

**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs  
Administration Materials  
Transportation Bureau**

**49 CFR Parts 172**

[Docket No. HM-126A; Amdt. Nos. 172-71]

**Identification Numbers Requirement;  
Extension of Compliance Date**

**AGENCY:** Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** Section 172.336(c)(8) of the Department's Hazardous Materials Regulation specifies that identification numbers are not required on orange panels or placards displayed on portable tanks, cargo tanks and tank cars containing hazardous materials prior to November 1, 1981. A petition has been received from the National Oil Jobbers Council (NOJC) requesting that an additional 60 days be provided for compliance with the rule. Also, MTB recently learned that it is likely that all orders for these materials, which are necessary for compliance, may not be filled by November 1, 1981. The MTB is changing that date to January 1, 1982.

**EFFECTIVE DATE:** October 13, 1981.

**FOR FURTHER INFORMATION CONTACT:** Lee E. Metcalfe, Regulations Development Branch, Standards Division, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. (202-426-2075).

**SUPPLEMENTARY INFORMATION:** Final regulations issued on May 22, 1980 (45 FR 34560), and amended on November 10, 1981 at 45 FR 74040, require the display of identification numbers (with certain exceptions) on orange panels or placards displayed on portable tanks, cargo tanks and tank cars containing hazardous materials beginning November 1, 1981. A petition has been received from the National Oil Jobbers Council (NOJC) requesting that an additional 60 days be provided for compliance with the rule.

The NOJC is a federation of 46 State and regional trade associations representing independent small petroleum marketers. According to data provided by NOJC, its members market approximately 50 percent of the gasoline and 90 percent of the home heating oils consumed in the United States.

In its petition, NOJC states that additional time is needed before compliance becomes mandatory to eliminate confusion that exists regarding

rules published in Docket HM-126A and their application to the petroleum marketing industry. NOJC supports its request by documenting an apparently widely accepted misunderstanding of the rules, and by reference to recent requests it has submitted to DOT for clarification.

In addition, while attempting to monitor the availability of placards and panels from various suppliers, MTB recently learned that it is likely that all orders for these materials, which are necessary for compliance, may not be filled by November 1, 1981. This supply problem seems to be associated with the fact that certain shippers have waited more than fifteen months to place their orders for placards and panels.

In order to assure that there are adequate stocks of placards and panels necessary to comply with the rule, and because MTB believes the NOJC petition has merit, an extension of two months is being provided.

**PART 172—HAZARDOUS MATERIALS  
TABLES AND HAZARDOUS  
MATERIALS COMMUNICATIONS  
REGULATIONS**

**§ 172.336 [Amended]**

In consideration of the foregoing, in paragraph (c)(8) to § 172.336, "November 1, 1981" is revised to read "January 1, 1982."

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

**Note.**—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under terms of Executive Order 12291 and DOT implementing procedures (44 FR 111034), require modification of the regulatory evaluation associated with this docket, nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et. seq.)

Issued in Washington, DC, on October 13, 1981.

**L. D. Santman,**

*Director, Materials Transportation Bureau.*

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