

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

49 CFR Parts 171, 172, 173, 174, 178, and 179

(Docket No. HM-166W, Amdt Nos. 171-104, 172-118, 173-216, 174-66, 178-90, and 179-42)

RIN 2137-AA44

Transportation of Hazardous Materials; Miscellaneous Amendments; Correction**AGENCY:** Research and Special Programs Administration (RSPA), Department of Transportation (DOT).**ACTION:** Final rule; corrections.

SUMMARY: This document makes certain corrections to a final rule issued under Docket HM-166W, which was published in the Federal Register on Wednesday, September 20, 1989 (54 FR 38790). The final rule amended the Hazardous Materials Regulations (HMR) by updating certain regulations, and adopting certain provisions which resulted in reducing RSPA's backlog of rulemaking petitions and eliminating the need for certain DOT approvals.

FOR FURTHER INFORMATION CONTACT: Marilyn E. Morris, Standards Division, DHM-12, Office of Hazardous Materials Transportation, 400 Seventh St. SW., Washington, DC 20590, (202) 366-4488.

EFFECTIVE DATE: November 15, 1989.

SUPPLEMENTARY INFORMATION: This document corrects editorial, typographical and printing errors contained in a final rule published under Docket HM-166W on September 20, 1989 (54 FR 38790). In addition, this document corrects an error of omission pointed out by the National Industrial Transportation League in a late filed petition for reconsideration concerning 49 CFR 173.31, in changing requirements for coupler vertical restraint systems.

RSPA provided a one year implementation period for upgrading non-specification tank cars. RSPA inadvertently failed to provide an equivalent period for upgrading DOT specification tank cars which previously were not required to have coupler vertical restraint systems, specifically those used for non-regulated materials. This error is corrected by adding a sentence to § 173.31(a)(5) to provide until November 15, 1990 for bringing these cars into compliance. The following section-by-section review addresses corrections to the September 20, 1989 final rule.

Section 171.7

In § 171.7, on page 38793, paragraph (d)(33) which incorporates by reference a publication of The Fertilizer Institute is redesignated as paragraph (d)(31).

Section 171.12

In place of revising the last sentence in § 171.12(b), the amendatory language to § 171.12, on page 38793, placed the new text incorrectly after the last sentence in paragraph (b). Paragraph (b) is corrected in this document.

Section 172.101

In § 172.101, the Hazardous Materials Table, beginning on page 38793, is amended by removing the letter "A" from column (1) for the entry "1,1-Difluoroethylene (R-1132A)." The description in the entry "Vinyl methyl ether" is corrected to read "Vinyl methyl ether" and a plus (+) sign is reinstated in column (1). By oversight, the entry "Life rafts, inflatable" which was replaced by the entry "Life-saving appliances, self-inflating" was not removed from the table. This oversight is corrected in this document.

A separate cross reference entry, "Perchloroethylene See Tetrachloroethylene" with the identification number "NA 1897" was added in the final rule. RSPA wishes to alert users that "Perchloroethylene" is not an international description and therefore, the identification number is preceded with the "NA" prefix. Consistent with § 172.101(j), use of the "UN" prefix with the description "Perchloroethylene" will no longer be authorized after November 15, 1990. The entry "Tetrachloroethylene or Perchloroethylene" which appears with the identification number "UN 1897" is corrected to read "Tetrachloroethylene" in column (2). For this same reason, for the entry containing the description "Tetraethylammonium perchlorate (dry)", which also is not an international description, the identification number prefix is changed from "UN" to "NA".

Section 173.31

In § 173.31(a)(5), on page 38794, the section is revised to include the effective date of November 15, 1990 for DOT specification tank cars used for non-regulated materials.

Section 173.264

In § 173.264(b)(1), on page 38795, the section reference "173.38" is corrected to read "178.38".

Section 173.304

In § 173.304(b), on page 38795, the description "1,1-Difluoroethylene" is corrected to read "1,1-Difluoroethylene".

Section 174.510

In § 174.510, on page 38796, the fourth sentence rather than the third sentence, is amended by removing the phrase ", dated May 7, 1971".

Section 178.224-1

In § 178.224-1(a)(1) table, on page 38797, several editorial and printing errors are corrected.

Section 179.203-1

In § 179.203-1(c), which was omitted in item 48 on page 38799, the reference to "§ 179.105-6" is corrected to read "§ 179.14."

List of Subjects**49 CFR Part 171**

Hazardous materials transportation, Import and export shipments, Incorporation by reference.

49 CFR Part 172

Hazardous materials transportation, Hazardous materials table.

49 CFR Part 173

Hazardous materials transportation, Packagings and containers.

49 CFR Part 174

Hazardous materials transportation, Rail carriers, Railroad safety.

49 CFR Part 178

Hazardous materials transportation, Packagings and containers.

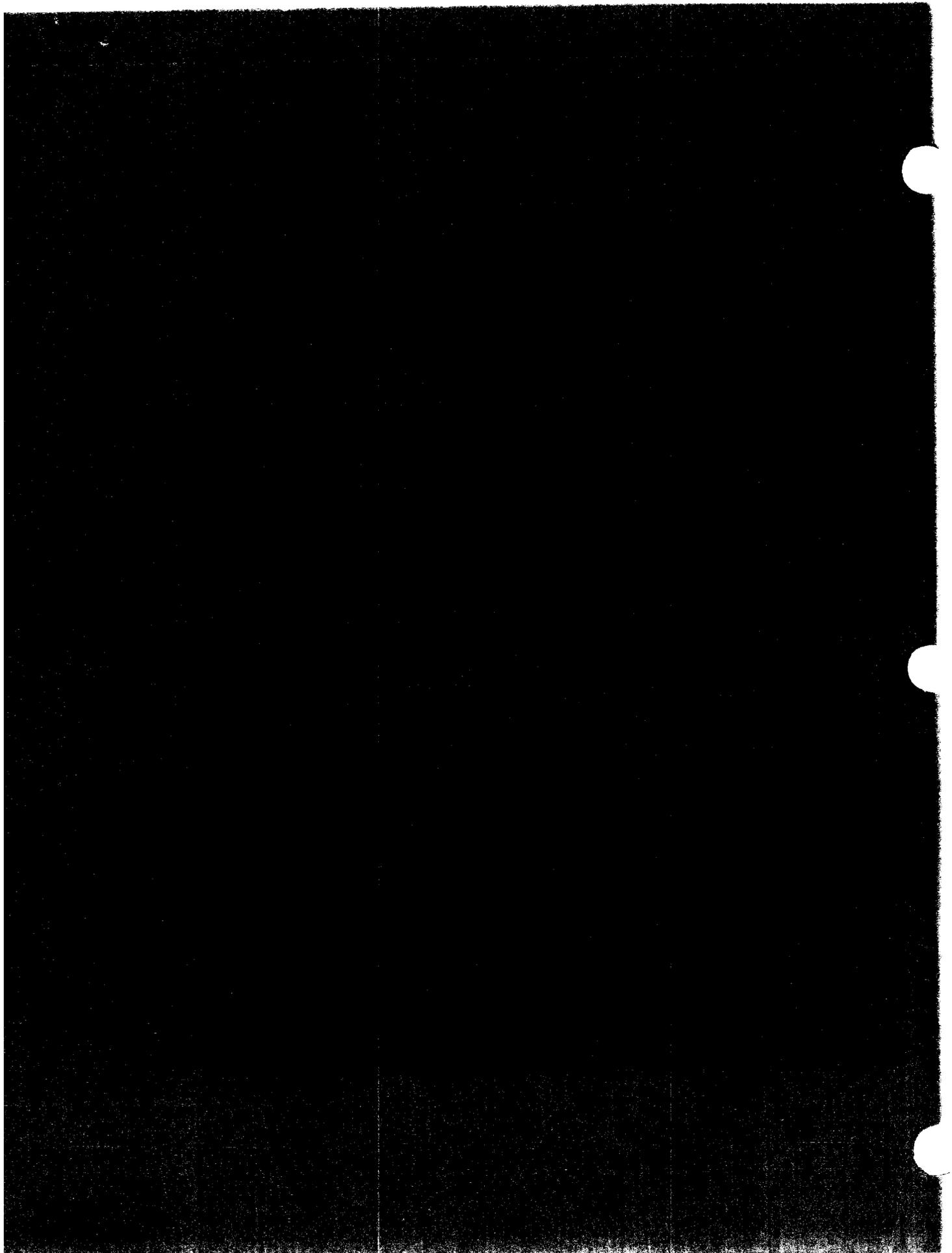
49 CFR Part 179

Hazardous Materials transportation, Railroad safety, Tank cars.

In consideration of the foregoing, 49 CFR parts 171, 172, 173, 174, 179 and 179 are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

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



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 Lunderman 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 ²/₃₂ inch for lumber dressed two sides.

PART 179—SPECIFICATION FOR TANK CARS

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

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

§ 179.203-1 [Amended]

15. In amendatory instruction paragraph 48 on page 38799.

"§ 179.203-1(c)", should have appeared in the listing in column 3 between "179.106-4(b)" and "179.203-2(a)(1)".

Issued in Washington, DC on November 13, 1989 under authority delegated in 49 CFR part 1.

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Programs Administration.

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