

DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration**

49 CFR Parts 107, 171, 172, 173, 175, 176, 177, 178, 179, and 180

[Docket No. RSPA-97-2910 (HM-189N)]

RIN 2137-AD09

Hazardous Materials Regulations; Editorial Corrections and Clarifications

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: This final rule corrects editorial errors, makes minor regulatory changes, and in response to requests for clarification, improves the clarity of certain provisions to the Hazardous Materials Regulations (HMR). The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the HMR. The amendments contained in this rule are minor editorial changes and do not impose new requirements.

EFFECTIVE DATE: October 1, 1997.

FOR FURTHER INFORMATION CONTACT: Charles E. Betts, Office of Hazardous Materials Standards, (202) 366-8553, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:**Background**

RSPA annually reviews the Hazardous Materials Regulations (HMR) to identify errors which may confuse readers. Inaccuracies corrected in this final rule include typographical errors, incorrect references to other rules and regulations in the CFR, inconsistent use of terminology, and misstatements of certain regulatory requirements. In response to inquiries RSPA received concerning the clarity of particular requirements specified in the HMR, certain other changes are made to reduce uncertainties.

Because these amendments do not impose new requirements, notice and public procedure are unnecessary. In addition, making these amendments effective without the customary 30-day delay following publication will allow the changes to appear in the next revision of 49 CFR.

The following is a section-by-section summary of the amendments made under this final rule. It does not discuss editorial corrections (e.g., typographical, capitalization and punctuation errors), changes to legal citations and certain

other minor adjustments to enhance the clarity of the HMR.

Section-by-Section Review**Part 107***Section 107.105*

Paragraph (a) is revised to add in clarification that the exemption must be written in English.

Section 107.117

Paragraph (d)(5) is revised to correct the name of the office within the United States Coast Guard designated to receive applications for emergency exemptions.

Appendix A to Subpart D

Appendix A to Subpart D of Part 107—Guidelines For Civil Penalties is revised to correct section or cite references that were incorrectly published under Docket HM-207F published on January 21, 1997.

Part 171*Section 171.6*

In § 171.6, in paragraphs (a) and (b), the references to the "Paperwork Reduction Act of 1980" are removed and replaced with the "Paperwork Reduction Act of 1995" to incorporate the 1995 amendments to the Paperwork Reduction Act. In paragraph (b)(2), the table is revised to incorporate numerous changes to the information collections. The changes are due to rulemaking actions and information collection activities under the Paperwork Reduction Act of 1995.

Section 171.7

In the paragraph (a)(3) table of material incorporated by reference, the address for the American Society for Testing and Materials is updated. In paragraph (b), reference to the standard "Guidelines for Selecting Preferred Highway Routes for Highway Route Controlled Quantity Shipments of Radioactive Materials [51 FR 5968 February 18, 1986] Effective March 20, 1986, HMT-166T" which was incorporated by reference in § 177.825 is removed. Section 177.825 was removed under a previous rulemaking, HM-222A.

Sections 171.8, 171.12 and 171.15

Editorial revisions are made to remove obsolete section references.

Part 172*Section 172.101*

The Hazardous Materials Table (the Table) is amended as follows:

For the entry "Accumulators, pressurized, pneumatic or hydraulic

(containing non-flammable gas)", the label code "2.1" is removed and a label code "2.2" is added to correct a typographical error.

For the entry "Hydrogen chloride anhydrous," column (7) is corrected by removing Special Provision "B43" and adding Special Provision "3".

For the entry "Jet perforating guns charged oil well, with detonator, 1.1D, NA0124" column (7), is corrected by removing the reference to "D55" and replacing it with "55".

For the entry "Mercury (contained in manufactured articles)", in column (5) packing group "I" is removed and packing group "III" is added to correct a typographical error.

For the entries "Propellant, liquid, 1.3C, UN0495", "Propellant, liquid, 1.1C, UN0497", "Propellant, solid, 1.1C, UN0498" and "Propellant, solid, 1.3C, UN0499" packing group "II" is added in column (5).

A new entry "Radioactive material, excepted package-empty package or empty packaging" is added in appropriate alphabetical order. This entry was deleted in error under a previous rulemaking.

Appendix A to § 172.101

Paragraph 4 corrects two column references.

Section 172.203

In paragraph (k)(3), RSPA is correcting the proper shipping name "Hydrogen gases mixtures compressed, n.o.s." to read "Hydrocarbon gases mixtures compressed, n.o.s." due to a printing error. Under Docket HM-215B (62 FR 24720) published on May 6, 1997, the entry was added to the list of generic proper shipping names which require a technical name.

Section 172.204

A grammatical error is corrected in paragraph (b)(1).

Part 173*Section 173.6*

Paragraph (c)(3) is revised to provide the correct section reference.

Section 173.9

Paragraph (e) is revised to provide the correct section reference.

Section 173.32

In § 173.32, in paragraph (e)(2)(i), a provision on pressure testing certain portable tanks is added. This sentence was inadvertently omitted under another rulemaking action.

Section 173.56

This section is revised by replacing the references to the Bureau of Explosives (BOE) of the Association of American Railroads (AAR) and the Bureau of Mines (BOM) of the U.S. Department of the Interior with the words "a person approved by the Associate Administrator for Hazardous Materials Safety (AAHMS)." Currently, this section specifies BOE of the AAR and BOM of the U.S. Department of the Interior to examine and make recommendations on the classification of explosives. The AAR no longer performs this service, and the BOM is no longer an agency within the Department of the Interior. The National Institute of Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services and the Explosives Bureau, a private company, are currently authorized to examine and make recommendations on the classification of explosives.

Section 173.62

In paragraph (b), the revised Explosives Table printed in HM-215B [62 FR 24722 May 6, 1997] inadvertently omitted NA0331 with its associated Packing Instructions 116 or 117.

Section 173.125

In paragraph (a), the wording "on the basis of test results following test methods given in appendix E of this part and by applying the appropriate criteria given in this section." is revised to read "on the basis of test results following test methods given in the UN Manual of Tests and Criteria and by applying the appropriate criteria given in this section."

Section 173.166

Paragraphs (b)(1) and (b)(3)(i) are revised by deleting the references to BOE and BOM (see preamble discussion under § 173.56).

Section 173.202

In paragraph (b), the authorized packaging "Aluminum box: 4A" is corrected to read "Aluminum box: 4B".

Section 173.221

In the heading and first sentence, the word "Polystyrene" is revised to read "Polymeric" for consistency with a change to the Hazardous Material Table issued on December 29, 1994 under HM-215A.

Section 173.225

In paragraph (e)(4) the melt index for low density polyethylene saddles is corrected.

Section 173.242

In paragraph (b)(1), reference to "§ 178.346-10 or § 178.347-10" is corrected to read "§ 178.346-3 or § 178.347-4".

Section 173.243

In paragraph (b)(1), reference to "§ 178.346-10 or § 178.347-10" is corrected to read "§ 178.346-3 or § 178.347-4".

Section 173.247

In paragraph (g)(1)(iii), reference to "§ 179-200-18" is corrected to read "§ 179.15".

Section 173.320

Paragraph (a)(3) is updated to provide the correct section references.

Section 173.422

Paragraph (b)(2) is updated to provide the correct section references.

Part 175**Section 175.700**

In paragraph (b), in the first sentence, the reference "§ 175.45" is corrected to read "§ 171.15".

Part 176**Section 176.340**

In paragraph (c) the wording "Commandant USCG (G-MTH)" is updated to read "Commandant USCG (G-MSO)".

Part 177**Section 177.810**

The last sentence, in § 177.810, which makes reference to § 177.825 is removed. Section 177.825 was removed from the Hazardous Materials Regulations under HM-222A.

Section 177.840

Paragraph (e) is revised to remove the reference to the Bureau of Mines (BOM) and to reflect that the National Institute of Occupational Safety and Health (NIOSH) Pittsburgh Research Center, U.S. Department of Health and Human Services is authorized to approve gas masks for chlorine cargo tanks.

Part 178**Section 178.36**

In paragraph (a)(2)(iii), the wording "I=moment of inertia—0.04909 (D⁴-d⁴) inches fourth" is corrected to read "I=moment of inertia—0.04909 (D⁴-d⁴) inches fourth".

Section 178.44

In paragraph (b), in Table 1.—Authorized Materials, for specification 3HT seamless steel cylinders for aircraft use, RSPA is correcting a printing error

for the entry "Molybdenum," by revising the specification "0.18/0.25" to read "0.15/.025".

Section 178.50

Paragraph (i) is corrected the read "Cylinders must withstand a hydrostatic test as follows:".

Section 178.68

In paragraph (f)(1)(ii), a paragraph reference is updated to read "One-half of the minimum tensile strength of the material as required in paragraph (j) of this section."

Section 178.270-14

Paragraph (b)(13) is revised to read "Metallurgical design temperature range, in °C or °F."

Section 178.338-19

A grammatical error is corrected in paragraph (b).

Section 178.503

Paragraph (a)(1) is corrected by removing the reference to "paragraph (d)" and replacing it with "paragraph (e)(1)".

Part 179**Section 179.15**

a. In paragraph (b), the wording "Settings for pressure relief devices" is corrected to read "Settings for reclosing pressure relief devices".

b. In paragraph (e), the wording "reclosing" is corrected to read "nonreclosing".

c. Paragraph (f) is revised to clarify that a nonreclosing pressure relief device incorporating a rupture disc must be designed to rupture at a pressure equal to the greater of 100 percent of the tank test pressure, or 33 percent of the tank burst pressure.

Section 179.100-19

Paragraph (a) is updated to reflect the correct section reference.

Section 179.200-23

Paragraph (a) is updated to reflect the correct section reference.

Section 179.220-24

The reference "§ 179.221-1" is corrected to read "§ 179.15".

Section 179.221-1

The table is revised by removing "footnote 1" in its entirety.

Part 180**Section 180.509**

On September 21, 1995, RSPA published a final rule in docket HM-

175A (60 FR 40048). The final rule required, in § 180.509 testing requirements for valves and fittings, paragraph (j)(1), and interior heater systems, paragraph (j)(2). To clarify the requirements for "leak testing," RSPA published a correctional docket on June 26, 1996 (61 FR 33250). In the June 26 correctional docket, RSPA amended paragraph (j)(1), and in the amendment inadvertently removed paragraph (j)(2), with respect to testing interior heater systems. This final rule corrects that error by reinstating paragraph (j)(2).

Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not subject to review by the Office of Management and Budget. This rule is not significant according to the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). Because of the minimal economic impact of this rule, preparation of a regulatory impact analysis or a regulatory evaluation is not warranted.

B. Executive Order 12612

This final rule has been analyzed in accordance with the principles and criteria in Executive Order 12612 ("Federalism") and does not have sufficient federalism impacts to warrant the preparation of a federalism assessment.

C. Regulatory Flexibility Act

I certify that this final rule will not have a significant economic impact on a substantial number of small entities. This rule makes minor editorial changes which will not impose any new requirements on persons subject to the HMR; thus, there are no direct or indirect adverse economic impacts for small units of government, businesses or other organizations.

D. Unfunded Mandates Reform Act of 1995

This rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of \$100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least

burdensome alternative that achieves the objective of the rule.

E. Paperwork Reduction Act

There are no new information collection requirements in this final rule.

F. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 175

Air carriers, Hazardous materials transportation, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 177

Hazardous materials transportation, Motor carriers, Radioactive materials, Reporting recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 179

Hazardous materials transportation, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous materials transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Chapter I is amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701; Sec. 212–213, Pub. L. 104–121, 110 Stat. 857; 49 CFR 1.45, 1.53.

2. In § 107.105, the introductory text of paragraph (a) is revised to read as follows:

§ 107.105 Application for exemption.

(a) *General.* Each application for an exemption or modification of an exemption must be written in English and must—

* * * * *

§ 107.117 [Amended]

3. In § 107.117, in paragraph (d)(5), the wording "Chief, Hazardous Materials Standards Branch, Operating and Environmental Standards Division," is removed and the wording "Chief, Hazardous Materials Standards Division, Office of Operating and Environmental Standards," is added in its place.

Appendix A to Subpart D of Part 107—[Amended]

3a. In Appendix A to subpart D of part 107, in Part II of the appendix, as revised at 62 FR 2972, under the headings "Part 173—Requirements" and "Part 178—Requirements" for each entry indicated in the left column of the table below, remove the Section or cite reference in the middle column and add the Section or cite reference in the right column:

Column 1 entry	Remove column 2 section or cite	Add column 2 section or cite
Part 173—Requirements		
Cylinder Retesters (§§ 173.23, 173.34, and 173.302):		
Failure to maintain legible markings on a cylinder	173.34(e)	173.34(c).
Failure to conduct a complete visual external and internal examination	173.34(e)(1)	173.34(e)(3).
Failure to have a retester's identification number (RIN)	173.34(e)(1)(i)	173.34(e)(2)(i).
Failure to have current authority due to failure to renew a retester's identification number.	173.34(e)(1)(i)	173.34(e)(2)(i).
Failure to have a retester's identification number and marking another RIN on a cylinder.	173.34(e)(1)(i)	173.34(e)(2)(i).
Performing hydrostatic retesting without demonstrating the accuracy of the testing equipment.	173.34(e)(3)	173.34(e)(4).
Failure to hold hydrostatic test pressure for 30 seconds or sufficiently longer to allow for complete expansion.	173.34(e)(3)	173.34(e)(4).
Failure to perform a second retest, after equipment failure, at a pressure of 10% more or 100 psi more, whichever is less (includes exceeding 90% of test pressure prior to conducting a retest).	173.34(e)(3)	173.34(e)(4).
Failure to condemn a cylinder with permanent expansion of 10% or greater (5% for certain exemption cylinders); failure to condemn cylinders with evidence of internal or external corrosion, denting, bulging, or rough usage.	173.34(e)(4)	173.34(e)(6).
Failure to keep complete and accurate records of cylinder reinspection and retest.		
Incomplete or inaccurate records	173.34(e)(5)	173.34(e)(8).
Improper marking of the RIN or retest date on a cylinder	173.34(e)(5)	173.34(e)(7).
Marking a DOT 3HT cylinder with a steel stamp other than a low-stress steel stamp ...	173.34(e)(13)(iv)	173.34(e)(15)
Offeror Requirements (Class 7—Radioactive Materials):		
Offering a Type B packaging without holding a valid NRC approval certificate	173.416(b), 173.471(d) ...	173.471(a).
Offering low specific activity (LSA) radioactive materials consigned as exclusive use without providing instructions for maintenance of exclusive use shipment controls.	173.425(b)(9) & (c)(7) ...	173.427(a)(6).
Part 178—Requirements		
Manufacturing Requirements—Cylinders:		
Failure to mark the date of manufacture or lot number on a DOT-39 cylinder	178.65-14	178.65

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.

§ 171.6 Control numbers under the Paperwork Reduction Act.

4. The authority citation for part 171 continues to read as follows:

5. In § 171.6, the paragraph (b)(2) table is revised to read as follows:

(b) * * *
(2) Table.

Current OMB control No.	Title	Title 49 CFR part or section where identified and described
2137-0014	Cargo Tank Specification Requirements ..	§§ 107.503, 107.504, 178.320, 178.337, 178.338, 178.345, 178.346, 178.347, 178.348, 180.409, 180.417.
2137-0018	Inspection and Testing of Portable Tank and IBC's.	§§ 173.24, 173.32, 173.32a, 173.32b, 173.32 (b)(e), 173.32c, 178.3, 178.270, 178.271, 178.272, 178.245, 178.255, 178.245-1 (a), 178.255-1, 178.245-6, 178.702, 178.801, 178.810, 180.352, 178.813, 178.703.
2137-0022	Recordkeeping and information Collection for Cylinders.	§§ 173.34, 173.302(e), 173.303(d).
2137-0034	Hazardous Materials Shipping Papers	Part 172, §§ 173.7(a)(1), 173.22(a)(1), 173.56 (b)(1), (d)(1), (e)(2), 173.150(f)(3)(i), 174.24, 174.26(b) 174.114, 175.30, 175.35, 175.703, 176.9, 176.24, 176.27, 176.30, 176.31, 176.36, 176.89, 176.90, 176.95, 177.817.

Current OMB control No.	Title	Title 49 CFR part or section where identified and described
2137-0039	Hazardous Materials Incident Report	§§ 171.15, 171.16.
2137-0051	Rulemaking and Exemption Petitions	Part 107, Subpart B, §§ 106.31, 106.33, 107.3, 107.5, 107.7, 107.103, 107.105, 107.107, 107.109, 107.113, 107.117, 107.121, 107.123, 107.125, 107.201, 107.202, 107.203, 107.205, 107.209, 107.211, 107.215, 107.217, 107.219, 107.221, 107.223.
2137-0510	RAM Transportation Requirements	§§ 173.22(c), (d), 173.411, 173.415(a), 173.416(b), 173.417(a)(5), (b)(3), (4), 173.457(b), 173.471 (a), (d), (f), 173.472, 173.473 (a), (d), 173.476 (a), (b), (e), 173.477, 173.478(a).
2137-0542	Cryogenic Liquids Requirements	§§ 173.33(d)(1)(ii), 177.816, 177.840.
2137-0557	Approvals for Hazardous Materials	§§ 107.401, 107.402, 107.403, 107.404, 107.405, 172.101(l)(2), 172.102(c)(B69), 173.2a(c)(4), 173.4(a)(11), 173.7(a)(1), 173.21(f)(3)(h)(2)(i), 173.24(e)(3)(iii), 173.51(a), (b), 173.56(a)(2), (b)(1), (2), (4), (c), (f), (g), (i), (j)(3), 173.124(a)(1)(iii)(B), (a)(2)(iii)(D), 173.128(d), 173.159(f), 173.166, 173.171(a), (c), 173.185(d)(9), (ii), (iii), i, 173.214, 173.224(d) 173.225(b)(4), (c), 173.245(a)(b), 173.300a, 173.300b, 173.305(c)(1), 173.315(i)(12), 173.334(d), 173.340(a), (b), (c)(4), 176.340(c), 177.806(a)(1), 178.36-3, 178.37-3, 178.38-3, 178.39-3, 178.42-3, 178.44-3, 178.45-3, 178.46-3, 178.50-3, 178.51-3, 178.53-3, 178.55-3, 178.56-3, 178.57-3, 178.58-3, 178.59-3, 178.60-3, 178.61-3(a), 178.65-3, 178.68-3, 178.270-3(f), 178.270-13(d), 178.601(e)(g)(7), (h), (k), 178.603(b), 178.604(b)(2), 178.605(b), 178.606(b), (c), 178.608(b)(5), 178.801(e)(2), (h), (i), 178.813(c).
2137-0559	Rail Carriers and Tank Car Tank Requirements.	§§ 173.10(b)(1), 173.31(a)(2), 173.247(a), 173.31(b)(6)(ii) 174.9, 174.20(b), 174.50, 174.61, 172.102: SP: B-45, B-46, B-55, B-61, B-69, B-77, B-78, B-81, 174.63(d), §§ 174.81, Table Note b, 174.104(c), (e), (f), 174.114, 174.204(a)(1), 179.3, 179.5 179.7(b)(2), (5)(d), 179.22, 180.505, 180.509, 180.515, 180.517(a)(b), 180.519(d).
2137-0572	Testing Requirements for Packaging	§§ 178.2(c), 178.601(1).
2137-0575	Bulk Packaging Marking Requirements ...	§§ 172.302, 172.332, 172.336.
2137-0582	Container Certification Statement	§§ 176.172, 176.27(c).
2137-0586	Hazardous Materials Public Sector Training and Planning Grants.	Part 110
2137-0595	Cargo Tank Motor Vehicles in Liquefied Compressed Gas Service.	§§ 178.337-11(a)(1)(i).

§ 171.6 [Amended]

6. In § 171.6, in paragraphs (a) and (b) introductory text, the wording "Paperwork Reduction Act of 1980" is removed and "Paperwork Reduction Act of 1995" is added each place it appears.

§ 171.7 [Amended]

7. In § 171.7, the following changes are made:

a. In paragraph (a)(3) table, under American Society for Testing and Materials, the wording "1916 Race Street, Philadelphia, PA 19103" is removed and "100 Barr Harbor Drive, West Conshohocken, PA 19428" is added in its place.

b. In the paragraph (b) table, under *Department of Transportation (USDOT)*, in the first column, the entry "Guidelines for Selecting Preferred

Highway Routes for Highway Route Controlled Quantity Shipments of Radioactive Materials [51 FR 5968 February 18, 1986] Effective March 20, 1986, HMT-166T." is removed and in the second column, the entry "177.825" is removed.

§ 171.8 [Amended]

8. In § 171.8, the definition "State routing agency" is removed.

§ 171.12 [Amended]

9. In § 171.12, in paragraph (d)(1), the wording "172.507, 173.22(c), and 177.825" is removed and "172.507 and 173.22(c)" is added in its place.

§ 171.15 [Amended]

10. In § 171.15, in paragraph (a)(2), the reference "175.45," is removed.

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

11. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.

11a. In § 172.101, the Hazardous Material Table is amended by adding the following entry, in appropriate alphabetical order, as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification numbers	PG	Label codes	Special provisions	(8) Packaging authorizations (\$173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Excep- tions	Non-bulk	Bulk	Pas- senger aircraft/ rail	Cargo air-craft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*	7 UN2910	*	EMPTY	*	428	428	428	*		A	
	Radioactive material, excepted package-empty package or empty packaging.												
	*	*		*	*	*							*

§ 172.101 [Amended]

12. In addition, in § 172.101, in the Hazardous Materials Table, the following changes are made:

a. For the entry "Accumulators, pressurized, pneumatic or hydraulic (containing non-flammable gas).", in column (6), "2.1" is removed and "2.2" is added in its place.

b. For the entry "Hydrogen chloride, anhydrous", in column (7), "B43", is removed and "3" is added.

c. For the entry "Jet perforating guns, charged oil well, with detonator, 1.1D, NA0124", in column (7), "D55" is removed and "55" is added in its place.

d. For the entry "Mercury contained in manufactured articles", in column (5), "I" is removed and "III" is added in its place.

e. For each of the following entries, in column (5), "II" is added: "Propellant, liquid, 1.3C, UN0495", "Propellant, liquid, 1.1C, UN0497", "Propellant, solid, 1.1C, UN0498", "Propellant, solid, 1.3C, UN0499".

12a. In Appendix A to § 172.101, paragraph 4 is revised to read as follows:

Appendix A—to § 172.101—List of Hazardous Substances and Reportable Quantities

* * * * *

4. Column 1 of TABLE 1, entitled "Hazardous substance", contains the names of those elements and compounds that are hazardous substances. Following the listing of elements and compounds is a listing of waste streams. These waste streams appear on the list in numerical sequence and are referenced by the appropriate "D", "F", or "K" numbers. Column 2 of TABLE 1, entitled "Reportable quantity (RQ)", contains the reportable quantity (RQ), in pounds and kilograms, for each hazardous substance listed in Column 1 of TABLE 1.

* * * * *

§ 172.203 [Amended]

13. In § 172.203, in paragraph (k)(3), as amended at 62 FR 24719 on May 6, 1997 the entry "Hydrogen gases mixtures, compressed, n.o.s." is removed and the entry "Hydrocarbon gases mixtures, compressed, n.o.s." is added in alphabetical order.

§ 172.204 [Amended]

14. In § 172.204, in paragraph (b)(1) introductory text, the wording "for a hazardous materials offered for" is removed and the wording "for a hazardous material offered for" is added in its place.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

15. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.45 and 1.53.

§ 173.6 [Amended]

16. In § 173.6, as added at 62 FR 1216, in paragraph (c)(3), the reference "§ 178.65–14" is revised to read "178.65(i)".

§ 173.9 [Amended]

17. In § 173.9, as currently in effect, in paragraph (e), the reference "§ 176.76(i)" is revised to read "§ 176.76(h)".

§ 173.32 [Amended]

18. In § 173.32, in paragraph (e)(2)(i), a sentence is added immediately following the second sentence ending with the wording "entire tank" to read: "Any other tank must be tested by a minimum pressure (air or hydrostatic) of at least 2 pounds per square inch gage or at least one and one-half times the design pressure (maximum allowable working pressure, or re-rated pressure) of the tank, whichever is greater."

§ 173.56 [Amended]

19. In § 173.56, the following changes are made:

a. In paragraph (b)(1), in the first sentence, the wording "the Bureau of Explosives (BOE) or the Bureau of Mines, U.S. Department of Interior (BOM)" is removed and "a person approved by the Associate Administrator for Hazardous Materials Safety" is added in its place.

b. In paragraph (f), the wording "the Bureau of Explosives or the Bureau of Mines" is removed and "a person approved by the Associate Administrator for Hazardous Materials Safety" is added in its place.

c. Also in paragraph (f), the wording "examination by the BOE, the BOM, or other government agency" is removed and "examination by a person approved by the Associate Administrator for Hazardous Materials Safety" is added in its place.

§ 173.62 [Amended]

20. In § 173.62, in the paragraph (b) Explosives Table, as revised at 62 FR 24720, immediately following the entry NA0323, a new entry "NA0331" is entered in the first column and "116 or 117" is added as the corresponding entry in the second column.

§ 173.125 [Amended]

21. In § 173.125, the second sentence of paragraph (a) is amended by removing the wording "on the basis of test results following test methods given in appendix E of this part and by applying the appropriate criteria given in this section" and "on the basis of test results following test methods given in the UN Manual of Tests and Criteria and by applying the appropriate criteria given in this section" is added in its place.

§ 173.166 [Amended]

22. In § 173.166, the following changes are made:

a. In paragraph (b)(1), the wording "the Bureau of Explosives (BOE) or the Bureau of Mines (BOM)" is removed and "a person approved by the Associate Administrator for Hazardous Materials Safety" is added in its place.

b. In paragraph (b)(3)(i), the wording "BOE or BOM" is removed.

§ 173.202 [Amended]

23. In § 173.202, in paragraph (b), the authorized packaging "Aluminum box: 4A" is revised to read "Aluminum box: 4B".

§ 173.221 [Amended]

24. In § 173.221, in the heading and in the first sentence, the word "Polystyrene" is revised to read "Polymeric" each place it appears.

§ 173.225 [Amended]

25. In § 173.225, in paragraph (e)(4) in the first sentence, the wording "between 0.2 and 10.0 g/min" is removed and the wording "at least 0.2 grams per 10 minutes" is added in its place.

§ 173.242 [Amended]

26. In § 173.242, in paragraph (b)(1), in the first sentence, the wording "§ 178.346–10 or § 178.347–10" is revised to read "§ 178.346–3 or § 178.347–4".

§ 173.243 [Amended]

27. In § 173.243, in paragraph (b)(1), in the first sentence, the wording "§ 178.346–10 or § 178.347–10" is revised to read "§ 178.346–3 or § 178.347–4".

§ 173.247 [Amended]

28. In § 173.247, in paragraph (g)(1)(iii)(C), the reference "§ 179.200–18" is revised to read "§ 179.15".

29. In § 173.320, paragraph (a)(3) is revised to read as follows:

§ 173.320 Cryogenic liquids; exceptions.
(a) * * *

(3) Subparts A and B of part 173, and §§ 174.1, 177.800, 177.804, and 177.823 of this subchapter.

* * * * *

§ 173.422 [Amended]

30. In § 173.422, in paragraph (b)(2), the reference "175.45," is removed.

PART 175—CARRIAGE BY AIRCRAFT

31. The authority citation for part 175 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 175.700 [Amended]

32. In § 175.700, in paragraph (b), in the first sentence, the reference "§ 175.45" is revised to read "§ 171.15".

PART 176—CARRIAGE BY VESSEL

33. The authority citation for part 176 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 176.340 [Amended]

34. In § 176.340, in paragraph (c), the wording "Commandant, USCG (G-MTH)" is removed and the wording "Commandant, USCG (G-MSO)" is added in its place.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

35. The authority citation for part 177 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 177.810 [Amended]

36. In § 177.810, the last sentence, "For Class 7 (radioactive) materials, see § 177.825 of this part." is removed.

§ 177.840 [Amended]

37. In § 177.840, in paragraph (e), the wording "the U.S. Bureau of Mines" is removed and "The National Institute of Occupational Safety and Health (NIOSH) Pittsburgh Research Center, U.S. Department of Health and Human Services" is added in its place.

PART 178—SPECIFICATIONS FOR PACKAGINGS

38. The authority citation for part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 178.36 [Amended]

39. In § 178.36, in paragraph (a)(2)(iii), the wording, "I=moment of inertia—0.04909 (D⁴–d⁴) inches fourth" is revised to read "I=moment of inertia—0.04909 (D⁴–d⁴) inches fourth".

§ 178.44 [Amended]

40. In § 178.44, in paragraph (b), in Table 1.—Authorized Materials, in the second column for the entry "Molybdenum," the specification "0.18/0.25" is removed and "0.15/0.25" is added in its place.

§ 178.50 [Amended]

41. In § 178.50, in paragraph (i) introductory text, the wording "Each cylinder must" is removed and the wording "Cylinders must" is added in its place.

42. In § 178.68, paragraph (f)(1)(ii) is revised to read as follows:

§ 178.68 Specification 4E welded aluminum cylinders.

* * * * *

(f) * * *

(1) * * *

(ii) One-half of the minimum tensile strength of the material as required in paragraph (j) of this section.

* * * * *

43. In § 178.270–14, paragraph (b)(13) is revised to read as follows:

§ 178.270–14 Marking of tanks.

* * * * *

(b) * * *

(13) Metallurgical design temperature range, in °C or °F.

* * * * *

§ 178.338–19 [Amended]

44. In § 178.338–19, in paragraph (b), in the last sentence, the wording "of the section" is removed and "of this section" is added in its place.

§ 178.503 [Amended]

45. In § 178.503, in paragraph (a)(1), the wording "paragraph (d)" is removed and "paragraph (e)(1)" is added in its place.

PART 179—SPECIFICATIONS FOR TANK CARS

46. The authority citation for part 179 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 179.15 [Amended]

47. In § 179.15, the following changes are made:

a. In paragraph (b), the heading is revised to read as set forth below.

b. In the introductory text of paragraph (e), in the second sentence, the word "reclosing" is revised to read "nonreclosing".

c. Paragraph (f)(1) is revised to read as follows:

§ 179.15 Pressure relief devices.

* * * * *

(b) *Settings for reclosing pressure relief devices.* * * *

* * * * *

(f) * * *

(1) Until October 1, 1998, a nonreclosing pressure relief device must incorporate a rupture disc designed to burst at a pressure equal to 100% of the tank test pressure, or 33% of the tank burst pressure. After that date, a nonreclosing pressure relief device must incorporate a rupture disc designed to burst at a pressure equal to the greater of 100% of the tank pressure, or 33% of the tank burst pressure.

* * * * *

§ 179.100–19 [Amended]

48. In § 179.100–19, in paragraph (a), the reference "§ 179.101" is revised to read "§ 179.15".

§ 179.200–23 [Amended]

49. In § 179.200–23, in paragraph (a), the reference "§ 179.201–1" is revised to read "§ 179.15".

§ 179.220–24 [Amended]

50. In § 179.220–24, the reference "§ 179.221–1" is revised to read "§ 179.15".

§ 179.221–1 [Amended]

51. In the § 179.221–1 table, the first column heading "DOT specification 1" is revised to read "DOT specification" and immediately following the table, footnote 1 is removed.

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

52. The authority citation for part 180 is revised to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

53. In § 180.509, the text of paragraph (j) is designated as paragraph (j)(1) and paragraph (j)(2) is added to read as follows:

§ 180.509 Requirements for inspection and test of specification tank cars.

* * * * *

(j) *Leakage pressure test.* (1) * * *

(2) Interior heater systems must be tested hydrostatically at 13.87 Bar (200 psi) and must show no signs of leakage.

* * * * *

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Kelley S. Coyner,

Acting Administrator.

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