

**DEPARTMENT OF TRANSPORTATION****Research and Special Programs Administration****49 CFR Parts 107, 171, 172, 173, 174, and 178**

[Docket No. HM-189F, Amdt. Nos. 107-18, 171-97, 172-114, 173-207, 174-65, and 178-91]

**Editorial Corrections and Clarifications**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment corrects editorial errors and makes minor regulatory changes to the Hazardous Materials Regulations (HMR). This action is necessary to reduce misunderstandings of the HMR. The intended effect is to promote accuracy of the HMR. These amendments are minor regulatory changes which will not impose any new requirements on persons subject to the HMR.

**EFFECTIVE DATE:** September 30, 1988.

**FOR FURTHER INFORMATION CONTACT:**

Ann Boylan, Office of Hazardous Materials Transportation, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, Telephone (202) 366-4488.

**SUPPLEMENTARY INFORMATION:** In its maintenance of the HMR, RSPA performs an annual review of the regulations to detect errors which may be causing confusion to users. Inaccuracies detected in Title 49, Code of Federal Regulations (CFR), Parts 100 through 199, revised as of October 1, 1987 include typographical errors, incorrect references to other rules and regulations in the CFR, and misstatements of certain regulatory requirements. Additionally, in response to inquiries which RSPA received concerning the clarity of particular requirements specified in the HMR, changes are made which should reduce uncertainties.

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

The RSPA has determined that this rule, as promulgated, is not a major rule under the terms of Executive Order 12291 or significant under DOT implementing procedures (44 FR 11034). A final regulatory evaluation and

environmental assessment were not prepared, as these amendments are not substantive changes to the HMR.

Based on limited information available concerning the size and nature of entities likely to be affected by these amendments, I certify that these amendments will not, as promulgated, have a significant economic impact on a substantial number of small entities.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The following is a section-by-section summary of the amendments:

**Appendix A to Subpart B of Part 107**

The title of the contact and daytime telephone number for "Motor Carriers" is changed to read: "Chief, Federal Programs Division, Office of Motor Carrier Safety Field Operations, Federal Highway Administration, Department of Transportation, Washington, DC 20590. Day 202-366-1795".

**Section 171.7**

In paragraph (c)(7), the address for the American Petroleum Institute is corrected to read: "1220 L Street, NW., Washington, DC 20005." In paragraph (c)(9), the address for The Chlorine Institute is changed to read: "2001 L Street NW., Suite 506, Washington, DC 20036." In paragraph (c)(14), the address for The Institute of Makers of Explosives is changed to read: "1120 19th Street, NW., Suite 310, Washington, DC 20036."

**Section 172.101**

In the Hazardous Materials Table, a comma is added after the word "dry" for the following entries: "Potassium hydroxide, dry solid, flake, bead, or granular" and "Sodium hydroxide, dry solid, flake, bead, or granular". For the entries "Ammonium polysulfide solution", "Dinitrocyclohexylphenol", "Mercury, metallic", "Thiram", "Toluenediamine", and "1,1,1-Trichloroethane", columns 7(a) and (b) are corrected to read "1,2", respectively, for each entry. The entry "Dimethyl chlorothiophosphate" is changed to read "Dimethyl chlorothiophosphate, see Dimethyl phosphorochloridothioate" and entries in columns 3 through 7 are removed for Dimethyl chlorothiophosphate. For the entry "Dimethyl phosphorochloridothioate" the reference "see Dimethyl chlorothiophosphate" is removed and the following entries are placed in columns 3 through 7(b): column 3—"Corrosive material"; column 3(a)—

"NA2267"; column 4—"Corrosive and Poison" column 5(a)—"173.244"; column 5(b)—"173.245"; column 6(a)—"1 quart"; column 6(b)—"1 quart"; column 7(a)—"1,2" and column 7(b)—"4". For the entry "Dichlorobutene", classed as flammable liquid, the quantity per package in column 6(a) is corrected to read "1 quart"; the quantity per package in column 6(b) is corrected to read "10 gallons". For the entries "Isopropyl mercaptan" and "Propyl mercaptan", under column 3(a), the identification number is corrected to read "NA2402".

**Section 172.331**

In paragraph (d), the word "of" between the words "placards" and "plain" is corrected to read "or".

**Section 172.402**

Paragraph (g) is obsolete and is removed and reserved.

**Section 172.403**

A new paragraph (d) is added, which reads: "EMPTY label. See § 173.427(d) of this subchapter for EMPTY labeling requirements."

**Part 173, Table of Contents**

In the subpart H heading, the term "Radioactive Materials" is removed and replaced with "Irritating Materials", and the order of the heading is changed to read: "Subpart H—Poisonous Materials, Irritating Materials, and Etiologic Agents; Definitions and Preparation". Under the Subpart H heading for § 173.386, the typographical error of "Etiologic" is corrected to read "Etiologic".

**Section 173.3a**

Paragraph (d) is obsolete and is removed.

**Section 173.10**

In paragraph (e), line 2, the word "cryogenice" is corrected to read "cryogenic".

**Section 173.247**

In paragraph (a)(2), the second sentence which reads, "Polyethylene used must be Type III as set forth in Appendix B—Specifications for Plastics to Part 178 of this title." is obsolete and its removed.

**Section 173.315**

In the table in paragraph (a)(1), under the column entitled "Minimum design pressure (psig)", the reference to "see paragraph (c)(1) of this section." is corrected to read "see paragraph (c) of this section." for the following entries in the column entitled "Kind of gas": Ammonia Solution,

Chloropentafluoroethane (R-115), Chlorotrifluoromethane (R-13), Liquefied petroleum gas, and Refrigerant gas, n.o.s. or Dispersant Gas, n.o.s.

In Note 15 of the Table, in the next to the last sentence, the reference to "§ 172.328(c)" is corrected to read "§ 172.328(d)".

**Section 173.403**

In paragraph (s), the typographical error of "meams" on line 2 is corrected to read "means".

**Section 173.435, Table**

In the headings "A<sub>1</sub>(C<sub>1</sub>) special form" and "A<sub>1</sub>(C<sub>1</sub>) normal form", (C<sub>1</sub>) is corrected to read "(C<sub>1</sub>)".

**Section 174.715**

In paragraph (b), line 5, the word "does" is corrected to read "dose".

**Section 174.750**

In paragraph (a), line 14, the word "does" is corrected to read "dose".

**Section 178.44-12**

In footnote 1, referenced in paragraph (b), the address for the Compressed Gas Association, Inc. is corrected to read "Compressed Gas Association, Inc., 1235 Jefferson Davis Highway, Arlington, Virginia 22202."

**Section 178.83-3**

In paragraph (b), the phrase "18 chrome 8 nickel alloy with 0.08 percent chromium, 8-11 percent nickel" is corrected to read "18 chrome, 8 nickel alloy, with 0.08 percent carbon maximum, 18-20 percent chromium, 8-11 percent nickel".

**§ 172.101 Hazardous materials table.**

**Section 178.118-6**

In the table in paragraph (a), footnote 3, line 3, "Director, OHMO" is corrected to read "Director, OHMT".

**List of Subjects**

**49 CFR Part 107**

Hazardous materials, Program procedures.

**49 CFR Part 171**

Hazardous materials transportation, Matter incorporated by reference.

**49 CFR Part 172**

Hazardous materials transportation, Labeling, Packaging and containers.

**49 CFR Part 173**

Hazardous materials transportation, Packaging and containers.

**49 CFR Part 174**

Hazardous materials transportation, Carriage by rail.

**49 CFR Part 178**

Hazardous materials, Shipping container specifications.

In consideration of the foregoing, 49 CFR Parts 107, 171, 172, 174 and 178 are amended as follows:

**PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES**

1. The authority citation for Part 107 continues to read as follows:

Authority: 49 App. U.S.C. 1421(c); 49 App. U.S.C. 1802, 1806, 1808-1811; 49 CFR 1.45 and 1.53 and App. A of Part 1, Pub. L. 89-670 (49 U.S.C. 1653 (d), 1655).

**Appendix A to Subpart B—[Amended]**

2. In Appendix A to Subpart B, the name of the division and the daytime telephone number for the Office of Motor Carrier Safety Field Operations is changed to read as follows: "Federal Programs Division" and "Day 202-366-1795", respectively.

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

3. 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, unless otherwise noted.

**§ 171.7 [Amended]**

4. In paragraph (c)(7) of § 171.1, the address for the American Petroleum Institute is revised to read: "1220 L Street, NW., Washington, DC 20005."

a. In paragraph (c)(9), the address for The Chlorine Institute is revised to read: "2001 L Street, NW., Suite 506, Washington, DC 20036."

b. In paragraph (c)(14), the address for The Institute of Makers of Explosives is revised to read: "1120 19th Street, NW., Suite 310, Washington, DC 20036."

**PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS**

**Communications Regulations**

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

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

6. In § 172.101, the Hazardous Materials Table is amended by revising, in appropriate alphabetical sequence, the entries listed below:

+ /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		
					Excep-tions	Specific require-ments	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo ves-sel	Pas-senger vessel	Other requirements
(1)	(2)	(3)	(3a)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
A	Revised Ammonium polysulfide solution.	ORM-A.....	UN2818	None.....	173,505	173,605	10 gallons...	55 gallons...	1,2	1,2	
	Dichlorobutene.....	Flammable liquid.	NA2924	Flammable liquid.	173,118	173,119	1 quart.....	10 gallons...	1,2	1	
	Dimethyl chlorothiophosphate, see Dimethyl phosphorochlorodithioate.										
	Dimethyl phosphorochlorodithioate.	Corrosive material.	NA2267	Corrosive and poison.	173,244	173,245	1 quart.....	1 quart.....	1,2	4	
	Dinitrocyclohexylphenol.	ORM-A.....	NA9026	None.....	173,505,	173,510	No limit.....	No limit.....	1,2	1,2	
	Isopropyl mercaptan....	Flammable liquid.	NA2402	Flammable liquid.	None	173.141	Forbidden....	10 gallons...	1,3	5	

+ /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 only aircraft	Cargo vessel	Passenger vessel	Other requirements
(1)	(2)	(3)	(3a)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
A	Mercury, metallic.....	ORM-B.....	NA2809	None.....	None	173.860	173.860.....	See 173.860.	1,2	1,2	
	Potassium hydroxide, dry, solid, flake, bead, or granular.	Corrosive material.	UN1813	Corrosive.....	173.244	173.245b	25 pounds...	100 pounds.	1,2	1,2	Keep dry. Do not stow with metals or alloys such as brass, copper, tin, zinc, aluminum, solder, or lead.
	Revised Propyl mercaptan.....	Flammable liquid.	NA2402	Flammable liquid.	None	173.141	Forbidden....	10 gallons...	1,2	5	
	Sodium hydroxide, dry, solid, flake, bead, or granular.	Corrosive material.	UN1823	Corrosive.....	173.244	173.245b	25 pounds...	200 pounds.	1,2	1,2	Keep dry.
A	Thiram.....	ORM-A.....	NA2771	None.....	173.505	173.510	No limit.....	No limit.....	1,2	1,2	
A	Toluenediamine.....	ORM-A.....	NA1709	None.....	173.505	173.510	No limit.....	No limit.....	1,2	1,2	
A	1,1,1-Trichloroethane..	ORM-A.....	UN2831	None.....	173.505	173.605	10 gallons...	55 gallons...	1,2	1,2	

§ 172.331 [Amended]

7. In paragraph (d) of § 172.331, the word "of" which follows the word "placards" is revised to read "or".

§ 172.402 [Amended]

8. Paragraph (g) of § 172.402 is removed and reserved.

§ 172.403 [Amended]

9. A new paragraph (d) is added to § 172.403 which reads: "EMPTY label.

See § 173.427(d) of this subchapter for EMPTY labeling requirements."

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

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

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

**PART 173—[Amended]**

11. In the Subpart H heading, the words "Radioactive Materials" are removed and replaced with the words "Irritating Materials" and the word order for the heading is changed to read as follows:

**Subpart H—Poisonous Materials, Irritating Materials, and Etiologic Agents; Definition and Preparation**

a. Under the Subpart H heading in the table of contents for § 173.386, "Etiologic" is corrected to read "Etiologic".

§ 173.3a [Amended]

12. Paragraph (d) of § 173.3a is removed.

§ 173.10 [Amended]

13. In paragraph (e) of § 173.10, the word "cryogenice" is corrected to read "cryogenic".

§ 173.247 [Amended]

14. In paragraph (a)(2) of § 173.247, the second sentence which reads "Polyethylene used must be Type III as set forth in Appendix B—Specifications for Plastics to Part 178 of this title." is removed.

§ 173.315 [Amended]

15. In the table in paragraph (a)(1) of § 173.315, under the column entitled "Minimum design pressure (psig)", the reference "see paragraph (c)(1) of this section." is corrected to read "see paragraph (c) of this section." for the following entries under the column entitled "Kind of gas": Ammonia solution, Chloropentafluoroethane (R-115), Chlorotrifluoromethane (R-13), Liquefied petroleum gas, and Refrigerant gas, n.o.s., or Dispersant gas, n.o.s.

a. In Note 15 of the Table, in the next to the last sentence, the reference to "§ 172.328(c)" is corrected to read "§ 172.328(d)".

§ 173.403 [Amended]

16. In paragraph (s) of § 173.403, the typographical error of "meams" is corrected to read "means".

§ 173.435 [Amended]

17. In the Table of A<sub>1</sub> and A<sub>2</sub> values of radionuclides, in the columns entitled "A<sub>1</sub>(C<sub>i</sub>) special form", and "A<sub>1</sub> (C<sub>i</sub>) normal form", (C<sub>i</sub>) is corrected to read "(C<sub>i</sub>)".

**PART 174—CARRIAGE BY RAIL**

18. The authority citation for Part 174 continues to read as follows:

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

§ 174.715 [Amended]

19. In paragraph (b) of § 174.715, the words "radiation does" are revised to read "radiation dose".

§ 174.750 [Amended]

20. In paragraph (a) of § 174.750, line 14, the word "does" is corrected to read "dose".

**PART 178—SHIPPING CONTAINER SPECIFICATIONS**

21. 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, unless otherwise noted.

§ 178.44-12 [Amended]

22. In footnote 1 of § 178.44-12, referenced in paragraph (b), the address for the Compressed Gas Association, Inc., is revised to read "Compressed Gas Association Inc., 1235 Jefferson Davis Highway, Arlington, Virginia 22202."

§ 178.83-3 [Amended]

23. In paragraph (b) of § 178.83-3, the phrase "18 chrome 8 nickel alloy with 0.08 percent chromium, 8-11 percent nickel" is revised to read "18 chrome, 8 nickel alloy, with 0.08 percent carbon maximum, 18-20 percent chromium, 8-11 percent nickel".

**§ 178.118-6 [Amended]**

24. In the table in paragraph (a) of § 178.118-6, footnote 3 line 3, "Director, OHMO" is corrected to read "Director, OHMT".

Issued in Washington, DC, on September 23, 1988, under authority delegated in 49 CFR 1.53.

**M. Cynthia Douglass,**

*Administrator, Research and Special Programs Administration.*

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