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Research and Special Programs Administration

49 CFR Part 171 et al.

Transportation of Hazardous Materials; Proposed Miscellaneous Amendments; Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

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

[Docket No. HM-166W; Notice No. 88-5]

RIN: 2137-AA44

Transportation of Hazardous Materials; Proposed Miscellaneous Amendments

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The RSPA is proposing to make a number of amendments to the Hazardous Materials Regulations (HMR) based on rulemaking petitions from industry and RSPA's own initiative. This action is necessary to update the regulations and to reduce RSPA's backlog of rulemaking petitions.

DATE: Comments must be received by October 25, 1988.

ADDRESS: Address comments to the Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590. Comments should identify the docket and notice number and be submitted in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped post card. The Docket Unit is located in Room 8421 of the Nassif Building, 400 Seventh Street, SW., Washington, DC. Public Dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Marilyn E. Morris, Standards Division, Office of Hazardous Materials Transportation, U.S. Department of Transportation, Washington, DC 20590, (202) 366-4488.

SUPPLEMENTARY INFORMATION: This document is primarily designed to reduce regulatory burdens by incorporating changes in the Hazardous Materials Regulations based on either petitions for rulemaking submitted in accordance with 49 CFR 106.31 or on RSPA's own initiative. These proposed amendments are in keeping with Executive Order 12291 and are designed to update and simplify existing regulations.

In Part 171, proposed changes to § 171.7 would (1) revise paragraph (c)(4) to reflect the current address of the Bureau of Explosives, Association of American Railroads; (2) remove paragraph (c)(5), as the office in Chicago has been relocated to the address shown in proposed paragraph (c)(4); (3) amend paragraph (d)(7)(iv) by removing the reference to the Bureau of Explosives "Pamphlets 1 and 2 titled", and the "June 1973" date; and (4) update paragraph (d)(17) to reflect the latest edition of the International Maritime Dangerous Goods Code. In § 171.8, the definition of "Atmospheric gases" would be revised to include "air".

In Part 172, the § 172.101 Table would be amended by (1) revising the parenthetical text in both the Class A and C explosive entries for "Charged well casing jet perforating gun"; (2) adding "1,1-Difluoroethylene" as a proper shipping name; (3) removing the entry "Empty cartridge case, primed"; (4) revising the hazard class for "Hydrogen selenide"; (5) revising the entry for "Life rafts, inflatable"; (6) adding a cross reference for the entry "Tetrachloroethylene *or* Perchloroethylene" to read "Tetrachloroethylene *see* Perchloroethylene"; (7) revising the entry "sulfur, molten" to allow the spelling "sulphur, molten"; (8) revising the entry *"Tetraethylammonium perchlorate (dry)"* and (9) revising column 5(b) for the entry "Vinyl methyl ether" to include a reference to "§ 173.315". In § 172.504 paragraph (c) would be revised for clarity.

In Part 173, several changes would be made. In § 173.5, paragraph (a)(2) would be amended by increasing the capacity of the inside packaging used for formulated agricultural chemicals from one gallon to 2½ gallons. In § 173.25, paragraph (c) would be amended by changing the wording "Poison B material" to read "hazardous material". In § 173.31, paragraph (a)(7) would be reserved; paragraphs (a)(5) and (a)(6) would be updated to reflect the latest changes regarding coupler vertical restraint systems on tank cars; paragraph (c)(14) would be added to require that excess flow valves be checked for tightness; and paragraph (d)(10) would be added to authorize previously filled multi-unit tank car tanks to be transported after expiration of the retest date.

In § 173.115, paragraphs (b)(1), (b)(2)(i), and (b)(2)(ii) would be revised to provide an exception for combustible and flammable liquids that do not meet the definition of any other hazard class except ORM-E. In § 173.118a, paragraph (b)(7) would be revised to reference certain provisions that would apply to transportation of combustible liquids in bulk packagings. In § 173.182, footnote 1 would be updated to reference the August 1984 edition of The Fertilizer Institute's publication. In § 173.245, paragraph (a)(29) would be amended by removing the restriction that MC 303 cargo tanks must be fabricated from 12-gauge, type 316 stainless steel. In § 173.249a, paragraph (d)(3) would be revised to allow the use of a tight-head fiber drum.

In § 173.250, a sentence would be added at the end of the introductory text of paragraph (a) stating that the exception for automobiles and other self-propelled vehicles equipped with wet electric storage batteries does not apply to transportation by vessel. Also, § 176.905(k) would be revised accordingly. In § 173.262, paragraphs (b)(1) and (b)(2) would be removed and paragraph (b)(3) would be revised to prohibit the transportation of Hydrobromic acid in concentrations greater than 49 percent in polyethylene packagings. In § 173.264, paragraph (b)(1) would be amended by adding DOT 3BN cylinders. In § 173.304, paragraph (a)(2) and (b) would be amended by adding packaging requirements for 1,1-Difluoroethylene. I § 173.314, the Table in paragraph (c) would be revised to authorize the use o DOT-105A500W tank cars for Bromotrifluoromethane (R-13B1 or H-1301). In § 173.315, the last column of th Table in paragraph (a)(1), certain entrie referencing paragraph (c) and (c)(1) would be corrected. The heading for Subpart H of Part 173 would be amended by removing the words "Radioactive Materials" and inserting "Irritating Materials". In § 173.417, Tab 4 in paragraph (b)(1), the first entry under Uranium-235 would be corrected to read "$3 < H/X < 20$".

In § 175.10, paragraph (a)(5) would b amended to add an exception for persons traveling under the provision 14 CFR 108.11 (a) and (b).

In part 176, § 176.11(a) would be revised to authorize hazardous materi to be stowed and segregated in accordance with the IMDG Code. In § 176.340, paragraph (a)(4) would be added to authorize the use of certain nonspecification portable tanks for th transportation of combustible liquids vessel. In § 176.905, paragraph (k) wo be revised for consistency with chang proposed to § 173.250.

Section 178.39-5 would be revised t clarify the percentages of the nickel a cobalt content in DOT 3BN seamless nickel cylinders. Section 178.224-1 an the Tables in § 178.224-2 would be revised to increase the maximum capacity of certain DOT 21C fiber dr from 55 gallons to 75 gallons. In § 178.251-7, paragraph (a) would be amended to clarify the meaning of "original test date".

In Part 179, § 179.14 would be revised to update coupler vertical restraint system requirements. In § 179.100–13, paragraph (d) would be revised for clarity. Sections 179.100–15(c) and 179.200–18(c) would be amended to add provisions on the device used to detect an increase in pressure. In § 179.100–23, paragraph (c) would be added to authorize the use of an additional head shield design. In § 179.200–18, paragraph (b) would be revised for clarity. In § 179.300–7, paragraph (a) would be revised to authorize the use of stainless steel to fabricate tank car tanks. In § 179.200–18, paragraph (b) would be revised for clarity. References to certain obsolete or inapplicable sections would be corrected, where necessary.

Based on limited information available concerning size and nature of entities likely to be affected, I certify that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Also, in view of the type of changes, the RSPA has further determined that this Notice (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact would be minimal; (4) will not affect not-for-profit enterprises, or small governmental jurisdictions and (5) does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). I have reviewed this regulation in accordance with Executive Order 12612 ("Federalism"). It has no substantial direct effects on the States, in the Federal-State relationship or the distribution of power and responsibilities among levels of government. Thus, this regulation contains no policies that have Federalism implications, as defined in Executive Order 12612.

The following list of **Federal Register** Thesaurus of Indexing Terms apply to this notice of proposed rulemaking:

List of Subjects

49 CFR Part 171

Hazardous materials transportation, Definitions.

49 CFR Part 172

Hazardous materials transportation, Labeling, packagings and containers.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

49 CFR Part 175

Hazardous materials transportation, Carriage by aircraft.

49 CFR Part 176

Hazardous materials transportation, Maritime, carriers, Radioactive materials.

49 CFR Part 178

Hazardous materials transportation, Packaging and containers.

49 CFR Part 179

Hazardous materials transportation, Railroad safety.

PARTS 171, 172, 173, 176, 178, and 179 [AMENDED]

1. The authority citation for Part 171 continues to read as follows:

Authority: 49 App. U.S.C. 1802, 1803, 1804, 1808; 49 CFR Part 1.

2. The authority citation for Part 172 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR Part 1.

3. The authority citation for Part 173 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1807, 1808; 49 CFR Part 1, unless otherwise noted.

4. The authority citation for Part 176 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1808, 49 CFR 1.53, App. A to Part 1.

5. The authority citation for Part 178 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1808; 49 CFR Part 1.

6. The authority citation for Part 179 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1808; 49 CFR Part 1, unless otherwise noted.

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 171.7	To reflect current address of the Bureau of Explosives and to update titles of publications.	In § 171.7, paragraph (c)(5) would be removed and reserved; paragraphs (c)(4), (d)(7)(iv) and (d)(17) would be revised to read as follows: **§ 171.7 Matter incorporated by reference.** • • • • • • (c) • • • (4) Bureau of Explosive: Hazardous Materials Systems (Bureau of Explosives) Association of American Railroads, American Railroads Building, 50 F Street, NW., Washington, DC 20001. (5) [Reserved] • • • • • • (d) • • • (7) • • • (iv) Bureau of Explosives "Emergency Handling of Hazardous Materials in Surface Transportation". • • • • • • (17) "International Maritime Dangerous Goods Code" (IMDG Code), 1988 Consolidated Edition. • • • • • •
§ 171.8	To revise definition of "Atmospheric Gases" to include "Air"	In § 171.8 the definition for "Atmospheric Gases" would be revised to read as follows: "Atmospheric Gases" means air, nitrogen, oxygen, krypton, neon and xenon. • • • • • •
§ 172.101 (Table)	To add the shipping name "1,1-Difluoroethylene" to the § 172.101 Table.	See § 172.101 Table for proposed entry.
§ 172.101 (Table)	To remove the entry "Empty cartridge case, primed" which was inadvertently missed under Docket No. HM-166R (50 FR 11048) March 19, 1985.	In § 172.101, the Table would be amended by removing the entry "Empty cartridge case, primed".

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 172.101 (Table)	The Compressed Gas Association (CGA) has recommended that the hazard class for Hydrogen selenide be changed from "Flammable gas"; to "Poison A". The CGA stated that, based on published toxicity data, "Poison A" more properly describes the hazard of Hydrogen selenide in transportation.	In § 172.101, the Table would be amended by changing the hazard class for "Hydrogen selenide" from Flammable gas to Poison A. Required labeling would be changed from "Flammable gas and Poison" to "Poison gas and Flammable gas".
§ 172.101 (Table)	The entry "Life rafts, inflatable" does not have an assigned "UN" or "NA" identification number. The Air Transport Association of America has requested that the shipping name "Life rafts, inflatable" be changed to read "Life-saving appliances, self-inflating" for consistency with international air descriptions. The identification number would be UN 2990.	In § 172.101, the Table would be amended by changing the entry "Life rafts, inflatable", to read "Life-saving appliances, self-inflating" and "UN 2990".
§ 172.101 (Table)	To provide for the spelling of "sulfur" as "sulphur"	In § 172.101, the Table would be amended by changing the entry "sulfur, molten" to read "sulfur, molten *or* sulphur, molten".
§ 172.101 (Table)	The entry "Tetrachloroethylene *or* Perchloroethylene" is confusing because the material is usually transported and identified as "Perchloroethylene". For this reason RSPA is proposing that the material be cross referenced in the Table.	In § 172.101, the Table would be amended by changing the entry "Tetrachloroethylene *or* Perchloroethylene" to read "Tetrachloroethylene *see* Perchloroethylene".
§ 172.101 (Table)	To revise the hazard class of the entry *Tetraethylammonium perchlorate (dry)*. This material is presently prohibited from being offered or accepted for transportation. The G. Frederick Smith Chemical Company has requested that this restriction be removed. The Bureau of Explosives has conducted tests on this material and has recommended that dry tetraethylammonium perchlorate be classed as a flammable solid.	In § 172.101, the Table would be amended by revising the hazard class entry for "Tetraethylammonium perchlorate (dry)" from "Forbidden" to "Flammable solid".

§ 172.101 Hazardous materials table.

+/E/A/W	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		
					Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo aircraft only	Cargo vessel	Passenger vessel	Other requirements
(1)	(2)	(3)	(3)(a)	(4)	(5)(a)	(5)(b)	(6)(a)	(6)(b)	(7)(a)	(7)(b)	(7)(c)
	Remove										
	Empty cartridge case primed.	Class C explosive.		Explosive C	None	173.107	50 pounds	150 pounds	1,3	1,3	
	Life rafts, inflatable.	ORM-C		None	None	173.906	1 per inaccessible cargo compartment.	No limit	1,2	1,2	
A	Tetrachloroethylene *or* perchloroethylene.	ORM-A	UN 1897	None	173.505	173.605	10 gallons	55 gallons.			
	Tetraethylammonium perchlorate (dry).	Forbidden.									
	ADD										
	1,1-Difluoroethylene.	Flammable gas.	UN 1959	Flammable	173.306	173.304	Forbidden	300 pounds	1,2	5	Stow away from living quarters.
A	Tetrachloroethylene *see* Perchloroethylene.										
	Life-saving appliances, Self-inflating.	ORM-C	UN 2990	None	None	173.906	1 per inaccessible cargo compartment.	No limit	1,2	1,2	
A	Perchloroethylene.	ORM-A	UN 1897	None	173.305	173.605	10 gallons	55 gallons.			
	REVISE										
	Hydrogen selenide.	Poison A	UN 2202	Poison gas and flammable gas.	None	173.328	Forbidden	Forbidden	1	5	Stow away from living quarters.
	Sulfur, molten *or* sulphur, molten.	ORM-C	UN 2448	None	173.505	173.1080	Forbidden	Forbidden	1	1	Stow away from oxidizers and living quarters.
	Tetraethylammonium perchlorate (dry).	Flammable solid.	UN 1325	Flammable solid	173.153	173.154	25 pounds	25 pounds	1,2	1,2	

+/E/A/W	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Packaging: Exceptions	Packaging: Specific requirements	Maximum net quantity in one package: Passenger carrying aircraft or railcar	Maximum net quantity in one package: Cargo aircraft only	Water shipments: Cargo vessel	Water shipments: Passenger vessel	Water shipments: Other requirements
(1)	(2)	(3)	(3)(a)	(4)	(5)(a)	(5)(b)	(6)(a)	(6)(b)	(7)(a)	(7)(b)	(7)(c)
	Vinyl methyl ether.	Flammable gas.	UN 1087	Flammable gas	173.306 173.314 173.315	173.304	Forbidden	20 pounds	1,2	1	Stow away from living quarters.

§ 172.101 Table	Vinyl methyl ether is authorized to be transported in DOT Specification MC 330 and MC 331 cargo tanks under § 173.315(a)(1). However, column 5(b) of the § 172.101 table does not include a reference to §173.315.	In § 172.101, column 5(b) for the entry "Vinyl methyl ether" would be revised to include "173.315".
§ 172.504(c)	To clarify that a rail car does not have to be placarded when transporting freight containers or transport vehicles that do not require placarding. The present wording infers that if a rail car is transporting two freight containers each containing 500 pounds of Table 2 materials, placards are not required on the freight containers but are required on the rail car when 1,000 pounds of Table 2 materials are being transported.	In 172.504, paragraph (c) would be revised to read as follows: **§ 172.504 General placarding requirements.** • • • • • (c) Except for portable tanks, cargo tanks, tank cars, transport vehicles and freight containers subject to §172.505, and transportation by aircraft or vessel, placards for hazardous materials covered by Table 2 are not required on— (1) A transport vehicle, or freight container which contains less than 1,000 pounds (453.6 kilograms aggregate gross weight of hazardous materials covered by Table 2; or (2) A rail car loaded with transport vehicles or freight containers, none of which are required to be placarded. The exceptions provided in this paragraph do not prohibit the display of placards in the manner prescribed in this subpart, if not otherwise prohibited (see § 172.401), on transport vehicles or freight containers which are not required to be placarded.
§173.5(a)(2)	To increase the capacity of inside packagings of liquid formulated agricultural chemicals from 1-gallon to 2½ gallons when offered for transportation in less-than-case-lots quantities.	In § 173.5, paragraph (a)(2) would be revised to read as follows: **§ 173.5 Agricultural operations.** (a) • • • (2) Each inside packaging does not exceed 2½ gallons capacity for liquids or 25 pounds for dry materials. • • • • •
§ 173.25(c)	To delete the reference to "Poison B material" to clarify that hazardous material labeled POISON is subject to the restrictions of this section, even if it also meets the definition for another hazard class.	In § 173.25, the introductory test to paragraph (c) would be revised to read as follows: **§ 173.25 Authorized packages and overpacks.** • • • • • (c) Hazardous materials which are required to be labeled POISON, may be transported in the same motor vehicle with material that is marked or known to be foodstuffs, feed or any edible material intended for consumption by humans or animals provided the hazardous material is marked, labeled, and packaged in accordance with this subchapter, conforms to the requirements of paragraph (a) of this section and is overpacked as specified in § 177.841(e) or is in an overpack meeting the following requirements: • • • • •
§ 173.31	The Association of American Railroads (AAR) has requested that several changes be made in Part 173 and Part 179 to reflect the latest changes regarding coupler vertical restraint systems on tank cars. See proposed § 179.14 in this notice. This proposed change is considered necessary because the Association of American Railroads (AAR) has similar requirements for flammable gas and ethylene oxide cars in interchange service and the AAR reports that it is industry practice to examine the excess flow values on chlorine tank cars when the tanks are retested. The Compressed Gas Association has recommended that a provision be added to § 173.31 to allow transportation of multi-unit tank car tanks charged with non-corrosive gases prior to expiration of the retest date. After emptying, a tank may not be refilled and shipped until it has been properly retested.	In § 173.31, paragraph (a)(7) would be removed and reserved, paragraphs (a)(5) and (a)(6) would be revised, and paragraphs (c)(14) and (d)(10) would be added to read as follows: **§ 173.31 Qualification, maintenance, and use of tank cars.** (a) • • • (5) Each DOT specification tank car shall be equipped with a coupler vertical restraint system that meets the requirements of § 179.14 of this subchapter. (6) Effective (1 year after effective date of final rule) each non-DOT specification tank car used for the transportation of hazardous materials shall be equipped with a coupler vertical restraint system that meets the requirements of § 179.14 of this subchapter. (7) [Reserved] • • • • • (c) • • • (14) Excess flow valves having threaded seats must be checked for tightness and tightened at the time of each tank retest or safety relief valve retest. (d) • • • (10) A DOT 106A or 110A class tank car tank (§§ 179.300, 179.301, 179.302 of this subchapter) used exclusively for transportation of non-corrosive gases (as listed in the table in §173.34(e)(10)) for which the retest has become due may not be filled and shipped until it has been properly tested. However, tanks filled prior to the expiration of the retest date may be shipped on a one-time basis.

§ 173.115(b)(1), (b)(2)(i) and (b)(2)(ii).	Upon the effective date of Docket HM-145F (July 1, 1987), many shippers of aqueous solutions containing alcohol were no longer able to take advantage of the exceptions in § 173.115(b)(2)(i) and (ii) because certain constituents in the solutions were classed as ORM-E. The National Tank Truck Carriers, Inc., has requested a revision to exclude constituents in solutions classed as ORM-E. These proposed changes also would clarify the exception provided in § 173.115(b)(1).	In § 173.115, paragraphs (b)(1), (b)(2)(i) and (b)(2)(ii) would be revised to read as follows: § 173.115 **Flammable combustible, and pyrophoric liquids; definitions.** • • • • • (b) *Combustible liquid.* (1) For the purpose of this subchapter, a combustible liquid is defined as any liquid that does not meet the definition of any other hazard class defined in this subchapter, other than ORM-E, and which has a flash point at or above 100 °F. (37.8 °C.) and below 200 °F. (93.3 °C.). Notwithstanding this definition, a mixture having one component or more with a flash point at 200 °F. (93.3 °C.) or higher, that makes up at least 99 percent of the total volume of the mixture, is not subject to the requirements of this subchapter. (2) • • • (i) An aqueous solution containing 24 percent or less alcohol by volume is considered to have a flash point of no less than 100 °F. (37.8 °C.) if the remainder of the solution contains no material (other than an ORM-E) that is subject to this subchapter, and (ii) An aqueous solution containing 24 percent or less alcohol by volume is not subject to the requirements of this subchapter if it contains no less than 50 percent water and no material (other than the alcohol or an ORM-E) which is subject to this subchapter.
§173.118(a)	*See* § 173.115(b)(1), (b)(2)(i) and (b)(2)(ii) for reason	In § 173.118, the first sentence in paragraph (a) would be revised to read as follows: § 173.118 **Limited quantities of flammable liquids.** (a) Limited quantities of flammable liquids that do not meet the definition of another hazard class defined in this subchapter, other than ORM-E, and for which exceptions are permitted as noted by reference to this section in § 172.101 of this subchapter, are excepted from labeling (except when offered for transportation by air) and specification packaging requirements of this subchapter when packed according to the following paragraphs. • • •
§ 173.118a(b)(7)	To clarify that the transportation of combustible liquids is subject to 49 CFR for loading and unloading purposes by rail.	In § 173.118a, paragraph (b)(7) would be revised to read as follows: § 173.118a **Exceptions for combustible liquids.** • • • • • (b) • • • (7) The requirements of §§ 173.1, 173.3, 173.24, 173.29, 173.30, 173.31, 174.67 and 177.804 of this subchapter.
§ 173.182 Footnote [1]	To update the referenced Fertilizer Institute's publication to the August 1984 edition.	In §173.182, footnote 1 would be revised to read as follows: §173.182 **Nitrates.** (a) • • • [1] Applies only to materials tested in accordance with and meeting the definition in The Fertilizer Institute's publication "Definition and Test Procedures for Ammonium Nitrate Fertilizer" dated August 1984.
§ 173.245 (a)(29)	To remove the restriction that MC 303 cargo tanks must be fabricated from 12-gauge, Type 316 stainless steel. DOT-E 8732 authorizes these tanks made of aluminum.	In § 173.245, paragraph (a)(29) would be revised to read as follows: § *173.245 Corrosive liquids not specifically provided for.* (a) • • • (29) Specification 303 or MC 304. Cargo tanks meeting §178.343-2(c) of this subchapter. MC 303 is authorized only for monoethanolamine; primary amyl alcohol; and (except for an MC 303 made of aluminum) phosphonic acid and solutions thereof. • • • • •
§ 173.249a(d)(3)	To authorize the use of a tight-head fiber drum. Removable (open) head fiber drums are presently authorized and the tight-head is considered to be equal to or greater in strength and efficiency as the open head drum.	In § 173.249a, paragraph (d)(3) would be revised to read as follows: § 173.249a **Cleaning compound, liquid; coal tar dye, liquid; dye intermediate liquid; mining reagent, liquid; and textile treating compound mixture, liquid.** • • • • • (d) • • • (3) Removable (open) head or tighthead fiber drum lined or coated on the inside with a plastic material, not over 55-gallon capacity. Not authorized for shipment by aircraft. • • • • •
§173.250(a)	Section 176.905(c) requires battery cables on vehicles to be disconnected and secured away from the battery terminals when vehicles are stowed in a hold or compartment. Section 176.905(k) permits vehicles with flammable fuel in their tanks to be transported in freight containers. Since a freight container is not considered a hold or compartment, a motor vehicle could be transported and stowed on deck with fuel in the tank and battery terminals connected. Compared to a hold or compartment, the confined space of a freight container may present an equal or greater risk of accumulation of flammable vapors. For safety reasons, RSPA is proposing that § 173.250(a) not apply to transportation by vessel. Also, §176.905(k) would be revised to require battery cables to be disconnected and secured away from the battery terminals.	§ 173.250, a sentence would be added at the end of the introductory text of paragraph (a) to read as follows. § 173.250 **Automobiles, other self-propelled vehicles, engines or other mechanical apparatus.** (a) • • • This paragraph does not apply to transportation by vessel. • • • • •

§ 173.262(b)(1) § 173.262(b)(2) § 173.262(b)(3).	To prohibit the transportation of Hydrobromic acid, (HBR) greater than 49 percent in polyethylene packagings. The Ethyl Corporation has stated that tests of 62 percent of HBR was found to diffuse through the polyethylene in all cases, after a few days. An acid haze developed on the standing bottles, color of the amber bottle darkened, the appearance of the bottle's surface changed, and labels were damaged by the acid.	In § 173.262, paragraphs (b)(2) and (b)(3) would be removed, paragraphs (b)(4), (b)(5) and (b)(6) would be redesignated as (b)(2), (b)(3) and (b)(4), respectively, and paragraph (b)(1) would be revised to read as follows: **§ 173.262 Hydrobromic acid.** • • • • • • (b) • • • (1) Specification 15A or 19B (§§ 178.168-178.191 of this subchapter). Wooden boxes with one inside glass bottle, not over 1-gallon capacity with tetrafluoroethylene polymer lined screw-cap. Bottle must be enclosed in a metal can and be surrounded with an appropriate fire resistant cushioning material.
§ 173.264(b)(1)	To authorize the use of DOT 3BN cylinders for the transportation of Hydrofluoric acid, anhydrous (hydrogen fluoride). This packaging is being used under the provisions of DOT-E 9746.	In § 173.264, the introductory text of paragraph (b)(1) would be amended by adding "3BN,", after the phrase "3B,", and adding "178.39" after the phrase "173.38."
§173.301(d)(3) and (1)	To revise §173.301(d)(3) to authorize "1,1-Difluoroethylene" in manifolded cylinders. To revise § 173.301(1) to authorize cylinders to be transported in ISO frames.	In § 173.301, paragraph (d)(3) would be amended by adding "1,1-Difluoroethylene" immediately after the word "gases:" in the first sentence. The introductory text of paragraph (1) in § 173.301 would be revised to read as follows: **§ 173.301 General requirements for shipment of compressed gases in cylinders.** • • • • • • (1) Specification 3AX, 3AAX, and 3T cylinders are authorized for transportation only when mounted on a motor vehicle or in an ISO frame. Portable ISO frame units may not be transported in COFC or TOFC service except under conditions approved by the Associate Administrator for Safety, Federal Railroad Administration. Cylinder valves and safety devices must be protected as follows: • • • • •
§ 173.304(a)(2), Notes 12 and 13 and § 173.304(b).	To add in § 173.304(a)(2) and (b) packaging requirements fo "1,1-Difluoroethylene". 1,1-Difluorethylene has been transported as proposed, under a DOT exemption, for over 14 years without an incident. To add Notes 12 and 13 referencing additional packagings for insecticide gases and refrigerant or dispersant gases which are nonpoisonous and nonflammable.	In §173.304, the Table in paragraph (a)(2) would be amended by adding "1,1-Difluoroethylene" immediately following the entry "Difluoroethane". Notes 12 and 13 would be added for the entries "insecticide" and "Refrigerant Gases". Paragraph (b) would be amended by adding "1,1-Difluoroethylene" immediately following the words "carbon dioxide".

Kind of gas	Maximum permitted filling density (percent) (see note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34(a), (b), § 173.301(i) (see notes following table)
• • • •	• • • •	• • • •
1,1-Difluoroethylene	73	DOT-3A2200, DOT-3AA2200 DOT-3AX2200, DOT-3AAX2200, DOT-3T2200, DOT-39.
• • • •	• • • •	• • • •
Insecticide, liquefied gas (see notes 8 and 12).	Not liquid full at 130°F	DOT-3A300; DOT3AA300; DOT-3B300; DOT-4B300; DOT-4BA300; DOT-4BW300; DOT-9; DOT-40; DOT-41; DOT-3E1800.
• • • •	• • • •	• • • •
Refrigerant gas, n.o.s. or Dispersant gas, n.o.s. (see notes 8 and 13).	Not liquid full at 130°F	DOT-3A240; DOT-3AA240; DOT-3B240; DOT-3E1800; DOT-4A240; DOT-4B240; DOT-4BA240, DOT-4BW240; DOT-4E240; DOT-9; DOT-39; and DOT-3AL240.
• • • •	• • • •	• • • •

Note 12: For an insecticide gas which is nonpoisonous and nonflammable, see § 173.305(c)(1).
Note 13: For a refrigerant or dispersant gas which is nonpoisonous and nonflammable, see § 173.304(e).

§ 173.314(c) Table	Editorial correction. In the entry "Bromotrifluoromethane (R-13B1 or H-1301)", the DOT-105A500W tank car which was deleted unintentionally under Docket HM-189 [48 FR 50444; November 1, 1983] would be reinstated.	In § 173.314, the Table in paragraph (c) would be amended by revising the entry for Bromotrifluoromethane (R-13B1 or H-1301) to read as follows:

Kind of Gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a) (2) and (3)
Bromotrifluoromethane (R-13B1 or H-1301)	124	DOT-110A800W, Notes 13 and 25.
	140	DOT-105A500W, Note 13.

§ 173.315(a)(1) Table	For the entries "Carbon dioxide, refrigerated liquid" and "Nitrous oxide, refrigerated liquid" the second column in the Table, incorrectly refers the reader to see paragraph (c) instead of (c)(1).	For the entries "Carbon dioxide, refrigerated liquid" and "Nitrous oxide, refrigerated liquid" the reference to paragraph (c) in the second column would be amended to read "(c)(1)".
§ 173.417(b)(1) Table 4	Editorial correction	In § 173.417, Table 4 in paragraph (b)(1) would be amended by changing "3<H/X<10" under the heading Uranium-235 to read "3<H/X<20.".
§ 175.10(a)(5)	Personnel traveling under the provisions of 14 CFR 108.11 usually carry additional ammunition in small plastic pouches specifically designed to carry 12 to 18 cartridges in separate compartments. The ammunition is generally carried in their checked baggage when they are not armed. RSPA is proposing that these persons be excepted from § 175.10(a)(5). Also, § 175.10(a)(7) would be corrected to reflect § 135.91 instead of § 135.114 which is outdated.	In § 175.10, paragraph (a)(7) would be revised and paragraph (a)(5) would be amended by adding a sentence at the end to read as follows: § 175.10 *Exceptions.* (a) * * * (5) * * * This paragraph does not apply to persons traveling under the provisions of 14 CFR 108.11 (a) and (b). * * * * * (7) Oxygen, or any hazardous material used for the generation of oxygen, carried for medical use by a passenger in accordance with 14 CFR 121.574 or 135.91. * * * * *
§ 176.11(a)	To authorize hazardous materials to be stowed and segregated in accordance with the IMDG Code.	In § 176.11, the introductory text of paragraph (a) would be revised to read as follows: § 176.11 *Exceptions.* (a) A hazardous material may be offered and accepted for transportation by vessel when in conformance with the requirements of the IMDG Code in place of the corresponding requirements of this subchapter pertaining to packaging, marking, labeling, classification, description, certification, placarding, stowage and segregation. All hazardous materials must otherwise be stowed and carried in accordance with this subchapter. * * * * *
§ 176.340(a)(4)	To authorize the use of a nonspecification portable tank for the transportation of combustible liquids by vessel. The proposed tank is similar to a DOT Specification 57 portable tank except that it may have a capacity not exceeding 1,200 gallons. At the present time, the portable tank manufacturer must submit design drawings, material specification, and test results to the Commandant, U.S. Coast Guard for review. If the data submitted is found satisfactory, a Letter of Authorization is issued. The proposed change would eliminate this time consuming burden on the tank manufacturers.	In § 176.340, paragraphs (a)(4) and (b) would be added to read as follows: § 176.340 *Combustible liquids in portable tanks.* (a) * * * (4) Portable tanks built in accordance with § 178.251 and § 178.253 may be used, except: (i) The rated capacity of the tank may not exceed 1,200 gallons, and the rated gross weight may not exceed 30,000 pounds; (ii) The vibration test (§ 178.253-5(a)(1) need not be performed; (iii) When the total surface area of the tank exceeds 160 square feet, Table III of § 178.341-4 must be used to determine the total emergency venting capacity; (iv) Each tank must also be marked on at least two sides in letters at least two inches high on contrasting background: "FOR COMBUSTIBLE LIQUIDS ONLY" and "49 CFR 176.340(a)(4)"; (v) Each tank must be made of steel; (vi) The design pressure must be at least 9 psig; and (vii) No pressure relief device may open at less than 5 psig. (b) The owner of each portable tank authorized under paragraph (a)(4) of this section shall— (1) Obtain a manufacturer's data report and retain it during the time the tank is in service; (2) Ensure that the tank is periodically inspected and tested in accordance with § 173.32 (e)(1)(ii) and § 173.32 (e)(2) through (e)(4); and (3) Comply with the provisions of paragraphs (g), (h), (i), and (k) of § 173.32 of this subchapter.

§ 176.905(k)	See § 173.250(a) for reason.	In § 176.905, the introductory text of paragraph (k) would be revised to read as follows: § 176.905 *Motor vehicles or mechanical equipment powered by internal combustion engines.* • • • • • (k) Motor vehicles with fuel in their tanks may be stowed in a closed freight container if the battery cables are disconnected and secured away from the battery terminals and the following warning is affixed to the access doors: • • • • •
§ 178.39-5	The present wording "At least 99.0 percent pure nickel plus cobalt" is confusing to some readers. For clarity, we are proposing to revise the section to specifically state that the remainder is cobalt.	§ 178.39-5 would be revised to read as follows: § 178.39-5 *Nickel.* (a) Must be at least 99.0 percent nickel with the remainder being cobalt.
§ 178.224-1(a)(1); § 178.224-2(c); Table.	To increase the maximum capacity of DOT Specification 21C fiber drums from 55 gallons to 75 gallons for drums having a net weight not over 115 pounds and 250 pounds respectively. Also, the use of a plastic head would be authorized.	In § 178.224, the Table in § 178.224-1 and § 178.224-2 would be revised to read as follows: § 178.224 *Specification 21C; fiber drum.* 178.224-1 *Construction requirements.* (a) • • • (1) • • •

Net weight of contents (pounds) not over	Capacity, maximum (gallons) (not over)	Diameter inside maximum (inches)	Sidewall strength (lbs.) [1] [2]	Tops and bottoms				
				Fiber [3]		Steel, U.S. (gauge)	Wood thickness (inches)		Plastic top thickness
				Thickness (inches)	Strength		Solid [4] [5] [6]	Plywood at least 3-ply construction	
60	5	11¼	500	0.090	600	28	[illegible]/16	3/11	
60	20	18½	600	.120	800	28	[illegible]/16	3/10	
115	20	18½	700	.120	800	26	[illegible]/16	3/8	
115	75	23	800	.160	1100	26	[illegible]/16	7/16	.090
250	75	23	900	.200	1200	24	[illegible]/16	7/16	.090
400	75	23	1000	.200	1300	24	[illegible]/16	7/16	

[1] Mullen or Cady Test. Either of the following test methods may be used. When more than single ply, test shall be determined from the summation of the tests of individual plies; or, when test is made on a complete drum, the punctures shall be made from the exterior to the interior surface in which case the values for sidewalls shall not be less than 80 percent of the value in the above table and the values for fiber tops and bottoms shall be not less than the value in the above table. There shall be a minimum of six tests and the average shall be not less than the prescribed minimum requirements.

[2] Sidewalls. Sidewalls to be convolutely wound of fiberboard at least 0.012 inch thick the plies being secured together with adhesives, or may consist of an outer shell and an inner tube each convolutely wound with each fiberboard ply not less than 0.012 inch thick and secured together with adhesive. Drums may contain barrier or lining materials.

[3] When made of 2 or more discs, the discs must be fastened together with adhesive.

[4] Joints in head must be Linderman joints, glued, except as specified in footnote 5.

[5] Wooden heads at least one-half inch thick having kraft paper glued on both sides at all contact areas with water-resistant adhesive are authorized provided tests prescribed in § 178.224-2 are successful. Joints of any type are authorized.

[6] Minimum thickness may be reduced to [illegible]/32 inch for lumber dressed two sides.

§ 178.224-2 Type tests.

(c) • • •

• • • • •

Maximum net weight	Maximum capacity (gallons)	Maximum inside diameter (inches)	Compression (pounds)	
			Static [1]	Dynamic [2]
60	5	11¼	1200	1600
60	20	18½	1200	1600
115	20	18½	1200	1600
115	75	23	1500	2000
250	75	23	1800	2400
400	75	23	2100	2800

[1] Static Test. Compression as specified must be applied to full area of top cover of drum for period of 48 hours.

[2] Dynamic Test. Compression as specified must be applied end to end. Speed of compression tests to be one-half inch plus or minus one-fourth inch per minute.

§ 178.251-7	A manufacturer of DOT Specification 57 portable tanks has been marking the original prototype test date (§ 178.251-5(a) on the certification plate in lieu of each individual tank's leak test date (§ 178.253-5(b)). Section 178.251-7 requires that the original test date be marked on the certification plate and the manufacturer in question is erroneously construing this to mean the prototype test date. RSPA is proposing that the entry "Original test date" on the certification plate be revised to read "Leakage test date" for clarification.	In § 178.251-7, paragraph (a) would be amended by changing Original test date" to read "Leakage test date".
§ 179.14	See § 173.31 for the reason(s) for this proposed change	In § 179.14, the section would be revised to read as follows: **§ 179.14 Coupler vertical restraint system.** (a) *Performance standard.* Each tank car shall be equipped with couplers capable of sustaining, without disengagement or material failure, vertical loads of at least 200,000 pounds (90,718.5 kg) applied in upward and downward directions in combination with buff loads of 2,000 pounds (907.2 kg), when coupled to cars equipped with couplers that do have this vertical restraint capability, and cars equipped with couplers, that do not have this vertical restraint capacity. (b) *Test verification and approval.* Except as provided in paragraph (d) of this section, compliance with the requirements of paragraph (a) of this section shall be achieved by verification testing of the coupler vertical restraint system in accordance with paragraph (c) of this section, and approval by the Associate Administrator of Safety—Federal Railroad Administration. (c) *Coupler vertical restraint tests.* A coupler vertical restraint system shall be tested under the following conditions: (1) The test coupler shall be tested with a mating coupler (or simulated coupler having only frictional vertical force resistance at the mating interface; or a mating coupler (or simulated coupler) having the capabilities described in paragraph (a) of this section; (2) The testing apparatus shall simulate the vertical coupler performance at the mating interface and may not interfere with coupler failure or otherwise inhibit failure due to force applications and reactions; and (3) The test shall be conducted as follows: (i) A minimum of 200,000 pounds (90,718.5 kg) vertical downward load shall be applied continuously for at least 5 minutes to the test coupler head simultaneously with the application of a nominal 2,000 pounds (907.2 kg) buff load; (ii) The procedures described in paragraph (c)(3)(i) of this section shall be repeated with a minimum vertical upward load of 200,000 pounds (90,718.5 kg); and (iii) A minimum of three consecutive successful tests shall be performed for each load combination prescribed in paragraphs (c)(3) (i) and (ii) of this section. A test is successful when a vertical disengagement or material failure does not occur during any of the prescribed load combinations. (d) *Listing of approved couplers.* The following classes of couplers have been approved by the Federal Railroad Administration and need not be verified by the testing requirements of paragraph (c) of this section: (1) E double shelf couplers desinated by the Association of American Railroads' Catalog Nos., SE60CHT, SE60CC, SE60CHTE, SE60CE, SE60DC, SE60DE, SE67CC, SE67CE, SE67BHT, SE67BC, SE67BHTE, SE67BE, SE68BHT, SE68BC, SE68BHTE, SE68BE, SE69AHTE, and SE69AE. (2) F double shelf couplers designated by the Association of American Railroads' Catalog Nos., SF70CHT, SF70CC, SF70CHTE, SF70CE, SF73AC, SF73AE, SF73AHT, SF73AHTE, SF79CHT, SF79CC, SF79CHTE, and SF79CE.
§ 179.100-13(d)	The Association of American Railroads (AAR) belives that the present wording is confusing. The AAR has stated that tank mounted excess flow valves are not intended to substitute for adequate excess flow equipment in plant loading systems. The only use of such valves is for protection against loss of lading due to shearing of external closure during transit. The AAR has recommended that the words "such as may be encountered" in § 179.100-13(d) be deleted.	In § 179.100-13, paragraph (d) would be revised to read as follows: **§ 179.100-13 Venting, loading and unloading valves, measuring and sampling devices.** . . . . . (d) an excess flow valve as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow the equalization of pressures.

§ 179.100–15(c)	To revise the regulations on safety relief valves used with frangible discs to ensure there is no release of a commodity from the vent on the space between the frangible disc and the safety relief valve. Proposed changes are based on a petition submitted by the AAR.	In § 179.100–15, paragraph (c) would be revised to reas as follows: **§ 179.100–15 Safety relief valves.** • • • • • (c) When a safety relief valve is used in combination with a frangible disc, the frangible disc must be designed to burst at a pressure of 75 percent of the tank test pressure and the safety relief valve must be set for a start-to-discharge pressure of 71 percent of the tank test pressure, as prescribed in § 179.101. Provisions must be made to detect any accumulation of pressure between the frangible disc and the safety relief valve. The detection device must be a needle valve trycock, tell-tale indicator or other approved device. The detection device must be closed during transportation. For certain commodities alternative pressures are permitted (see § 179.101–11). The tolerance on the valve start-to-discharge pressure is ±3 psi for 100 psi test pressure tanks and ±3 percent for all higher test pressure tanks. The minimum vapor tight pressure is 80 percent of the valve start-to-discharge pressure.
§ 179.100–23(c)	To authorize the use of an additional head shield design. It has been brought to the Federal Railroad Administration's attention that head shields on some jacketed tank cars are not in compliance with § 179.100–23(a)(2).	In § 179.100–23, paragraph (c) would be added to read as follows: **§ 179.100–23 Alternative requirements for tank head puncture resistance systems.** • • • • • (c) A head shield that was installed on a tank car before December 31, 1987, and that is in the size and shape of the head of the tank car tank (except for any portion of the tank car tank that is below the top of the center sill of the tank car) need not comply with paragraph (a)(2) of this section.
§ 179.200–18 (b) and (c)	The Federal Railroad Administration has recommended that this section be revised for clarity. It can be implied from the current regulations that, (1) a frangible disc made of lead may always be used even when the lading is not compatible with lead; and (2) a frangible disc with a burst pressure rated from 0 through 100 percent of the tank test pressure may be used even though the intent of the regulations was to make the burst pressure at 100 percent.	In § 179.200–18, paragraph (b) would be revised and paragraph (c) would be added to read as follows: **§ 179.200–18 Safety relief devices.** (a) • • • (b) Safety Vents: (1) When permitted in § 179.201–1, a safety vent, of an approved design, at least 1 and ¾ inch inside diameter which shall prevent interchange with other fixtures may be installed in lieu of a safety relief valve on tank cars or compartments used for the transportation of corrosive materials, flammable solids, oxidizing materials, or poisonous liquids, or solids. (2) The safety vent shall be closed with a frangible disc which: (i) is compatible with the lading; (ii) is not subject to rapid deterioration by the lading; (iii) is designed to rupture at 100 percent of the tank test pressure, and manufactured and marked in accordance with Appendix A of the Association of American Railroads Specifications for Tank Cars; (iv) is provided with means for holding the frngible disc in place that will prevent distortion or damage to the disc when properly applied. (3) A cover, with suitable means for preventing misplacement, must be provided for the safety vent that will prevent any upward or outward vertical or horizontal discharge of the lading. (4) All tanks equipped with safety vents shall be stenciled "NOT FOR FLAMMABLE LIQUIDS". (c) When a safety relief valve is used in combination with a frangible disc on a 100 psi-test pressure tank, the frangible disc must be designed to burst at 75 psi and the safety relief valve must be set for a start-to-discharge pressure of 71 psi. On 60 psi-test pressure tanks, the frangible disc must be designed to burst at 45 psi and the safety relief valve must be set for a start-to-discharge pressure of 35 psi. Provision must be made to detect accumulation of pressure between the frangible disc and the safety relief valve. The detection device must be a needle value, trycock, tell-tale indicator or other approved device. The detection device must be closed during transportation. The tolerance on the valve start-to-discharge pressure is ±3 psi. The minimum vapor tight pressure is 80 percent of the valve start-to-discharge pressure.
§ 179.201–1 Table	Sections 179.202–8, 179.202–11, and 179.202–16 specify special requirements for certain hazardous materials in DOT Specification 111A60W2 tank cars. However, these three section references are not presently listed under "Special references" for the 111A60W2 tanks cars.	In § 179.201–1, the Table would be amended by adding §§ 179.202–8, 179.202–11, and 179.202–16 under "Special references" for DOT Specification 111A60W2 tank cars.

Part 179	See § 173.31 for the reason(s) for this proposed change.	Reference to "§ 179.105–6 would be amended to reference "§ 179.14" in the following paragraphs: § 179.105–1(c)(1) § 179.105–2(a) § 179.105–2(b)(1) § 179.105–2(c)(1) § 179.105–3(a) § 179.106–1(c) § 179.106–2(a) § 179.106–2(b)(1) § 179.106–2(c)(1) § 179.106–3(a) § 179.106–3(b)(1) § 179.106–3(c)(1) § 179.106–4(a) § 179.106–4(b) § 179.203–2(a)(1) Section 179.105–6 would be removed and reserved. Section 179.105–9 would be removed. In § 179.203–1(c) reference to § 173.8 would be changed to read § 171.12a. In § 179.203–1(d) reference to § 173.9 would be changed to read § 171.12a.
§ 179.300	To authorize the use of stainless steel for fabrication of DOT 106A and 110A–W tank car tanks. Stainless steel is a preferred material of construction for containers for Poison gases and Poison A materials. Existing § 179.300 seems to prohibit the use of stainless steel for DOT 1006A and 110A–W tank car tanks.	In § 179.300–7, paragraph (a) introductory text would be revised and the table amended by adding the following entries to read as follows: **§ 179.300 General specifications applicable to multi-unit tank car tanks designed to be removed from the car structure for filling and emptying (Classes DOT 106A and 110A–W).** * * * * * **§ 179.300–7 Materials.** (a) Steel plate material used to fabricate tanks having heads fusion welded to the tank shell must conform with the following specifications with the indicated minimum tensile strength and elongation in the welded condition. The maximum allowable carbon content for carbon steel must be 0.31 percent when the individual specification allows carbon content greater than this amount. The plates may be clad with other approved materials:

Specifications	Tensile strength (psi) welded condition [1] (minimum)	Elongation in 2 inches (percent) welded condition [1] (longitudinal) (minimum)
ASTM A 240 type 304	75,000	25
ASTM A 240 type 304L	70,000	25
ASTM A 240 type 316	75,000	25
ASTM A 240 type 316L	70,000	25
ASTM A 240 type 321	75,000	25

* * * * *

[1] Maximum stresses to be used in calculations.

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Director, Office of Hazardous Materials Transportation.

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