

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-98-4404 (HM-1890)]

RIN 2137-AD27

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 in the Hazardous Materials Regulations (HMR). The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the HMR. This non-substantive final rule correcting minor errors in the hazardous materials regulations was not preceded by a notice of proposed rulemaking because RSPA finds that notice and public comment are unnecessary under the Administrative Procedure Act.

EFFECTIVE DATE: October 1, 1998.

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 minor editorial corrections (e.g., typographical, capitalization and punctuation errors), changes to legal authority citations and certain other minor adjustments to enhance the clarity of the HMR.

Section-by-Section Review**Part 107***Section 107.503*

Paragraph (a)(3) is revised to remove an obsolete section reference.

Section 107.606

Paragraph (a)(5) is revised to update a 49 CFR part reference. In 1976, 49 CFR part 1057 was redesignated as part 376. That change was never corrected in the registration requirements at § 107.606(a)(5).

Part 171*Section 171.7*

In paragraph (a)(3), in the table of material incorporated by reference, in the entry "IME Safety Library Publication No. 22", in the second column, a reference to "173.63" is added immediately before "177.835".

Section 171.8

A minor editorial change is made to the "Marine pollutant" definition to enhance its clarity.

In the "Reportable Quantity" definition, a reference to "column 3" is corrected to read "column 2".

Section 171.14

Paragraph (c) (1) is revised to clarify that the authorization allowing a fiber drum with a removable head to be used for a liquid hazardous material in Packing Group III that is not poisonous by inhalation expired on September 30, 1997.

Part 172*Section 172.101*

In paragraph (c)(11), a reference to "§ 173.51" is corrected to read "§ 173.54".

In paragraph (f), in the first sentence, the word "ORD-D" is removed and the word "ORM-D" is added in its place.

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

The entry "Anhydrous ammonia see Ammonia, anhydrous, liquefied" is corrected by removing the word "liquefied". Separate entries for "Ammonia, anhydrous" and "ammonia solutions" were created under Docket HM-215B [62 FR 24707; May 6, 1997].

In the following proper shipping names, the word "gases" is revised to

read "gas", for consistency with the way they are shown in the UN Recommendations:

Compressed gases, flammable, n.o.s.;
Compressed gases, n.o.s.;
Compressed gases, toxic, flammable, n.o.s. *Inhalation hazard Zone A*;
Compressed gases, toxic, flammable, n.o.s. *Inhalation hazard Zone B*;
Compressed gases, toxic, flammable, n.o.s. *Inhalation hazard Zone C*;
Compressed gases, toxic, flammable, n.o.s. *Inhalation hazard Zone D*;
Compressed gases, toxic, n.o.s. *Inhalation Hazard Zone A*;
Compressed gases, toxic, n.o.s. *Inhalation Hazard Zone B*;
Compressed gases, toxic, n.o.s. *Inhalation Hazard Zone C*;
Compressed gases, toxic, n.o.s. *Inhalation Hazard Zone D*.

The entry "Diphenylmethane-4,4' diisocyanate" is removed. This material does not meet the toxicity criteria for a Division 6.1 Packing Group III material, and this entry was also deleted from the List of Dangerous Goods in the ninth revised edition of the UN Recommendations.

The entry "Dichlorodifluoromethane or Refrigerant gas R 122" is corrected by removing "122" and replacing it with "12".

For the entry "Methyl isocyanate, 6.1, UN2480", Column (7) is corrected by removing Special Provision "A7". This material is forbidden for transportation by aircraft.

For the entry "Sodium hydrogendifluoride, solid", the word "solid" is italicized.

For the entry "Sodium hydrogendifluoride, liquid", the word "liquid" is italicized.

For the entry "Uranium hexafluoride, fissile excepted or non-fissile, 7, UN2978", columns 8B and 8C are corrected by removing the reference "425" and replacing it with "427".

For the entry "Water-reactive, solid, oxidizing, n.o.s., 4.3, UN3133", in column 5, packing group "II" is added, in column (10A) "E" is added, and in column (10B), "40" is added. In addition, a new entry for the material in packing group III is added.

Section 172.102

In paragraph (c) (1), special Provision 114B is corrected by removing the wording "US006" and replacing it with "US1".

Section 172.203

Paragraph (m)(1) is revised by removing the wording "Poison or Toxic" and replacing it with "Poison" or "Toxic".

Section 172.400a

In paragraph (a)(7), the reference “§ 173.425(b)” is corrected to read “§ 173.427(a)(6)(vi)”.

Section 172.504

Footnote 1 of Table 1 is revised to correct a section reference.

Part 173*Section 173.6*

In paragraph (c)(2), as amended by 63 FR 8142 the last sentence stating “Each digit in the identification number marking must be displayed in 100 mm (3.9 inches) black Helvetica Medium, Alpine Gothic or Alternate Gothic No. 3 numerals.” is removed. The size used for the identification number marking is prescribed in § 172.332, depending on whether the identification number is placed on a placard, white square-on-point configuration, or an orange panel.

Section 173.33

Paragraph (a)(3) is revised to correct a section reference.

Section 173.34

In paragraph (e)(18)(i), in the table for DOT 8 or 8AL cylinders used to transport acetylene, under “Porous filler requalification”, the entry “3 to 30 yrs²” is corrected to read “3 to 20 yrs²” to correct a printing error. The “3 to 20 yrs” interval is correctly shown in the referenced Note 2.

Section 173.58

Paragraph (a) is amended to correct the title of the referenced document from “Explosive Test Manual,” to read “UN Manual of Tests and Criteria.”. The “Explosive Test Manual” was the title of an earlier edition of this document.

Section 173.62

In paragraph (c), the Table of Packing Methods is revised to correct a printing error.

Section 173.247

On June 5, 1996, RSPA issued Docket HM-216 that added the DOT 120 tank car specification to §§ 173.240, 241, 242, 243, 244, and 314 but failed to add the “120” specification to § 173.247 (a). This oversight is corrected.

Section 173.403

A printing error is corrected in the definition of “LSA—II”.

Section 173.416

A minor editorial change is made in paragraph (f) for clarity.

Section 173.422

Paragraph (b)(1) is revised to correct section references.

Section 173.425

Section 173.421 defines a limited quantity of Class 7 (radioactive) material as having an activity per package value not exceeding the limits specified in § 173.425. In Table 7 of § 173.425, the limited quantity values are not specifically identified, which leads to confusion. To eliminate this confusion, the column heading “Materials package limits¹” is revised to read “Limited quantity package limits¹”.

Section 173.427

Paragraph (a)(3) is revised to replace reference to obsolete § 173.451 with references to §§ 173.453, 173.457, 173.459 and 173.467. This change does not impose any new requirement.

Section 173.433

In paragraph (g), in “Table 10.—General Values For A₁ and A₂”, in the first column, the second sentence is amended by adding the wording “no” immediately before “relevant” to enhance its clarity.

Section 173.461

Paragraph (a) is revised to remove reference to obsolete, § 173.463 and to include a reference to the design requirements in § 173.412 for clarity. These changes do not impose any new requirement. Also paragraph (b) is revised to remove a reference to obsolete § 173.463.

Part 175*Section 175.700*

In § 175.700, in paragraph (b), in the first sentence, the reference “§ 175.15” is corrected to read “§ 171.15”.

Part 176*Section 176.704*

Paragraph (e)(1) is revised to remove a reference to obsolete § 176.451.

In paragraph (f), in “Table III—Limits for Freight Containers and Conveyances”, the table heading is amended by adding the wording “TI” immediately before “Limits” to enhance clarity.

Part 177*Section 177.835*

Paragraph (g), in the second sentence, is corrected by removing a comma between the words “detonating cord” and “Division 1.4”. This change is made to clarify that the detonating cord is classed in Division 1.4.

Section 177.842

In the first sentence of paragraph (a), the wording “or storage location” is revised to read “or in any single group in any storage location.”. Paragraph (a) currently reads: “The number of packages of Class 7 (radioactive) materials in any transport vehicle or storage location must be limited so that the total transport index number does not exceed 50”. The revision to paragraph (a) is made to clarify that groups of up to 50 TI are allowed in storage if each group is separated by at least 6 meters (20 feet). This revision is consistent with the wording in current paragraph (b)(2).

Section 177.843

Paragraph (c) is revised to correct a section reference.

Section 177.854

The introductory text preceding paragraph (a) is unnecessary and therefore is removed.

Part 178*Section 178.338*

The section heading is amended by adding the wording “motor vehicle” immediately following the word “tank” to enhance clarity.

Part 179*Part 179—Specifications for Tank Cars*

The Table of Sections to Part 179 is amended by revising the heading for Subpart C to read as follows: “Subpart C—Specifications for Pressure Tank Car Tanks (Classes DOT-105, 109, 112, 114, and 120)”. On June 5, 1996 (61 FR 28666, 28679), RSPA amended § 179.101-1 by adding the DOT 120 specification to the table. However, the title to Subpart C of Part 179 was not changed to reflect addition of the new DOT 120 tank car.

Section 179.2

Paragraph (a)(2) is updated to reflect a minor name change of an organizational committee within the Association of American Railroads.

Section 179.3

Paragraph (a) is updated to reflect a minor name change of an organizational committee within the Association of American Railroads.

Section 179.4

Paragraphs (a) and (b) are updated to reflect a minor name change of an organizational committee within the Association of American Railroads.

Section 179.5

Paragraph (a) is updated to reflect a minor name change of an organizational committee within the Association of American Railroads, and to reflect that the construction and testing of multi-unit tank car tanks are approved by RSPA.

Part 180*Section 180.403*

The introductory text, referencing the definitions contained in §§ 171.8 and 178.345-1, is revised to include a reference to the definitions of cargo tank terms in § 178.320(a).

Section 180.417

Paragraph (a)(3)(ii) is revised to clarify that a "data report" is the cargo tank "manufacturer's data report" required by the ASME.

Section 180.509

Paragraph (c)(3)(ii) is amended to add an explanation of the terms used in the preceding formula. This information was inadvertently omitted.

Section 180.515

In paragraph (b), in the first sentence, the word "pressure" is added immediately after the word "Converted". The word pressure was unintentionally removed in a final rule (HM-175 A/201 60 FR 49048; September 21, 1995).

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"). The Federal hazardous material transportation law, (49 U.S.C. 5101-5127) contains express preemption provisions at 49 U.S.C. 5125.

RSPA is not aware of any State, local, or Indian tribe requirements that would be preempted by correcting editorial errors and making minor regulatory

changes. This final rule does not have sufficient federalism impacts to warrant the preparation of a federalism assessment.

C. Executive Order 13084

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 ("Consultation and Coordination with Indian Tribal Governments"). Because this rule would not significantly or uniquely affect the communities of the Indian tribal governments, the funding and consultation requirements of this Executive Order do not apply.

D. 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.

E. 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.

F. Paperwork Reduction Act

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

G. 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, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, 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 and 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, Railroad safety, 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.

§ 107.503 [Amended]

2. In § 107.503, in the first sentence of paragraph (a)(3), the wording " , except

as provided by § 107.502(f) of this part” is removed.

§ 107.606 [Amended]

3. In § 107.606, in paragraph (a)(5), the wording “1057” is removed and “376” is added in its place.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

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

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

§ 171.7 [Amended]

5. In paragraph (a)(3), in the table of material incorporated by reference, in the entry “IME Safety Library Publication No. 22 (IME Standard 22), Recommendation for the Safe Transportation of Detonators in a Vehicle with Certain Other Explosive Materials, May 1993”, in the second column, “173.63,” is added immediately before “177.835”.

§ 171.8 [Amended]

6. In § 171.8, the following changes are made:

a. In the definition for “Marine pollutant”, in the first sentence, the wording “a hazardous material” is

removed and the wording “a material” is added in its place.

b. In the definition for “Reportable Quantity (RQ)”, the wording “column 3” is removed and the wording “column 2” is added in its place.

7. In § 171.14, paragraph (c)(1) is revised to read as follows:

§ 171.14 Transitional provisions for implementing requirements based on the UN Recommendations.

* * * * *

(c) *Non-specification fiber drums.* (1) Until September 30, 1997, a non-specification fiber drum with a removable head was authorized for a liquid hazardous material in Packing Group III that is not poisonous by inhalation provided the packaging was authorized for the material under the requirements of Part 172 or Part 173 of this subchapter in effect on September 30, 1991. A filled non-specification drum may be offered for transportation and transported domestically prior to October 1, 1999, if it: (i) Was filled on or prior to September 30, 1997; and (ii) Is not emptied and refilled on or after October 1, 1997.

* * * * *

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

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

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

§ 172.101 [Amended]

9. In § 172.101, the following changes are made:

a. In paragraph (c)(11) introductory text, at the beginning of the sentence, the reference “173.51” is removed and the reference “173.54” is added in its place.

b. In paragraph (f), in the first sentence, the phrase “ORD-D” is removed and the phrase “ORM-D” is added in its place.

10. In § 172.101, the Hazardous Material Table is amended by removing, adding, in appropriate alphabetical sequence, and revising, the following entries to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

§ 172.101 HAZARDOUS MATERIALS TABLE

(1) Symbols	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class or division	(4) Identification numbers	(5) PG	(6) Label codes	(7) Special provisions	(8) Packaging authorizations (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
							(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	[REMOVE:]												
	Diphenylmethane-4,4'-diisocyanate.		*	*	*	*		*	*		*		
	[ADD:]		*	*	*	*		*	*		*		
	Water-reactive, solid, oxidizing, n.o.s.	4.3	UN3133 ...	III	4.3, 5.1	*	None	214	214	Forbidden	Forbidden	E	40
	[REVISED:]		*	*	*	*		*	*		*		
	Water-reactive, solid, oxidizing, n.o.s.	4.3	UN3133 ...	II	4.3, 5.1	*	None	214	214	Forbidden	Forbidden	E	40
			*	*	*	*		*	*		*		

§ 172.101 [Amended]

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

a. The entry "Anhydrous ammonia" is amended by removing the word "liquefied".

b. The entry "Compressed gases, flammable, n.o.s." is amended by removing the word "gases" and adding the word "gas" and placing the entry in alphabetical order.

c. The entry "Compressed gases, n.o.s." is amended by removing the word "gases" and adding the word "gas" and placing the entry in alphabetical order.

d. The entry "Compressed gases, toxic, flammable, n.o.s. *Inhalation hazard Zone A*" is amended by removing the word "gases" and adding the word "gas" and placing the entry in alphabetical order.

e. The entry "Compressed gases, toxic, flammable, n.o.s. *Inhalation hazard Zone B*" is amended by removing the word "gases" and adding the word "gas" and placing the entry in alphabetical order.

f. The entry "Compressed gases, toxic, flammable, n.o.s. *Inhalation hazard Zone C*" is amended by removing the word "gases" and adding the word "gas" and placing the entry in alphabetical order.

g. The entry "Compressed gases, toxic, flammable, n.o.s. *Inhalation hazard Zone D*" is amended by removing the word "gases" and adding the word "gas" and placing the entry in alphabetical order.

h. The entry "Compressed gases, toxic, n.o.s. *Inhalation Hazard Zone A*" is amended by removing the word "gases" and adding the word "gas" and placing the entry in alphabetical order.

i. The entry "Compressed gases, toxic, n.o.s. *Inhalation Hazard Zone B*" is amended by removing the word "gases" and adding the word "gas" and placing the entry in alphabetical order.

j. The entry "Compressed gases, toxic, n.o.s. *Inhalation Hazard Zone C*" is amended by removing the word "gases" and adding the word "gas" and placing the entry in alphabetical order.

k. The entry "Compressed gases, toxic, n.o.s. *Inhalation Hazard Zone D*" is amended by removing the word "gases" and adding the word "gas" and placing the entry in alphabetical order.

l. The entry "Dichlorodifluoromethane or Refrigerant gas R 122" is amended by removing the number "122" and adding the number "12".

m. For the entry "Methyl isocyanate, 6.1, UN2480" Column (7) is amended by removing Special Provision "A7".

n. The entry "Sodium hydrogendifluoride, solid" is amended by removing "solid" and adding "*solid*" in its place.

o. The entry "Sodium hydrogendifluoride, liquid" is amended by removing "liquid" and adding "*liquid*" in its place.

p. For the entry "Uranium hexafluoride, *fissile excepted or non-fissile*, 7, UN2978", columns 8B and 8C are amended by removing the wording "420, 425" and adding the wording "420, 427".

§ 172.102 [Amended]

12. In § 172.102, in paragraph (c)(1), in Special Provision 114 b., the reference "US006" is removed and "US 1" is added in its place.

§ 172.203 [Amended]

13. In § 172.203, paragraph (m)(1) is amended by removing the wording "'Poison or Toxic'" and adding in its place the wording "'Poison' or 'Toxic'".

§ 172.400a [Amended]

14. In § 172.400a, in paragraph (a)(7), the reference § 173.425(b)" is revised to read "§ 173.427(a)(6)(vi)".

§ 172.504 [Amended]

15. In § 172.504, in Table 1 as revised at 62 FR 1230 effective October 1, 1998, in footnote 1, the reference § 173.425(b) or (c)" is removed and "§ 173.427(a)" is added in its place.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

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

Authority: 49 U.S.C. 5101–5127, 44701; 49 CFR 1.45, 1.53.

§ 173.6 [Amended]

17. In paragraph (c)(2), the last sentence is removed.

§ 173.33 [Amended]

18. In § 173.33, in paragraph (a)(3), the reference "§ 177.824" is revised to read "§ 180.407 (a)(1)".

§ 173.34 [Amended]

19. In § 173.34, in paragraph (e)(18)(i), in the table, under the column heading "Porous filler requalification", under "Initial", the entry "3 to 30 yrs²" is revised to read "3 to 20 yrs²".

§ 173.58 [Amended]

20. In § 173.58, paragraph (a) introductory text is amended by removing "Explosive Test Manual" and adding the "UN Manual of Tests and Criteria" in its place.

§ 173.62 [Amended]

21. In § 173.62 (c), in the Table of Packing Methods, the following changes are made:

a. For the entry 114(b), under column 3 "Intermediate packagings", the text under "Not necessary" is transferred to column 4 "Outer packagings" under "Boxes".

b. For the entry 133, under column 3 "Intermediate packagings", the text under "Receptacles" is transferred to column 4 "Outer packagings" under "Boxes".

c. For the entry 133, under column 2 "Inner packagings", the text under "Receptacles" is transferred to column 3 "Intermediate packagings" under "Receptacles".

d. For the entry 137, under column 3 "Intermediate packagings", the text under "Not necessary" is transferred to column 4 "Outer Packagings" under "Boxes".

§ 173.247 [Amended]

22. In § 173.247, in paragraph (a), the wording "115 tank car tanks" is revised to read "115, or 120 tank car tanks".

§ 173.403 [Amended]

23. In § 173.403, in paragraph (2)(ii), in the definition for "Low Specific Activity (LSA) material", remove the wording "average specific a- activity" and add "average specific activity" in its place.

§ 173.416 [Amended]

24. In § 173.416, in paragraph (f), in the last sentence, the wording "inner packaging if subjected" is revised to read "inner packaging if the overpack containing it is subjected".

§ 173.422 [Amended]

25. In § 173.422, in paragraph (b)(1), the wording "Sections 171.15, 171.16, 174.750, 176.710, and 177.861" is removed and the wording "Sections 171.15, 171.16, 174.750 and 176.710" is added in its place.

§ 173.425 [Amended]

26. In § 173.425, in Table 7, in the fourth column, in the heading, the wording "Materials package limits¹" is removed and the wording "Limited quantity package limits¹" is added in its place.

§ 173.427 [Amended]

27. In § 173.427, in paragraph (a)(3), the wording §§ 173.451 and 173.467" is revised to read "§§ 173.453, 173.457, 173.459 and 173.467".

§ 173.433 [Amended]

28. In § 173.433, in paragraph (g), in Table 10, in the first column, the

wording "Alpha emitting nuclides are known to be present or relevant data are available" is revised to read "Alpha emitting nuclides are known to be present or no relevant data are available".

§ 173.461 [Amended]

29. In § 173.461, the following changes are made:

a. In paragraph (a) introductory text, the wording "Compliance with the test requirements in §§ 173.463 through 173.469" is revised to read "Compliance with the design requirements in § 173.412 and the test requirements in §§ 173.465 through 173.469".

b. In paragraph (b), the wording "§§ 173.463 through 173.469" is revised to read "§§ 173.465 through 173.469".

PART 175—CARRIAGE BY AIRCRAFT

30. 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]

31. In § 175.700, in paragraph (b), in the first sentence, the reference "§ 175.15" is revised to read "§ 171.15 of this subchapter".

PART 176—CARRIAGE BY VESSEL

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

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

§ 176.704 [Amended]

33. In § 176.704, the following changes are made:

a. In paragraph (e)(1), the wording "§ 173.451 through § 173.459" is revised to read "§§ 173.457 and 173.459".

b. In paragraph (f), in table III, the heading "Table III—Limits for Freight Containers and Conveyances" is revised to read "Table III—TI Limits for Freight Containers and Conveyances".

PART 177—CARRIAGE BY PUBLIC HIGHWAY

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

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

§ 177.835 [Amended]

35. In § 177.835, in paragraph (g) introductory text, in the second sentence, the comma between the words "detonating cord" and "Division 1.4" is removed.

§ 177.842 [Amended]

36. In § 177.842, in paragraph (a), in the first sentence, the wording "or

storage location" is revised to read "or in any single group in any storage location".

§ 177.843 [Amended]

37. In paragraph (c), the wording "see § 177.861" is removed and the wording "see § 177.854" is added in its place.

§ 177.854 [Amended]

38. In § 177.854, the introductory text is removed.

PART 178—SPECIFICATIONS FOR PACKAGINGS

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

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

§ 178.338 [Amended]

40. In § 178.338, in the heading, the wording "motor vehicle" is added immediately following the word "tank".

PART 179—SPECIFICATIONS FOR TANK CARS

41. The authority citation for part 179 is revised to read as follows:

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

42. In § 179.2, paragraph (a)(2) is revised to read as follows:

§ 179.2 Definitions and abbreviations.

(a) * * *

(2) *Approved* means approval by the AAR Tank Car Committee.

* * * * *

43. In § 179.3, paragraph (a) is revised to read as follows:

§ 179.3 Procedure for securing approval.

(a) Application for approval of designs, materials and construction, conversion or alteration of tank car tanks under these specifications, complete with detailed prints, must be submitted in prescribed form to the Executive Director—Tank Car Safety, AAR, for consideration by its Tank Car Committee and other appropriate committees. Approval or rejections of applications based on appropriate committee action will be issued by the executive director.

* * * * *

44. In § 179.4, the first sentence in paragraph (a) and paragraph (b) are revised to read as follows:

§ 179.4 Changes in specifications for tank cars.

(a) Proposed changes in or additions to specifications for tanks must be submitted to the Executive Director—Tank Car Safety, AAR, for consideration by its Tank Car Committee. * * *

(b) The Tank Car Committee will review the proposed specifications at its earliest convenience and report its recommendations through the Executive Director—Tank Car Safety to the Department. The recommendation will be considered by the Department in determining appropriate action.

45. In § 179.5, paragraphs (a) and (b) are revised to read as follows:

§ 179.5 Certificate of construction.

(a) Before a tank car is placed in service, the party assembling the completed car shall furnish a Certificate of Construction, Form AAR 4–2 to the owner, the Department, and the Executive Director—Tank Car Safety, AAR, certifying that the tank, equipment, and car fully conforms to all requirements of the specification.

(b) When cars or tanks are covered in one application and are identical in all details are built in series, one certificate will suffice for each series when submitted to the Executive Director—Tank Car Safety, AAR. One copy of the Certificate of Construction must be furnished to the Department for each car number of consecutively numbered group or groups covered by the original application.

* * * * *

46. The heading for Subpart C is revised to read as follows:

Subpart C—Specifications for Pressure Tank Car Tanks (Classes DOT–105, 109, 112, 114, and 120)

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

47. The authority citation for part 180 continues to read as follows:

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

§ 180.403 [Amended]

48. In § 180.403, in the introductory text, the reference "§§ 171.8 and 178.345–1" is revised to read "§§ 171.8, 178.320(a) and 178.345–1".

49. In § 180.417, the first sentence in paragraph (a)(3)(ii) is revised to read as follows:

§ 180.417 Reporting and record retention requirement.

(a) * * *

(3) * * *

(ii) *ASME Code Stamped cargo tanks.*

If the owner does not have the manufacturer's certificate required by the specification and the manufacturer's data report required by the ASME, the owner may contact the National Board for a copy of the manufacturer's data report, if the cargo tank was registered

with the National Board, or copy the information contained on the cargo tank's identification and ASME Code plates. * * *

* * * * *

50. In § 180.509, in paragraph (c)(3)(ii) text is added immediately following the formula, to read as follows:

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

* * * * *

(c) * * *

(3) * * *

(ii) * * *

Where:

i is the inspection and test interval.

t¹ is the actual thickness.

t² is the allowable minimum thickness under paragraph (g) of this section.

r is the corrosion rate per year.

* * * * *

§ 180.515 [Amended]

51. In § 180.515, in paragraph (b), in the first sentence, the word "Converted" is removed and the wording "Pressure converted" is added in its place.

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Kelley S. Coyner,
Administrator.

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