed the Board's existing procedures as burdensome. In their response to the rule making proposal, however, the foreign carriers question the need for the new rules. Japan Air Lines asserts that it has not experienced any great delay in Board proceedings; and the carriers generally express a strong preference for the Board's current regulations.

In these circumstances, the Board has concluded that it is not appropriate at this time to adopt the proposed amendments.

Accordingly, the Board hereby terminates the rule making proceeding in Docket 20029.

(Sections 204(a), 402 and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, and 789; 49 U.S.C. 1324, 1372, and 1481)

By the Civil Aeronautics Board.

[SDAL]

HARRY J. ZINKE,  
*Secretary.*

[F.R. Doc. 70-2245; Filed, Feb. 20, 1970;  
 8:49 a.m.]

<sup>1</sup>The foreign carriers filing comments were: Aerolineas Peruanas, S.A. (APSA); Air Afrique; British Eagle International Airlines, Ltd.; British Overseas Airways Corp. (BOAC); British West Indian Airways, Ltd. (BWIA); El Al Israel Airlines Ltd.; Iberia, Líneas Aereas de Espana, S.A.; Japan Air Lines Co., Ltd.; KLM Royal Dutch Airlines; Líneas Aereas Costarricenses, S.A. (LACSA); Línea Aerea Nacional-Chile (LAN); Lufthansa German Airlines; Sabena Belgian World Airlines; Scandinavian Airlines System (SAS); Swissair; and S.A. Empresa de Viacao Aerea Rio Grandense (Varig).