



DEPARTMENT OF TRANSPORTATION  
HAZARDOUS MATERIALS REGULATIONS BOARD  
WASHINGTON, D.C. 20590

13798

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

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

**TRANSPORTATION OF HAZARDOUS  
MATERIALS**

**Combustible Liquids; Public Hearing**

On February 12, 1970, the Hazardous Materials Regulations Board issued a notice of proposed rule making, Docket No. HM-42; Notice No. 70-3 (35 F.R. 3298 published Feb. 21, 1970), proposing certain regulations for liquids, other than flammable liquids, having a flash point at or below 200° F. or having a temperature above their flash point during transportation.

Many comments were received in response to the notice. Comments ranged from complete rejection to complete support of the Board's proposal. Upon review of the comments, the Board believes that further public participation would be helpful in resolving certain questions that have been raised. Therefore, the Board will conduct a public hearing at 10 a.m. on September 29, 1970, in room 2230, Nassif Building, 400 Seventh Street SW., Washington, D.C.

Principal points to be covered at the hearing are: (1) Should motor vehicles transporting material such as fuel oil, kerosene, and other similarly combustible materials be permitted to bear "nonflammable" placards, (2) should motor vehicles be required to bear any warning placards when they are carrying combustible liquids, (3) should the "more than 110 gallons rated capacity" be higher or lower as a basis for exemption, and (4) setting aside questions on method of flash point determination (to be handled by a separate rulemaking action), what range of combustibility should the Board consider if it carries through with its proposal to regulate combustible liquids.

The hearing will be an informal one conducted by the Board. It will not be a judicial or evidentiary type of hearing.

There will be no cross-examination of persons presenting statements. A representative of the Board will make an opening statement outlining the scope of the hearing. Statements should focus on the issues raised by this notice and the notice published in the February 21, 1970, FEDERAL REGISTER. After all initial statements have been completed, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures for the conduct of the hearing will be announced at the hearing.

Interested persons are invited to attend the hearing and present oral or written statements on the matters set for hearing. These statements will be made a part of the record of the hearing, the transcript of which will be a matter of public record. Any person who wishes to make an oral statement at the hearing should notify the Secretary of the Hazardous Materials Regulations Board by September 22, 1970, stating the amount of time required for his initial statement. The Board will receive written comments on matters relative to the notice and hearing until October 30, 1970.

All communications concerning the hearing and notice should be addressed to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590.

Notice No. 70-3 and therefore this hearing does not involve the regulations of the Federal Aviation Administration in 14 CFR Part 103.

This notice is issued 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 August 26, 1970.

W. C. JENNINGS,  
*Chairman, Hazardous  
Materials Regulations Board.*

[F.R. Doc. 70-11456; Filed, Aug. 28, 1970;  
8:46 a.m.]