

## DEPARTMENT OF TRANSPORTATION

## Research and Special Programs Administration

49 CFR Parts 106, 107, 110, 130, 171, 172, 173, 174, 175, 176, 177, 178, 179, and 180

[Docket No. HM-189K, Amdt. Nos. 106-10, 107-32, 110-3, 130-2, 171-2, 172-127, 173-138, 174-78, 175-51, 176-35, 177-83, 178-104, 179-49, and 180-6]

RIN 2137-AC44

## Hazardous Materials Regulations; Editorial Corrections and Clarifications

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

ACTION: Final rule.

**SUMMARY:** In this final rule, RSPA is correcting editorial errors, making minor regulatory changes and, in response to requests for clarification, improving the clarity of certain provisions to the Hazardous Materials Regulations (HMR). In addition, RSPA is revising legal citations in the HMR based on the codification of the hazardous materials transportation laws. The intended effect of this rule is to enhance accuracy and reduce misunderstandings of the HMR. The amendments contained in this rule are minor editorial changes and do not impose new requirements.

**EFFECTIVE DATE:** September 26, 1994.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Antonielli, Office of Hazardous Materials Standards, (202) 366-4488, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

## SUPPLEMENTARY INFORMATION:

## Background

RSPA annually reviews the Hazardous Materials Regulations (HMR) to detect errors which may be causing confusion to readers. Inaccuracies corrected in this final rule include typographical errors, incorrect references to other rules and regulations in the CFR, inconsistent use of terminology, and misstatements of certain regulatory requirements. In response to inquiries RSPA received concerning the clarity of particular requirements specified in the HMR, certain other changes are made to reduce uncertainties. In addition, RSPA is revising all legal citations contained in the HMR to reflect the codification of transportation laws relating to hazardous materials under 49 U.S.C. 5101-5127.

Since these amendments do not impose new requirements, notice and public procedure are unnecessary. For the same reason, there is good cause to make these amendments effective without the customary 30-day delay following publication. This will allow the changes to appear in the next revision of 49 CFR.

The following is a section-by-section summary of the amendments made under this final rule. It does not discuss editorial corrections (e.g., typographical, capitalization, and punctuation errors) or changes to the legal citations.

## Part 106

**Section 106.3.** Paragraph (b) is revised to reflect the correct title of the Associate Administrator for Pipeline Safety, and a new paragraph (c) is added which delegates authority to the Associate Administrator for Research, Technology and Analysis.

**Appendix A to Part 106.** Appendix A to part 106 is removed because it duplicates the provisions in § 106.3.

## Part 107

**Section 107.329.** In paragraphs (a) and (b), references to "subchapter B of this chapter" are revised to read "this subchapter".

**Section 107.403.** In paragraph (c), references to "Director" are revised to reflect the correct title of the Associate Administrator for Hazardous Materials Safety.

**Section 107.503.** Paragraph (c) is revised to reflect the correct reference to the ASME Certificate of Authorization.

## Part 171

**Section 171.2.** The term "rail freight car" is replaced with "rail car".

**Section 171.7.** The entry for Compressed Gas Association is revised to reflect the correct address.

**Section 171.8.** In the definition of "NPT", the wording "in compliance with the" is revised to read "conforming to" for consistency.

**Section 171.11.** In paragraph (d)(6)(i), the wording "§ 171.203(d)(1)(iii)" is revised to reflect the correct section reference.

**Section 171.12.** In paragraph (d)(1), the wording "§ 171.203(d)(1)(iii)" is revised to reflect the correct section reference.

## Part 172

**Section 172.101.** All references to "the appendix" in paragraph (c)(8) are revised to read "Appendix A". In paragraph (g), the reference to "subpart D" is revised to read "subpart E". In addition, paragraph (d)(4) is amended to refer to "§ 173.150 (e) or (f)" since both

provisions set forth criteria for reclassifying a material as a combustible liquid.

*The Hazardous Materials Table (the Table).* In the Table, the entry "Ethylene oxide and carbon dioxide mixtures, see Carbon dioxide and ethylene oxide mixtures, etc." is removed because "Carbon dioxide and ethylene oxide mixtures" is not listed as a proper shipping name.

**Section 172.102.** Special Provision 14 is amended to clarify the definition of motor fuel antiknock mixtures. Special Provision 42 is removed because the same provision appears in § 173.218. In Special Provision B33, the phrase "is subject to the following requirements." is revised to read "must conform to Table 1 as follows." In paragraph (c)(7)(ii), the statement "These provisions apply only to transportation in IM portable tanks:" is removed because it duplicates the introductory text of paragraph (c)(7). Special Provision T31 is amended by correcting the abbreviation "kpa" to "kPa". Additionally, in Special Provision T31, the temperature "65 °C" is revised to read "65.6 °C".

**Section 172.203.** Paragraph (h)(2)(i) is amended by replacing the word "to" with the word "of" preceding the words "this subchapter".

**Section 172.505.** In paragraph (a), immediately following the words "portable tank," the word "and" is removed and replaced with the word "or" for consistency.

**Section 172.604.** In paragraph (a)(3)(i), reference to "this part 172" is revised to read "this part".

## Part 173

**Section 173.12.** Paragraph (d)(3) is removed because labpacks are only authorized for transportation by highway. Therefore, these requirements do not apply to marine pollutants because they are not regulated when packaged in non-bulk packagings and transported by highway.

**Section 173.32.** The wording in paragraph (g) "bad dents" is revised to read "significant dents" for consistency with paragraph (e)(2)(ii). An amendment is made in paragraph (q) to correct the wording "greater to or equal to" to read "greater than or equal to."

**Section 173.33.** In paragraph (c)(1)(iii), the word "shipped" is revised to read "loaded".

**Section 173.34.** Paragraph (e)(18)(i) is amended to correctly reference paragraph (e)(3) instead of (a)(3).

**Section 173.116.** In paragraph (a) table, "LC50" is corrected to read "LC<sub>50</sub>" each place it appears.

**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 "III (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)(ii)(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)(ii)(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)(ii), 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.(e).

#### 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 3, the wording "Blasting agent n.o.s." 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 "cool a reasonably" is corrected.

#### Part 177

**Sections 177.839, 177.840 and 177.841.** In paragraph (d) of these sections, the "s" is removed from the wording "cargo tanks".

**Section 177.848.** In paragraph (e)(6), the word "for" is added following the word "required" and preceding the word "any".

**Section 177.860** 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 "transversal" 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, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 174

Hazardous materials transportation, Radioactive materials, Railroad safety

49 CFR Part 175

Air carriers, Hazardous materials transportation, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 177

Hazardous materials transportation, Motor carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 179

Hazardous materials transportation, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous materials transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Chapter I is amended as follows:

**PART 106—RULEMAKING PROCEDURES**

1. The parenthetical authorities at the end of any sections in part 106 are removed and the authority citation is revised to read as follows:

Authority: 33 U.S.C. 1321; 49 U.S.C. 5101-5127, 40113, 60101-60125; 49 CFR 1.53.

2. In § 106.3, paragraph (b) is revised and a new paragraph (c) is added to read as follows:

**§ 106.3 Delegations.**

(b) Associate Administrator for Pipeline Safety.

(c) Associate Administrator for Research, Technology and Analysis.

**Appendix A [Removed]**

3. Appendix A to part 106 is removed.

**PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES**

4. The parenthetical authorities at the end of any sections in part 107 are removed and the authority citation is revised to read as follows:

Authority: 49 U.S.C. 5101-5127, 44701, 49 CFR 1.45, 1.53.

**§ 107.3 [Amended]**

5. In § 107.3, the following changes are made:

a. In the first sentence of introductory text, the wording "Section 103 of the Act" is revised to read "49 U.S.C. 5102".

b. The term "Act" and its definition are removed.

c. For the definition "Person", in paragraph (2), the wording "sections 110 and 111 of the Act (49 App. U.S.C. 1809-1810)" is revised to read "49 U.S.C. 5123 and 5124".

d. For the definition "State", the wording "section 121 (49 App. U.S.C. 1819)" is revised to read "49 U.S.C. 5119".

6. In addition, in § 107.3, a new definition for "Federal hazardous material transportation law" is added in alphabetical order to read as follows:

**§ 107.3 Definitions.**

\* \* \* \* \*

*Federal hazardous material transportation law means 49 U.S.C. 5101 et seq.*

\* \* \* \* \*

**§ 107.101 [Amended]**

7. In § 107.101, the wording "Hazardous Materials Transportation Act" is removed and replaced with "Federal hazardous material transportation law".

**§ 107.103 [Amended]**

8. In 107.103, the following changes are made:

a. In paragraph (a), the wording "46 CR" is revised to read "46 CFR".

b. In paragraph (b)(10), a semicolon is added immediately following the word "reasons".

**§ 107.111 [Amended]**

9. In § 107.111, in paragraph (b)(3), a semicolon is added immediately following the word "applicant" and preceding the word "and".

**§ 107.201 [Amended]**

10. In § 107.201, the following changes are made:

a. In paragraph (a)(1), the wording "section 105(a)(4) or section 112(a)(1) or (a)(2) of the Act (49 App. U.S.C. 1804 and 1811)" is revised to read "49 U.S.C. 5125".

b. In paragraph (a)(2), the wording "section 105(a)(4) or section 112(a)(1) or (a)(2) of the Act" is revised to read "49 U.S.C. 5125".

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

11. In § 107.202, paragraphs (a), (b), and (c) are revised to read as follows:

**§ 107.202 Standards for determining preemption.**

(a) Except as provided in 49 U.S.C. 5125(c) and unless otherwise authorized by Federal law, any law, regulation, order, ruling, provision, or other requirement of a State, political subdivision, or Indian tribe, which concerns the following subjects and which is not substantively the same as any provision of the Federal hazardous materials transportation law or any regulation issued thereunder, is preempted:

(1) The designation, description, and classification of hazardous material.

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material.

(3) The preparation, execution, and use of shipping documents pertaining to hazardous material and requirements related to the number, content, and placement of those documents.

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material.

(5) The design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a packaging or a container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous material.

(b) Except as provided in § 107.221 and unless otherwise authorized by Federal law, any requirement of a State or political subdivision or Indian tribe is preempted if—

(1) Complying with a requirement of the State, political subdivision, or Indian tribe and a requirement under the Federal hazardous material transportation law or regulations issued thereunder is not possible;

(2) The requirement of the State, political subdivision, or Indian tribe, as applied or enforced, is an obstacle to accomplishing and carrying out the Federal hazardous material transportation law or regulations issued thereunder; or

(3) It is preempted under 49 U.S.C. 5125 (b) or (c).

(c) A State, political subdivision, or Indian tribe may impose a fee related to transporting hazardous material only if the fee is fair and used for a purpose

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 1.53.

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

"National curriculum" are revised to read as follows:

**§ 110.20 Definitions.**

Unless defined in this part, all terms defined in 49 U.S.C. 5102 are used in their statutory meaning and all terms defined in 49 CFR part 18 and OMB Circular A-102, with respect to administrative requirements for grants, are used as defined therein. Other terms used in this part are defined as follows:

\* \* \* \* \*

*National curriculum* means the curriculum required to be developed under 49 U.S.C. 5115 and necessary to train public sector emergency response and preparedness teams, enabling them to comply with performance standards as stated in 49 U.S.C. 5115(c).

\* \* \* \* \*

**§ 110.30 [Amended]**

31. In § 110.30, in paragraph (c) introductory text, the word "Tribe" is revised to read "tribe".

32. In addition, in § 110.30, paragraph (a) introductory text is revised to read as follows:

**§ 110.30 Grant application.**

(a) *General.* An applicant for a planning or training grant shall use only the standard application forms approved by the Office of Management and Budget (OMB) (SF-424 and SF-424A) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3502). Applicants are required to submit an original and two copies of the application package to: Grants Manager, Research and Special Programs Administration, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590-0001. Applications received on or before January 1st and July 1st of each year will be considered in that cycle of the semi-annual review and award process. An initial round of the review and award process will consider applications received on or before November 15, 1992. Requests and continuation applications must include an original and two copies of the affected pages; previously submitted pages with information that is still current do not have to be resubmitted. The application must include the following:

\* \* \* \* \*

**§ 110.60 [Amended]**

33. In § 110.60, in paragraph (a) introductory text, in the second sentence, the wording "hard match" is revised to read "hard-match"

**§ 110.120 [Amended]**

34. In § 110.120, in the last sentence, the wording "HMTUSA Grants Manager" is revised to read "Grants Manager".

**PART 130—OIL SPILL PREVENTION AND RESPONSE PLANS**

35. The authority citation for part 130 is revised to read as follows:

Authority: 33 U.S.C. 1321; 49 CFR 1.53.

**PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS**

36. The parenthetical authorities at the end of any sections in part 171 are removed and the authority citation is revised to read as follows:

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

**§ 171.1 [Amended]**

37. In § 171.1, the following changes are made:

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

b. In addition, in paragraph (c), the wording "by the Act" is revised to read "by the Federal hazardous material transportation law".

**§ 171.2 [Amended]**

38. In § 171.2, the following changes are made:

a. In paragraph (f)(1), the wording "under the Act" is revised to read "under the Federal hazardous material transportation law".

b. In paragraphs (f)(2) and (g)(2), the term "rail freight car" is revised to read "rail car", each place it appears.

c. In paragraph (g)(1), the wording "Any marking label" is revised to read "Any marking, label".

d. Also in paragraph (g)(1), the wording "Act, or a regulation issued under the Act" is revised to read "Federal hazardous material transportation law, or the regulations issued thereunder".

39. In § 171.3, the Note in paragraph (b)(3)(iii) is revised to read as follows:

**§ 171.3 Hazardous waste.**

\* \* \* \* \*  
 (b) \* \* \*  
 (3) \* \* \*  
 (iii) \* \* \*

Note: Federal law specifies penalties up to \$250,000 fine for an individual and \$500,000 for a company and 5 years imprisonment for the willful discharge of hazardous waste at other than designated facilities. 49 U.S.C. 5124.

\* \* \* \* \*

**§ 171.7 [Amended]**

40. In § 171.7, the paragraph (a)(3) table, in the entry for Compressed Gas Association, Inc., the address "1235 Jefferson Davis Highway" is revised to read "1725 Jefferson Davis Highway".

**§ 171.8 [Amended]**

41. In § 171.8, the following changes are made:

a. For the definition of "NPT", the wording "in compliance with the" is revised to read "conforming to".

b. For the definition of "Person", in paragraph (2), the wording "sections 110 and 111 of the Hazardous Materials Transportation Act (49 App. U.S.C. 1809-1810)" is revised to read "49 U.S.C. 5123 and 5124".

42. In addition, in § 171.8, the definition of "Federal hazardous materials transportation law" is added in alphabetical order to read as follows:

**§ 171.8 Definitions.**

\* \* \* \* \*

*Federal hazardous material transportation law* means 49 U.S.C. 5101 *et seq.*

\* \* \* \* \*

**§ 171.11 [Amended]**

43. In § 171.11, in paragraph (d)(6)(i), the section reference "\$ 172.203(d)(1)(iii)" is revised to read "\$ 172.203(d)(4)".

**§ 171.12 [Amended]**

44. In § 171.12, in paragraph (d)(1), the section reference "\$ 172.203(d)(1)(iii)" is revised to read "\$ 172.203(d)(4)".

**PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS**

45. The authority citation for part 172 continues to read as follows:

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

**§ 172.101 [Amended]**

46. In § 172.101, the following changes are made:

a. In paragraph (c)(8) introductory text and paragraph (c)(8)(ii), the wording "the appendix" is revised to read "Appendix A" each place it appears.

b. In paragraph (d)(4), the reference "\$ 173.150 (f)" is revised to read "\$ 173.150(e) or (f)".

c. In paragraph (g), the reference "subpart D" is revised to read "subpart E".

d. In the Hazardous Materials Table, the following changes are made:

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 T31, 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'Eclariage" 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 1.53.

#### § 173.11 [Amended]

56. In § 173.11, in paragraph (b)(4), 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)(3) is removed.

#### § 173.27 [Amended]

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

a. In paragraph (f), 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 than 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)(18)(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

(5 lbs)" is revised to read "2.3 kg (5 lbs)".

**§ 173.226 [Amended]**

66. In § 173.226, in paragraph (b)(4)(ii)(A), the word "and" is removed at the end of the paragraph.

**§ 173.227 [Amended]**

67. In § 173.227, in the section heading, the period following "Division 6.1" is removed and replaced with a comma.

**§ 173.230 [Amended]**

68. In § 173.230, in paragraph (d), the reference "6.2" is revised to read "6.1".

**§ 173.243 [Amended]**

69. In § 173.243, in paragraph (b)(2), the wording "cargo tanks" is added immediately following "DOT 412".

**§ 173.301 [Amended]**

70. In § 173.301, in paragraph (g) introductory text, the period following the word "methods" is removed and replaced with a colon.

**§ 173.309 [Amended]**

71. In § 173.309, the following changes are made:

- a. In paragraph (a)(1), the word "non-corrosive" is revised to read "noncorrosive".
- b. In paragraphs (a)(3)(iii), (a)(4)(ii), and (b)(2), the wording "kpa" is revised to read "kPa" each place it appears.
- c. In paragraph (a)(4)(ii), the reference "55 °C—(130 °F)" is revised to read "55 °C (130 °F)" each place it appears.

**§ 173.315 [Amended]**

72. In § 173.315, in the paragraph (a) table, in Note 15, in the next to last sentence, the section reference "§ 172.328(d)" is revised to read "§ 172.328(c)".

**§ 173.318 [Amended]**

73. In § 173.318, the following changes are made:

- a. In paragraph (b)(1)(ii)(A), the wording "One of more" is revised to read "One or more".
- b. In paragraphs (b)(2)(i) (A) and (B), the words "his" and "this", respectively, are removed and replaced with the word "a".
- c. In paragraph (b)(6)(ii), the wording "On tanks" is revised to read "On a tank".
- d. In paragraph (g)(2)(i), the wording "an (MRHT)" is revised to read "an MRHT".

**Subpart I—[Amended]**

74. The authority citation for subpart I to part 173 is removed.

**Appendix A to Part 173—[Amended]**

75. In Appendix A to part 173, in paragraph 2., a comma is added immediately after the wording "surgical gauze".

**Appendix F to Part 173—[Amended]**

76. In Appendix F to part 173, in paragraph 2.(e), in the third sentence, the phrase "combustion are observed" is revised to read "combustion is observed".

**PART 174—CARRIAGE BY RAIL**

77. The authority citation for part 174 continues to read as follows:

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

**§ 174.63 [Amended]**

78. In § 174.63, in paragraph (b), the wording "Federal Railroad Administrator" is revised to read "Associate Administrator for Safety, FRA".

**§ 174.100 [Amended]**

79. In § 174.100, in the section heading and in the first sentence of paragraph (b), the "I" is revised to read "1".

**PART 175—CARRIAGE BY AIRCRAFT**

80. The parenthetical authorities at the end of any sections in part 175 are removed and the authority citation is revised to read as follows:

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

**§ 175.320 [Amended]**

81. In § 175.320, in the table in paragraph (a), in the entry "High explosives", in column 2, the wording "Division 1.1 or 1.2 (Class A) explosives" is revised to read "Class 1 (explosive) materials" and, in column 3, the wording "Blasting agent n.o.s." is revised to read "Blasting explosives (Division 1.1D or 1.5D), or Blasting agent (Division 1.5D), Very insensitive explosive substances, n.o.s., or Substances, EVI, n.o.s. (Division 1.5D), Extremely insensitive explosive articles or Articles, EEI (Division 1.6N)".

**§ 175.700 [Amended]**

82. In § 175.700, in paragraph (b), the second sentence is removed.

**PART 176—CARRIAGE BY VESSEL**

83. The parenthetical authorities at the end of any sections in part 176 are removed and the authority citation is revised to read as follows:

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

**§ 176.13 [Amended]**

84. In § 176.13, in paragraph (c), the reference "§ 172.704(c)" is revised to read "§ 172.704(d)".

**Subpart F of Part 176—[Amended]**

85. The authority citation in subpart F of part 176 is removed.

**§ 176.415 [Amended]**

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

**§ 176.600 [Amended]**

87. In § 176.600, in paragraph (d), the wording "cool a reasonably" is revised to read "cool as reasonably".

**PART 177—CARRIAGE BY PUBLIC HIGHWAY**

88. The parenthetical authorities at the end of any sections in part 177 are removed and the authority citation is revised to read as follows:

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

**§ 177.838 [Amended]**

89. In § 177.838, the following changes are made:

- a. In paragraph (g), the wording "3.6 kg (7.9 pounds)" is revised to read "3.6 kg (8 pounds)".
- b. In paragraph (h), the word "pyroforic" is revised to read "pyrophoric" each place it appears.

**§ 177.839 [Amended]**

90. In § 177.839, in paragraph (d) introductory text, in the first sentence, the wording "cargo tanks" is revised to read "cargo tank", each place it appears.

**§ 177.840 [Amended]**

91. In § 177.840, in paragraph (d), in the first sentence, the wording "cargo tanks" is revised to read "cargo tank".

**§ 177.841 [Amended]**

92. In § 177.841, in paragraph (d) introductory text, in the first sentence, the wording "cargo tanks" is revised to read "cargo tank", each place it appears.

**§ 177.848 [Amended]**

93. In § 177.848, in paragraph (e)(6), in the second sentence, the word "for" is added following the word "required" and preceding the word "any".

**§ 177.860 [Amended]**

94. In § 177.860, the following changes are made:

- a. In paragraph (a) introductory text, in the first sentence, the wording "materials which is" is revised to read "material which is".

b. In paragraph (b), the wording "Division 6 1" 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 it be" 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 "feet".

c. In paragraph (c)(3), the semicolon following the parenthetical wording "(CT mfr.)" 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 (AL)", "0 187" is revised to read "0.187".

##### **§ 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, 1994, under authority delegated in 49 CFR part 1.

D.K. Sharma,  
Administrator.

[FR Doc. 94-23301 Filed 9-23-94; 8:45 am]

BILLING CODE 4910-60-P