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Monday  
September 26, 1994

**49 CFR Part 106**

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**Part IV**

**Department of  
Transportation**

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Research and Special Programs  
Administration

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49 CFR Part 106, et al.  
Hazardous Materials Regulations; Editorial  
Corrections and Clarifications; Final Rule

**Section 173.133.** In paragraph (b)(1)(iv) table, references to "Hazard Zone C" and "Hazard Zone D" are removed because these zones only apply to gases (Division 2.3) and, in the entry "H (Hazard Zone D)" in column 2, the wording "Packing Groups I and II, Hazard Zones A, B and C" is revised to read "Packing Group I, Hazard Zones A and B, and Packing Group II".

**Section 173.226.** In paragraph (b)(4)(i)(A), the word "and" is removed at the end of the sentence.

**Section 173.230.** In paragraph (d), the reference to Division "6.2" is revised to read Division "6.1".

**Section 173.243.** In paragraph (b)(2), the wording "cargo tanks" is added following "DOT 412".

**Section 173.315.** In Note 15, the section reference for "(QT) and (NQT)" marking requirements is corrected.

**Section 173.318.** The word "of" is revised to read "or" in paragraph (b)(1)(i)(A). In paragraphs (b)(2)(i) (A) and (B), the words "his" and "this" are removed and replaced with the word "a". In paragraph (b)(6)(i), the word "tanks" is revised to read "a tank". Parentheses are removed from "(MRHT)" in paragraph (g)(2)(i).

**Appendix F to Part 173.** A grammatical error is corrected in paragraph 2.(c).

#### Part 174

**Section 174.63.** In paragraph (b), the wording "Federal Railroad Administrator" is revised to reflect the "Associate Administrator for Safety, FRA".

#### Part 175

**Section 175.320.** In paragraph (a) table, for the entry "High explosives", in column 2, the wording "Blasting agent nouns" is revised to reflect the current shipping descriptions listed in the § 172.101 Table.

**Section 175.700.** The second sentence is removed because it is a duplicate of the first sentence.

#### Part 176

**Section 176.415.** In paragraph (b)(2), the wording "or unloading" is removed the second time it appears.

**Section 176.600.** In paragraph (d), the phrase "equal a reasonably" is corrected.

#### Part 177

**Sections 177.639, 177.640 and 177.641.** In paragraph (a) of these sections, the "S" is removed from the wording "cargo tanks".

**Section 177.658.** In paragraph (c)(6), the word "for" is added following the word "required" and preceding the word "only".

**Section 177.660.** In paragraph (a), the wording "materials which is" is corrected.

#### Part 178

**Section 178.245-5.** The wording "shall comply with" is revised to read "shall conform to".

**Section 178.251-1.** In paragraph (c), the wording "be in compliance with" is revised to read "conform".

**Section 178.255-5.** In paragraph (b), the wording "Every such valve" is revised to read "Each valve".

**Section 178.255-12.** In paragraph (a), the wording "pounds per square inch gauge" is abbreviated to "psig".

**Section 178.270-11.** In paragraph (b)(1), the word "transverse" is revised to read "transverse" to modify "center of the tank". In paragraph (d)(2), the phrase "or less than or" is revised to read "to less than or".

**Sections 178.271-1 and 178.272-1.** In paragraph (a), the wording "comply with" is revised to read "conform to".

**Section 178.337-1.** In paragraph (b), the word "chapter" is revised to read "subchapter". Also, in paragraph (d), the wording "unless it be" is corrected.

**Section 178.337-2.** In paragraph (a)(1), the wording "comply with" is revised to read "conform to". In paragraph (c), the wording "post weld" is revised to read "postweld".

**Section 178.337-18.** In paragraph (a)(3), the wording "comply with" is revised to read "conform to".

**Section 178.348-10.** In paragraph (d)(3), in the last sentence, all text after the word "acceptable" is removed.

**Section 178.350-3.** In paragraph (b), the section reference "\$ 173.24" is revised to read "\$ 172.310".

#### Part 180

**Section 180.405.** In paragraph (f)(6), the word "must" is removed and replaced with the word "shall".

**Section 180.407.** In paragraph (d)(4), the word "tank" is added following the word "cargo".

#### Rulemaking Analyses and Notices

##### *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). This final rule does not require a Regulatory Impact Analysis, or a regulatory evaluation, or an environmental

assessment or impact statement under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

##### *Executive Order 12612*

This final rule has been analyzed in accordance with the principles and criteria in Executive Order 12612 ("Federalism") and does not have sufficient federalism impacts to warrant the preparation of a federalism assessment.

##### *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.

##### *Paperwork Reduction Act*

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

##### **List of Subjects**

###### **49 CFR Part 106**

Administrative practice and procedure, Hazardous materials transportation, Oil, Pipeline safety.

###### **49 CFR Part 107**

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

###### **49 CFR Part 110**

Disaster assistance, Education, Emergency preparedness, Grant programs—Environmental protection, Grant programs—Indians, Hazardous materials transportation, Hazardous substances, Indians, Reporting and recordkeeping requirements.

###### **49 CFR Part 130**

Oil, Response plans, Reporting and recordkeeping requirements, Transportation.

###### **49 CFR Part 171**

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

###### **49 CFR Part 172**

Hazardous materials transportation, Hazardous waste, Labeling, Marking, Packaging and containers, Reporting and recordkeeping requirements.

related to transporting hazardous material, including enforcement and planning, developing and maintaining a capability for emergency response.

**§ 107.203 [Amended]**

12. In § 107.203, the following changes are made:

a. In paragraph (b)(3), the wording "Act or the regulations issued under the Act" is revised to read "Federal hazardous material transportation law or the regulations issued thereunder".

b. In paragraph (c), the wording "Act or any regulation issued under the Act" is revised to read "Federal hazardous material transportation law or the regulations issued thereunder".

13. In addition, in § 107.203, paragraph (a) is revised to read as follows:

**§ 107.203 Application.**

(a) With the exception of highway routing matters covered under 49 U.S.C. 5125(c), any person, including a State, political subdivision, or Indian tribe, directly affected by any requirement of a State, political subdivision, or Indian tribe, may apply to the Associate Administrator for Hazardous Materials Safety for a determination of whether that requirement is preempted by § 107.202 (a) or (b).

**§ 107.209 [Amended]**

14. In § 107.209, the following changes are made:

a. In paragraph (b), the wording "Act or the regulations issued under the Act" is revised to read "Federal hazardous material transportation law or the regulations issued thereunder".

b. In paragraph (e), the wording "Act" is revised to read "Federal hazardous material transportation law" each place it appears.

**§ 107.215 [Amended]**

15. In § 107.215, the following changes are made:

a. In the first sentence of paragraph (a) introductory text, the wording "section 105(b) of the Act (49 App. U.S.C. 1804(b))" is revised to read "49 U.S.C. 5125(c)".

b. Also in paragraph (a) introductory text, the wording "Act or the regulations issued under the Act" is revised to read "Federal hazardous material transportation law or the regulations issued thereunder".

c. In paragraph (a)(1), the wording "Act or regulations issued under the Act" is revised to read "Federal hazardous material transportation law or the regulations issued thereunder".

d. In paragraphs (b)(4), (b)(5), and (b)(6), the wording "Act or the regulations issued under the Act" is revised to read "Federal hazardous material transportation law or the regulations issued thereunder" each place it appears.

**§ 107.219 [Amended]**

16. In § 107.219, in paragraphs (c)(1) and (c)(2), the wording "Act or the regulations issued under the Act" is revised to read "Federal hazardous material transportation law or the regulations issued thereunder" each place it appears.

**§ 107.221 [Amended]**

17. In § 107.221, the following changes are made:

a. In paragraph (b) introductory text, in the first sentence, the wording "Act and the regulations issued under the Act" is revised to read "Federal hazardous material transportation law or the regulations issued thereunder".

b. In paragraph (e), the wording "under the Act" is revised to read "under the Federal hazardous material transportation law".

18. In § 107.299, the definitions are placed in alphabetical order and the definition of "Investigation" is revised to read as follows:

**§ 107.299 Definitions.**

*Investigation* includes investigations authorized under 49 U.S.C. 5121 and inspections authorized under 49 U.S.C. 5118 and 5121.

**§ 107.305 [Amended]**

19. In § 107.305, the following changes are made:

a. In paragraphs (a) and (b), the wording "section 109(a) of the Act" is revised to read "49 U.S.C. 5121(a)" each place it appears.

b. In paragraph (b), in the second sentence, the wording "Section 109(b) of the Act" is revised to read "49 U.S.C. 5121(c)".

**§ 107.311 [Amended]**

20. In § 107.311, in paragraphs (a) and (b)(1), the wording "Act, an order issued under the Act" is revised to read "Federal hazardous material transportation law, an order issued thereunder" each place it appears.

**§ 107.329 [Amended]**

21. In § 107.329, the following changes are made:

a. In paragraphs (a) and (b), each reference to "subchapter B of this chapter" is revised to read "this subchapter".

b. Also, in paragraphs (a) and (b), the wording "Act, an order issued under the

Act" is revised to read "Federal hazardous material transportation law, an order issued thereunder" each place it appears.

**§ 107.333 [Amended]**

22. In § 107.333, the wording "Act or an order or regulation issued under the Act" is revised to read "Federal hazardous material transportation law or an order or regulation issued thereunder".

**§ 107.337 [Amended]**

23. In § 107.337, the following changes are made:

a. The wording "provision of the Act" is revised to read "provision of the Federal hazardous material transportation law".

b. At the end of the section, the wording "section 111(a) of the Act" is revised to read "49 U.S.C. 5122(a)".

**§ 107.339 [Amended]**

24. In § 107.339, the wording "section 111(b) of the Act" is revised to read "49 U.S.C. 5122(b)".

**Subparts C, D, and E of Part 107— [Amended]**

25. The authority citations for subparts C, D, and E of part 107 are removed.

**§ 107.403 [Amended]**

26. In § 107.403, in paragraph (c), the word "Director" is removed and replaced with "Associate Administrator for Hazardous Materials Safety", each place it appears.

**§ 107.503 [Amended]**

27. In § 107.503, in paragraph (c), in the last sentence, the wording "ASME Certification of Authorization" is revised to read "ASME Certificate of Authorization".

**§§ 107.301, 107.307, 107.309, 107.335 [Amended]**

28. In addition to the amendments set forth above, §§ 107.301, 107.307(a), 107.309(a), and 107.335 are amended by removing the word "Act" and inserting in its place "Federal hazardous material transportation law" each place it appears.

**PART 110—HAZARDOUS MATERIALS PUBLIC SECTOR TRAINING AND PLANNING GRANTS**

29. The authority citation for part 110 is revised to read as follows:

Authority: 49 U.S.C. 5101-5127; 49 CFR 1.03.

30. In § 110.20, the introductory paragraph and the definition of

1. The entry "*Ethylene oxide and carbon dioxide mixtures*, see Carbon dioxide and ethylene oxide mixtures, etc." is removed.

2. For the entry "*Mobility aids*, see Wheel chair, electric.", in Column (2), the colon and period are removed at the end of the proper shipping name.

#### Appendix A to § 172.101 [Amended]

47. In appendix A to § 172.101, the following changes are made:

a. In the introductory text, in paragraph 1., in the second sentence, the wording "the Hazardous Materials Transportation Act" is revised to read "49 U.S.C. 5101-5127".

b. In the introductory text, in paragraph 1., in the last sentence, the wording "the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.)" is revised to read "49 U.S.C. 5101-5127".

c. In Table 1—Hazardous Substances Other Than Radionuclides, the following changes are made:

1. For the entry "Cresols", in column 2, the wording "Phenol, methyl-" is removed the second time it appears.

2. For the entry "DDT", in column 2, the word "Benzene" is revised to read "Benzene".

3. For the entry "Tetrachloroethane", in column 2, the wording "1,1,2,-Tetrachloroethane" is revised to read "1,1,2,2,-Tetrachloroethane".

#### § 172.102 [Amended]

48. In § 172.102, the following changes are made:

a. In paragraph (c)(1), in Special Provision 14, a parenthetical mark is added following "dichloride" and the parenthetical mark following "stabilizers" is removed.

b. In paragraph (c)(1), Special Provision 42 is removed.

c. In paragraph (c)(3), in Special Provision B5, in the first sentence, the word "the" preceding the word "transport" is removed.

d. In paragraph (c)(3), in Special Provision B32, a comma is added to immediately follow "MC 331".

e. In paragraph (c)(3), in Special Provision B33, in the first sentence, the phrase "are subject to the following requirements." is revised to read "must conform to Table 1 of this Special Provision."

f. In paragraph (c)(3), in Special Provision B90, in the first sentence, the wording "Steel tank" is revised to read "Steel tanks".

g. In paragraph (c)(7)(ii), the introductory text "These provisions apply only to transportation in IM portable tanks" is removed.

h. In paragraph (c)(7)(ii), in Special Provision T01, the wording "65 kPa (9.4

psia) at 65 °C (150 °F)" is revised to read "65 kPa (9.4 psia) at 65.6 °C (150 °F)".

#### § 172.203 [Amended]

49. In § 172.203, the following changes are made:

a. In paragraph (e)(2), the wording "171.8" is revised to read "\$ 171.8".

b. In paragraph (h)(2)(i), the word "to" preceding the wording "this subchapter" is revised to read "of".

c. In paragraph (k) introductory text, in the second sentence, the wording "(contains caprylyl chloride)" is revised to read "(contains Caprylyl chloride)".

d. In paragraph (k)(3), in the list of proper shipping names, for the proper shipping name, "Corrosive solids, self heating, n.o.s.", a hyphen is added between the words "self" and "heating".

#### § 172.334 [Amended]

50. In § 172.334, in paragraph (b)(3), a comma is added following "(c)(5)".

#### § 172.505 [Amended]

51. In § 172.505, in paragraph (a), in the first sentence, immediately following the words "portable tank," the word "and" is removed and replaced with the word "or".

#### § 172.600 [Amended]

52. In § 172.600, in paragraph (c)(2), the word "state" is revised to read "State".

#### § 172.604 [Amended]

53. In § 172.604, in paragraph (a)(3)(i), the wording "this part 172" is revised to read "this part".

#### Appendix A to Part 172 [Amended]

54. In Appendix A to part 172, in the first sentence, the wording "L'Eclairage" is revised to read "L'Eclairage."

#### PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

55. The parenthetical authorities at the end of any sections in part 173 are removed and the authority citation is revised to read as follows:

Authority: 49 U.S.C. 5101-5127; 49 CFR 173.

#### § 173.11 [Amended]

56. In § 173.11, in paragraph (b)(1), the comma is removed after the wording "tank car".

#### § 173.12 [Amended]

57. In § 173.12, the following changes are made:

a. In paragraph (d)(1), the word "and" is added immediately following the semicolon at the end of the paragraph.

b. In paragraph (d)(2), the wording "and" is removed and replaced with a period.

c. Paragraph (d)(2) is removed.

#### § 173.27 [Amended]

58. In § 173.27, the following changes are made:

a. In paragraph (i), Table 2., in the row entitled "Solids, greater than 15 kg, not greater than 50 kg", in column 3, the quantity limit of "5 g" is revised to read "5 kg".

b. In paragraph (g)(1), the word "headings" is revised to read "headings".

#### § 173.32 [Amended]

59. In § 173.32, the following changes are made:

a. In paragraph (g), the wording "bad dents" is revised to read "significant dents".

b. In paragraph (q) introductory text, the phrase "greater to or equal to" is amended to read "greater than or equal to".

#### § 173.33 [Amended]

60. In § 173.33, the following changes are made:

a. In paragraph (c)(1)(iii), the word "shipped" is revised to read "loaded" each place it appears.

b. In paragraph (c)(1)(iv), the period following the reference "(c)(1)(i)" is removed and replaced with a comma.

#### § 173.34 [Amended]

61. In § 173.34, in paragraph (e)(1)(i), in the first sentence, the reference "(a)(3)" is revised to read "(e)(3)".

#### Subpart D—[Amended]

62. In the subpart D title, the words "other than" are revised to read "Other Than".

#### § 173.116 [Amended]

63. In § 173.116, in the paragraph (a) table, in column 2, the wording "LC50" is revised to read "LC<sub>50</sub>" each place it appears.

#### § 173.133 [Amended]

64. In § 173.133, in the paragraph (b)(1)(iv) table, in column 1, in the third and fourth entries, the wording "(Hazard Zone C)" and "(Hazard Zone D)" are removed and in column 2, in the last entry, the wording "Packing Groups I and II, Hazard Zones A, B and C" is revised to read "Packing Group I, Hazard Zones A and B, and Packing Group II".

#### § 173.217 [Amended]

65. In § 173.217, in paragraph (a), in the last sentence, the wording "2-3 kg

b. In paragraph (b), the wording "Division 6 I" is revised to read "Division 6.1".

#### **PART 178—SPECIFICATIONS FOR PACKAGINGS**

95. The parenthetical authorities at the end of any sections in part 178 are removed and the authority citation is revised to read as follows:

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

#### **§ 178.245-5 [Amended]**

96. In § 178.245-5, in paragraph (b), the wording "shall comply with" is revised to read "shall conform to".

#### **§ 178.255-5 [Amended]**

97. In § 178.255-5, in paragraph (b), in the second sentence, the wording "Every such valve" is revised to read "Each valve".

#### **§ 178.255-12 [Amended]**

98. In § 178.255-12, in the first sentence of paragraph (a), "pounds per square inch gauge" is revised to read "psig".

#### **§ 178.270-9 [Amended]**

99. In § 178.270-9, in the second sentence, the word "obround" is revised to read "round".

#### **§ 178.270-11 [Amended]**

100. In § 178.270-11, the following changes are made:

a. In paragraph (b)(1) introductory text, in the last sentence, the word "transverse" is revised to read "transversal".

b. In paragraph (d)(2), in the first sentence, the phrase "or less than or" is revised to read "to less than or".

#### **§ 178.271-1 [Amended]**

101. In § 178.271-1, in paragraph (a), the wording "comply with" is revised to read "conform to".

#### **§ 178.272-1 [Amended]**

102. In § 178.272-1, in paragraph (a), the wording "comply with" is revised to read "conform to".

#### **§ 178.337-1 [Amended]**

103. In § 178.337-1, the following changes are made:

a. In paragraph (b), the word "chapter" is revised to read "subchapter".

b. In paragraph (d), the wording "unless" is revised to read "unless".

#### **§ 178.337-2 [Amended]**

104. In § 178.337-2, the following changes are made:

a. In paragraph (a)(1), the wording "comply with" is revised to read "conform to".

b. In paragraph (c), in the last sentence, the wording "post weld" is revised to read "postweld".

#### **§ 178.337-3 [Amended]**

105. In § 178.337-3, in paragraph (c)(3)(i), the colon following the word "pressure" is removed and replaced with a semicolon.

#### **§ 178.337-11 [Amended]**

106. In § 178.337-11, in paragraph (a)(2)(i), in the third sentence, the wording "loading/unloading" is revised to read "loading/unloading".

#### **§ 178.337-18 [Amended]**

107. In § 178.337-18, in paragraph (a)(3), in the first sentence, the wording "comply with" is revised to read "conform to".

#### **§ 178.338-1 [Amended]**

108. In § 178.338-1, in paragraph (c)(1), in the third sentence, the quotation marks before and after the wording "design pressure" are removed.

#### **§ 178.345-3 [Amended]**

109. In § 178.345-3, the following changes are made:

a. In paragraph (e), the reference "178.347-2" is revised to read "§ 178.347-2".

b. In paragraph (g) introductory text, the period is removed following the word "requirements" and replaced with a colon.

#### **§ 178.345-7 [Amended]**

110. In § 178.345-7, in paragraph (a)(2), in the last sentence, the words "conical shall" is revised to read "conical shell".

#### **§ 178.345-14 [Amended]**

111. In § 178.345-14, the following changes are made:

a. In paragraph (b)(6), the period after the parenthetical wording "(Water cap)" is removed and replaced with a comma.

b. In paragraph (b)(15), a period is added following the word "bet".

c. In paragraph (c)(3), the semicolon following the parenthetical wording "(CT affn.)" is removed and replaced with a period.

d. In paragraph (c)(6), the parenthetical wording "(Max. load rate, GPM)" is revised to read "(Max. load rate, GPM)".

e. In paragraph (c)(7), the parenthetical wording "(Max. unload rate, GPM)" is revised to read "(Max. unload rate, GPM)".

#### **§ 178.347-2 [Amended]**

112. In § 178.347-2, the following changes are made:

a. In paragraph (a), in the titles of Tables I and II, a period between the words "(MS)" and "HIGH" is removed and replaced with a comma, each place it appears.

b. In Table I, in the column "Over 18 to 22", for the entry "Thickness (A1)", "0.187" is revised to read "0.197".

#### **§ 178.348-10 [Amended]**

113. In § 178.348-10, in paragraph (d)(3), in the last sentence, the phrase "as this will provide a great vent capacity requirement" is removed.

#### **§ 178.350-3 [Amended]**

114. In § 178.350-3, in paragraph (b), the reference "§ 173.24" is revised to read "§ 172.310".

#### **PART 179—SPECIFICATIONS FOR TANK CARS**

115. The parenthetical authorities at the end of any sections in part 179 are removed and the authority citation is revised to read as follows:

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

#### **Subpart F—[Amended]**

116. The authority citation for subpart F to part 179 is removed.

#### **PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS**

117. The authority citation is revised to read as follows:

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

#### **§ 180.405 [Amended]**

118. In § 180.405, in paragraph (f)(6), the word "must" is revised to read "shall".

#### **§ 180.407 [Amended]**

119. In § 180.407, in paragraph (d)(4) the word "tank" is added following the word "cargo".

#### **§ 180.415 [Amended]**

120. In § 180.415, in paragraph (b), in the last sentence, the colons preceding the wordings "P for pressure" and "L for lining" are removed and replaced with semicolons.

Issued in Washington, DC on September 14, 1984, under authority delegated in 49 CFR part 1.

D. K. Sharma,

Administrator.

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