

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107, 171, 172, 173, 175, 177, 178, and 179

[Docket No. HM-189E, Amdt. Nos. 107-17, 171-95, 172-111, 173-204, 775-41, 177-71, 178-89, and 179-41]

Hazardous Materials; Editorial Corrections and Clarifications

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

ACTION: Final rule.

SUMMARY: The purpose of these amendments to the Hazardous Materials Regulations (HMR) is to correct certain editorial errors and to make minor regulatory changes which will not impose any new requirements on persons subject to the HMR.

EFFECTIVE DATE: September 30, 1987.

FOR FURTHER INFORMATION CONTACT:

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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, 1986, 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 these 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 was 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.

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

Appendix A to Subpart B of Part 107.

The address for the Office of Motor Carriers is changed to read: "Chief, Field Programs Division, Office of Motor Carrier Safety Field Operations, Federal Highway Administration, Department of Transportation, Washington, DC 20590, Day 202-366-1975 and Night 202-267-2100."

Section 107.315(c). Civil penalty payments are no longer remitted to the Chief Counsel's office. Certified checks or money orders are made payable to the "Department of Transportation" and sent to: Chief, General Accounting Branch (M-86.2), Accounting Operations Division, Office of the Secretary, Room 2228, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

Sections 171.7 (c)(21) and (c)(31). In paragraph (c)(21), the address for the American Welding Society is changed to read "550 N.W. Le Jeune Road, Miami, Florida 33126." In paragraph (c)(31), the address for INTEREG is changed to read, "4000 West Victoria Avenue, Chicago, Illinois 60646."

Section 171.8. The definition of "reportable quantity" is revised to read: "Reportable quantity (RQ) for the purposes of this subchapter means the quantity specified in Column 3 of the Appendix to § 172.101 for any material identified in column 1 of the Appendix." This change is necessary to correspond to amendments made under Docket HM-145F in final rules published in the *Federal Register* on November 21, 1986 [51 FR 42174] and February 17, 1987 [52 FR 4824].

Section 172.101. In column 5(b) of § 172.101, "173.316" is added for the proper shipping name "Air, refrigerated liquid, (cryogenic)," in column 4 of § 172.101, the word "liquid" is added following "Flammable", for the proper shipping name "Ethylene glycol diethyl ether." These changes are necessary to correct omissions made under Docket HM-166U final rule published in the *Federal Register* on April 20, 1987 [52 FR 13034].

Section 172.102. The shipping name "N,N-Diethylene diamine", is corrected to read "N,N-Diethylethylene diamine", UN 2685. The shipping name "Dicyclohexylammonium nitrate" is corrected to read "Dicyclohexylammonium nitrite", UN

2687. (This correction is also made in Appendix A to Subpart B.)

Section 172.400. In paragraph (c) the reference to "MAGNETIZED MATERIAL labels" is removed. The MAGNETIZED MATERIAL label which appeared in § 172.446 was removed under Docket HM-166S final rule published in the *Federal Register* on November 25, 1985 [50 FR 48419].

Section 172.510. Paragraph (b) is removed and reserved. The tank cars which required a DOME placard are no longer in service.

Section 172.512. Paragraph (a)(1) erroneously refers to § 172.504(c)(1). The correct reference is § 172.504(c).

Section 173.34. In note 1 of paragraph (e)(9), "method of external" should read "method or external".

Section 173.115. In paragraph (b)(2)(ii), the typographical error "-his subchapter" is corrected to read "this subchapter."

Section 173.253. In paragraph (a)(2), "Spec. 1M" is corrected to read, "Spec. 1M".

Section 173.271. In paragraph (a)(7), the typographical error "Speification" is corrected to read "Specification". In paragraph (a)(9), on the second line, "111A00F2" is corrected to read "111A100F2".

Section 173.272. In paragraph (i)(2), "test requirements prescribed in § 178.219-10" is corrected to read "test requirements in § 178.210-10".

Section 173.294. In paragraph (a), line 1, the word "monochloroacetic" is corrected to read "chloroacetic". In paragraph (a)(3), line 6 should read "304 or 316".

Section 173.304. In paragraph (a)(4), the word "without" is corrected to read "with the".

Section 173.386. In paragraph (d), the typographical error "zgquirements" is corrected to read "requirements".

Section 173.421-1. In paragraph (a), reference to "\$ 173.425" is corrected to read "\$ 173.424".

Section 173.427. In paragraph (a), reference to § 173.421 (b), (c), and (d)" is corrected to read "\$ 173.421 (b), (c) and (e)".

Section 175.31 In paragraph (a), the office designation "FAA Air Transportation Security Field Office" is changed to "FAA Civil Aviation Security Office".

Section 177.824. In paragraph (f), the language is changed to reflect the recent reorganization within the Office of Motor Carriers, which consolidates the hazardous materials functions into the Office of Motor Carrier Safety Field Operations.

Section 177.825 In paragraph (b)(1), the introductory language is changed to read: "A preferred route consists of either or both:" to indicate that a preferred route need not consist of both an interstate highway and a state-designated route. In line 16 of paragraph (c), the typographical error of "shipper" is corrected to "shipper".

Section 177.861. In paragraph (a), line 10, a comma is inserted following the word "buildings" to read: "buildings, * * * *"

Section 178.54. The entire DOT 4B240-FLW specification contained in §§ 178.54 through 178.54-23 is removed and reserved. Section 178.54 for 4B240 cylinders was removed from Part 178 under Docket HM-166U final rule published in the *Federal Register* on April 20, 1987 [52 FR 13034]. The amendment is being reprinted in this document to ensure the removal of all applicable sections.

Section 178.135-8. Paragraph (a)(1) is amended to include an example of the specification markings on a DOT-37C drum.

Section 179.3. In paragraph (c), the last line is changed from "DOT Special Permits" to read "exemptions".

Section 179.4. In paragraph (a), "special permit" is changed to read "exemptions".

Section 179.103-5. As amended under Docket HM-166U final rule, paragraph (b)(1), line 12, the word "value" is corrected to read "valve".

Section 179.222. This section was added under Docket HM-166U final rule. The section heading "§ 179.222 Chloroprene" is correctly designated "§ 179.222-1 Chloroprene."

List of Subjects

49 CFR Part 107

Hazardous materials, Program procedures.

49 CFR Part 171

Hazardous materials transportation, 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 175

Hazardous materials transportation, Air carriers.

49 CFR Part 177

Hazardous materials transportation, Carriage by public highway.

49 CFR Part 178

Hazardous materials transportation, Shipping container specifications.

49 CFR Part 179

Hazardous materials transportation, Specifications for tank cars.

In consideration of the foregoing, 49 CFR Parts 107 through 179 are amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. The authority citation for Part 107 is revised 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 of Part 107 [Amended]

2. The address for the Office of Motor Carriers in Appendix A to Subpart B of Part 107 is changed to read as follows:

Chief, Field Programs Division, Office of Motor Carrier Safety Field Operations, Federal Highway Administration, Department of Transportation, Washington, DC 20590, Day 202-366-1975 and Night 202-267-2100.

3. Paragraph (c) of § 107.315 is revised to read as follows:

§ 107.315 [Amended]

* * * * *

(c) Payment of a civil penalty must be made by certified check or money order payable to the "Department of Transportation" and sent to the Chief, General Accounting Branch (M-86.2), Accounting Operations Division, Office of the Secretary, Room 2228, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

4. The authority citation for Part 171 is revised to read as follows:

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

§ 171.7 [Amended]

5. In paragraph (c)(21) of § 171.7, the address for the American Welding Society is changed to read "550 N.W. Lejeune Rd., Miami, Florida 33126." In paragraph (c)(31) of § 171.7, the address for INTEREG is changed to read, "4000 West Victoria Avenue, Chicago, Illinois 60646".

6. In § 171.8, the definition for "reportable quantity" is revised to read as follows:

§ 171.8 [Amended]

* * * * *

"Reportable quantity (RQ)" for the purposes of this subchapter means the quantity specified in Column 3 of the Appendix to § 172.101 for any material identified in Column 1 of the Appendix.

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PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

7. The authority citation for Part 172 is revised to read as follows:

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

§ 172.101 [Amended]

8. In the § 172.101 Hazardous Materials Table:

a. "§ 173.316" is added in column 5(b) for the proper shipping name "Air, refrigerated liquid (*cryogenic*)."

b. The word "liquid" is added following the word "Flammable" in column 4 for the proper shipping name "Ethylene glycol diethyl ether".

§ 172.102 [Amended]

9. In the § 172.102 Optional Hazardous Materials Table:

a. The shipping name "N,N-Diethylene diamine" is corrected to read "N,N-Diethylethylene diamine", UN 2685.

b. The shipping name "Dicyclohexylammonium nitrate" is corrected to read "Dicyclohexylammonium nitrite", UN 2687.

§ 172.400 [Amended]

10. In paragraph (c) of § 172.400, the words "or the MAGNETIZED MATERIAL label" are removed.

Appendix A to Subpart B [Amended]

11. In Appendix A to Subpart B, the shipping name "N,N-Diethylene diamine" is corrected to read "N,N-Diethylethylene diamine", UN 2685.

In Appendix A to Subpart B, the shipping name "Dicyclohexylammonium nitrate" is corrected to read "Dicyclohexylammonium nitrite", UN 2687.

§ 172.510 [Amended]

12. Paragraph (b) of § 172.510 is removed and reserved.

§ 172.512 [Amended]

13. In paragraph (a)(1) of § 172.512, reference to "§ 172.504(c)(1)" is corrected to read "§ 172.504(c)".

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

14. The authority citation for Part 173 is revised to read as follows:

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

§ 173.34 [Amended]

15. In note 1 of paragraph (e)(9) of § 173.34, "method of external" is corrected to read "method or external".

§ 173.115 [Amended]

16. In paragraph (b)(2)(ii) of § 173.115, the typographical error "-his subchapter" is corrected to read "this subchapter."

§ 173.253 [Amended]

17. In paragraph (a)(2) of § 173.253, "Spec. IM" is corrected to read "Spec. 1M".

§ 173.271 [Amended]

18. In § 173.271, paragraph (a)(7), the typographical error of "Speification" is corrected to "Specification". In paragraph (a)(9), "111A00F2" is corrected to read "111A100F2".

§ 173.272 [Amended]

19. In paragraph (i)(2) of § 173.272, reference to "§ 178.219-10" is corrected to read "§ 178.210-10".

§ 173.294 [Amended]

20. In the first line of paragraph (a) of § 173.294, the word "Monochloroacetic" is corrected to read "Chloroacetic". In paragraph (a)(3), line 6, "304 of 316" is corrected to read "304 or 316".

§ 173.304 [Amended]

21. In the introductory text to paragraph (a)(4) of § 173.304, the word "without" is corrected to read "with the".

§ 173.386 [Amended]

22. In paragraph (d) of § 173.386, the typographical error "zquirements" is corrected to read "requirements".

§ 173.421-1 [Amended]

23. In the first sentence of paragraph (a) of § 173.421-1, reference to "§ 173.425" is corrected to read "§ 173.424".

§ 173.427 [Amended]

24. In paragraph (a) of § 173.427, reference to "§ 173.421 (b), (c) and (d)" is

corrected to read, "§ 173.421 (b), (c) and (e)".

PART 175—CARRIAGE BY AIRCRAFT

25. The authority citation for Part 175 is revised to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1807, 1808; 49 App. U.S.C. 1472(h) (1); 49 CFR Part 1, unless otherwise noted.

§ 175.31 [Amended]

26. In paragraph (a) of § 175.31, the office designation "FAA Air Transportation Security Field Office" is changed to "FAA Civil Aviation Security Office".

PART 177—CARRIAGE BY PUBLIC HIGHWAY

27. The authority citation for Part 177 is revised to read as follows:

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

28. The introductory text of paragraph (f) of § 177.824 is revised to read as follows:

§ 177.824 [Amended]

* * * * *

Reporting requirements. Each motor carrier shall file with the Chief, Federal Programs Division, Office of Motor Carrier Safety Field Operations, Federal Highway Administration, Department of Transportation, Washington, DC 20590, a written listing of all MC 330 or MC 331 cargo tanks he has in service. Each motor carrier, upon placing in service or withdrawing from service any MC 330 or MC 331 cargo tank (other than a cargo tank used in interchange service which is reported upon by another motor carrier), shall file a supplemental report with the Office of Motor Carrier Safety Field Operations.

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§ 177.825 [Amended]

29. In paragraph (b)(1) of § 177.825, the introductory text is revised to read: "A preferred route consists of either or both:". In paragraph (c), line 16, the typographical error of "shipper" in line 16 is corrected to read "shipper".

§ 177.861 [Amended]

30. In paragraph (a) of § 177.861, line 10 is corrected by adding a comma after the word "buildings".

PART 178—SHIPPING CONTAINER SPECIFICATIONS

31. The authority citation for Part 178 is revised to read as follows:

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

§§ 178.54 through 178.54-23 [Removed and Reserved]

32. Sections 178.54 through 178.54-23 are removed and reserved.

33. In § 178.135-8, paragraph (a)(1) is revised to read as follows:

§ 178.135-8 Marking.

(a) * * *

(1) DOT-37C*** and the letters NRC, located near the DOT mark to indicate a nonreusable drum. Stars are to be replaced by the authorized gross weight, or less, at which the container was type tested (for example, DOT-37C 80).

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PART 179—SPECIFICATIONS FOR TANK CARS

34. The authority citation for Part 179 is revised to read as follows:

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

§ 179.3 [Amended]

35. In paragraph (c) of § 179.3, line 10, the phrase "DOT Special Permits" is replaced with the word "exemptions".

§ 179.4 [Amended]

36. In paragraph (a) of § 179.4, line 11, "special permit" is changed to read "exemptions".

§ 179.103-5 [Amended]

37. In paragraph (b)(1) of § 179.103-5, line 12, "value" is corrected to read "valve".

§ 179.222-1 [Correctly Designated]

38. Section 179.222 *Chloroprene* is correctly designated "§ 179.222-1 *Chloroprene*".

Issued in Washington, DC, on September 24, 1987 under authority delegated in 49 CFR 1.53.

M. Cynthia Douglass,
Administrator, Research and Special Programs Administration.

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