



DEPARTMENT OF TRANSPORTATION
MATERIALS TRANSPORTATION BUREAU
WASHINGTON, D.C. 20590

7139

Title 49—Transportation
CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Doc. No. HM-148; Amdt. No. 172-33]

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

Correction of ORM Entries

AGENCY: Materials Transportation Bureau, Department of Transportation.

ACTION: Final rule.

SUMMARY: This amendment corrects entries in the Hazardous Materials Table for ORM-A n.o.s. and ORM-B n.o.s. to reflect regulation of materials so described in air transportation only, rather than in air and water transportation as presently shown in the Table as a result of previous amendments under Docket HM-103/112.

EFFECTIVE DATE: This amendment is effective on February 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. C. H. Thompson, Acting Director, Materials Transportation Bureau, 2100 2nd Street, S.W., Washington, D.C. 20590. (202-426-0656).

SUPPLEMENTARY INFORMATION: On December 30, 1976 (41 FR 57018), the Materials Transportation Bureau (MTB) published its last major correction to amendments appearing under Docket HM-103/112 on April 15, 1976 (41 FR 15972). The shipping names ORM-A n.o.s. and ORM-B n.o.s. were shown in the Hazardous Materials Table in the April 15 publication as applicable only to transportation by air and water, shipment of such materials by other modes being not subject to the regulations. However, ORM-A n.o.s. and ORM-B n.o.s. materials were proposed in a notice appearing on January 24, 1974 (39 FR 3022) to apply solely to air shipment, and it was the intent of that notice that any material meeting either ORM-A or ORM-B definition would only be regulated when shipped and transported by air unless otherwise indicated by an individual entry specifically identifying the material.

That intent is evident from an examination of the 1974 notice, which indicates that the ORM-A and ORM-B classes were derived from C.A.B. No. 82, Air Transport Restricted Articles Tariff 8-D and from the International Air Transport Association Restricted Articles Regulations (39 FR 3025). The text proposed regulation of both n.o.s. entries (39 FR 3076) as well as most specifically identified ORM-A and ORM-B materials by air only. Some specifically identified materials (e.g., Chloroform (ORM-A) and Calcium Oxide (ORM-B)) were proposed to be regulated by water as well as air.

The ORM-B class was in part also derived from a previously established rule-making under Docket HM-57 which dealt generally with materials having corrosive effects on steel, aluminum and human skin. On September 8, 1975 (40 FR 41527), MTB noted that its "disposition of the classification of materials corrosive only to aluminum will be in the amendments * * * under Docket No. HM-112." In both the previous January 24, 1974 HM-112 notice and the subsequent April 15, 1976 HM-112 amendments, references proposed and implemented in 49 CFR 173.240 (Corrosive Material; definition) excluded aluminum corrosion and the April 15 preamble observed that materials corrosive only to aluminum "will be classed as ORM-B and regulated for air transportation only" (41 FR 15984).

The necessary correction to the ORM-A n.o.s. and ORM-B n.o.s. entries in the Table, consisting of a removal of the "W" in column 1 of each entry, was overlooked in HM-103/112 publications and is being made herein. As this amendment relieves a previously stated requirement and does not impose any burden on the general public, public proceedings are unnecessary.

This amendment is effective February 7, 1977 to avoid any further disruption to shippers and carriers of ORM-A n.o.s. and ORM-B n.o.s. materials.

In view of the foregoing, Part 172 of Title 49, Code of Federal Regulations, is amended as follows:

1. In § 172.101 the Hazardous Materials Table is amended by revising the entries "ORM-A n.o.s." and "ORM-B n.o.s." to read as follows:

§ 173.101 Hazardous materials table

(1) W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not excepted)	(5) Packaging		(6) Maximum net quantity in 1 package		(7) Water shipments		
				(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
				A	ORM-A H.O.S.	ORM-A	None	173.505	173.510	No limit
A	ORM-B H.O.S.	ORM-B	do.	173.508	173.510	do.	do.			

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).)

Issued in Washington, D.C. on January 28, 1977.

James T. Curtis, Jr.,
Director, Materials Transportation Bureau.

[FR Doc. 77-3497 Filed 2-4-77; 8:45 am]

FEDERAL REGISTER, VOL. 42, NO. 25—MONDAY, FEBRUARY 7, 1977



PREMIER AND PERM FORD
DEPARTMENT OF TRANSPORTATION
DOT 518

DEPARTMENT OF TRANSPORTATION
MATERIALS TRANSPORTATION BUREAU
Washington, D.C. 20590
OFFICE BUILDING
PENALTY FOR PRIVATE USE, \$300