

DEPARTMENT OF TRANSPORTATION**Research and Special Programs
Administration****49 CFR Parts 172 and 173****[Docket No. HM-196, Notice No. 85-1]****Packaging and Placarding
Requirements for Liquids Toxic by
Inhalation; Extension of Comment
Period****AGENCY:** Materials Transportation
Bureau, Research and Special Programs
Administration, DOT.**ACTION:** Extension of time to file
comments on and interpretations of a
notice of proposed rulemaking.**SUMMARY:** On February 7, 1985, MTB
published a Notice of Proposed
Rulemaking [NPRM; Docket No. HM-
196, Notice No. 85-1; 50 FR 5270]
proposing special packaging and more
stringent placarding requirements for
certain poisonous liquids based on their
potential inhalation hazards. Three
petitions have been received citing a
need for additional time in which to
evaluate and comment on the proposals
in the Notice and requesting a 60-day
extension of time for filing comments.
MTB believes that some extension is
justified and is extending the comment
period approximately 30 days.**DATE:** Comments on Notice No. 85-1
must be received on or before April 16,
1985.**ADDRESS:** Address comments to:
Dockets Branch, Materials
Transportation Bureau, U.S. Department
of Transportation, Washington, D.C.
20590. Comments should be submitted, if
possible, in five copies. The Dockets
Branch is located in Room 8426 of the
Nassif Building, 400 Seventh Street, SW,
Washington, D.C. Office hours are 8:30
a.m. to 5:00 p.m., Monday through
Friday.**FOR FURTHER INFORMATION CONTACT:**
Darrell Raines, Standards Division,
Office of Hazardous Materials
Regulation, Materials Transportation
Bureau, Department of Transportation,

400 Seventh Street, SW, Washington, D.C. 20590, (202/426-2075).

SUPPLEMENTARY INFORMATION: Three potential commenters, the Chemical Manufacturers Association (CMA), the National Agricultural Chemicals Association and Hazardous Materials Advisory Council, have requested additional time to evaluate the proposals made in the above-cited NPRM. CMA indicated that LC₅₀ data are not available for some of the materials produced by its members and that additional time will be required for literature research. MTB agrees that some additional time should be allowed for this purpose but recognizes that there may be diminishing benefits from such efforts if data are not contained in sources that are readily available. However, MTB recognizes the considerable value of continuing literature research if "round-robin" exchanges of data are under way, and it is with this optimistic premise in mind that the closing date for comments on Notice No. 85-1 is extended to April 16, 1985.

MTB inadvertently omitted proposed changes to the labeling requirements

specified in § 172.402 to address highly volatile materials that do not fall within the definition of a class B poison based on inhalation toxicity (§ 173.343). Certainly all materials subject to the proposed placarding and shipping paper requirements should also be subject to "POISON" labeling requirements for packages; therefore, interested persons should consider such a requirement as part of the proposal. MTB does not believe that many materials would be affected by an expanded labeling requirement taking into account the two other routes of exposure (dermal and oral) that would make a material subject to the "POISON" labeling requirements. An example of a material addressed by the NPRM that would not meet the definition in § 173.343(a)(2), would be a material with an LC₅₀ value of 950 ppm, a molecular weight of 92, and a saturated vapor concentration of 17,000 ppm. Its inhalation toxicity according to the present regulations would be about 3.5 mg/1 (greater than 2 mg/1).

If no toxicity data are available on a material that is considered to be a possible candidate for being subject to the NPRM, it is not necessary to conduct

all the testing required to determine its precise LC₅₀ value. In order to accomplish the result that is intended by the NPRM, the saturated vapor concentration of the material at 20°C may be divided by 10 and this concentration used in the procedure described in the inhalation toxicity test for class B poisons (§ 173.343). If the test results are positive under these conditions, the liquid is subject to the NPRM. This would eliminate the necessity for costly determination of precise LC₅₀ values.

For example: If a liquid has a saturated vapor concentration of 500 ppm at 20°C, the concentration used in the test described in § 173.343(a)(2) would be 50 ppm.

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

Issued in Washington, D.C., on March 8, 1985.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.
[FR Doc. 85-6027 Filed 3-12-85; 8:45 am]

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