

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

49 CFR Parts 106, 107, 171, 172, 173, 174, 175, 176, 177, and 178

[Docket No. HM-166T; Amdt. Nos. 106-5, 107-14, 171-86, 172-103, 173-196, 174-59, 175-37, 176-24, 177-68, and 178-85]

Transportation of Hazardous Materials; Miscellaneous Amendments

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

ACTION: Final rule.

SUMMARY: This action is being taken to incorporate into the Department's Hazardous Materials Regulations a number of changes based on petitions from industry and initiation within the Department. This action is necessary to update the regulations, to eliminate the need for a DOT approval, and to reduce RSPA's backlog of rulemaking petitions.

The amendments in this rulemaking are intended primarily to reduce government regulation and paperwork, and to clarify existing regulations.

EFFECTIVE DATE: This amendment is effective March 20, 1986. However, compliance with the regulations as amended herein, is authorized as of February 5, 1986. The incorporation by reference of certain publications in the regulations is approved by the Director of the Federal Register as of March 20, 1986.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Transportation, Research and Special Programs Administration, Washington, DC 20590, (202)-426-2075.

SUPPLEMENTARY INFORMATION: On January 3, 1985, the RSPA published a Notice of Proposed Rulemaking, Docket No. HM-166T; Notice No. 84-14 (50 FR 288), which proposed a number of miscellaneous amendments to the Hazardous Materials Regulations. Notice 84-14 included a brief statement regarding each proposal and invited public comment prior to the closing date of March 7, 1985.

The RSPA received twenty-four comments regarding Notice 84-14. Ten of the comments received were to express their support of the proposed amendments.

One commenter pointed out that the proposed change to § 173.427, among other things, exempts empty packaging from certification requirements whereas § 173.421-1(a) would be amended by requiring the certification described

therein to be applied to empty packaging. The RSPA agrees that these changes are contradictory and the introductory text of § 173.427 has been editorially revised to eliminate the contradiction.

One commenter pointed out that the proposed maximum net quantity of 1 quart for passenger carrying aircraft and 10 gallons for cargo aircraft for Nitroethane and Nitropropane would be in conflict with International Civil Aviation Organization and International Air Transport Association. The RSPA agrees with the commenter and has increased the maximum net quantity to 15 gallons for passenger carrying aircraft and 55 gallons for cargo aircraft.

The notice proposed to allow Class B poisons to be transported on the same vehicle with materials that are marked or known to be foodstuffs, feed or any edible material intended for consumption by humans or animals when overpacked in a steel drum under specified conditions. Seven commenters supported this proposed amendment as written. One recommended that the maximum rated capacity of the drum be 83 gallons because this size drum is stocked by most carriers and experience has shown that some drums with external head fastening devices will not fit inside a 65 gallon recovery drum. Two commenters expressed concern about the proposed amendment but no comments were received on how to improve the proposed wording.

The use of the steel drum overpacks specified in § 173.25(c) is considered to be adequate to prevent damage to the inside packaging during transportation and to provide the required levels of safety. The outside packaging must be marked and labeled. Except for an increase in size to 85 gallons, § 173.25(c) and § 177.841(e) are amended as proposed.

A proposed change recommended by one commenter to add an additional paragraph in § 176.410 will be considered in a separate rulemaking.

One commenter stated that he felt that the exception proposed in § 172.507 pertaining to the marking and placarding of nurse tanks on only three sides under specified conditions is unwarranted and could set an unfavorable precedent. This commenter also stated that it appears inappropriate to address marking exceptions in Subpart F rather than in Subpart D. Reference to marking has been moved from § 172.507 to § 172.328(c). RSPA disagrees that by waiving the marking-placarding requirements on the end of a nurse tank that has valves, fittings, regulators, and gauges would set an unfavorable precedent. Photographs of some of the

nurse tanks in question clearly indicate they do not have enough space on the end to affix the required marking and placard. In view of the manner in which these nurse tanks are operated and the fact that there is no practical way to comply with the present requirements, § 172.507 is amended as proposed.

Two commenters objected to the proposed removal of paragraph (a)(7) of § 175.45 which pertains to reporting hazardous materials incidents. Because of these two objections and after further consideration, paragraph (a)(7) of § 175.45 has not been changed by this rulemaking.

One commenter suggested that the proposed change in § 173.115(d)(2) be reworded. The RSPA believes that the commenter's proposed change and the wording in the notice are essentially the same. Therefore, § 173.115(d)(2) is amended as proposed.

One commenter agreed that paragraph (f) in § 173.260 is redundant. However, this commenter recommended that § 173.260(a)(3) be amended by adding a sentence at the end to clarify the marking and labeling of skids or pallets of electric storage batteries. The RSPA agrees with this commenter that this revision will reduce vagueness and add clarity to marking and labeling of batteries which are exempt from specification packaging requirements. However, they are not exempt from the marking and labeling requirements. A sentence has been added to § 173.260(a)(3) to read "Unless specifically exempt from marking and labeling, each pallet or skid must be marked and labeled as required by Part 172."

Included in this rulemaking, but not included in the notice are twelve additional changes which the RSPA believes are necessary. These changes are not considered to be controversial and they do not impose any additional cost or record keeping. These twelve changes revise (1) § 172.101 Table, (2) § 172.512(a), (3) § 172.12(b), (4) § 173.304, (5) § 173.465(d)(2), (6) § 174.81(f) and § 177.848(f), (7) § 175.30, (8) § 178.92-12(a), (9) § 178.98-9, § 178.99-9, § 178.131-9 and § 178.132-9, (10) § 178.102-4(a), (11) § 178.205-16, and (12) § 178.337-17(a), § 178.338-18 (a) and (b), and § 178.340-10(b).

An editorial correction has been made in column (5)(a) of the § 172.101 Table for the entry Diisooctyl acid phosphate.

The revision to § 172.512 (a)(1) and (a)(2) removes the reference to obsolete subparagraphs (c)(1) and (c)(2) of § 172.504.

In § 173.12, paragraph (b) has been revised to authorize the compression

test for the polyethylene drum to be the same as specified in § 178.19-7(c)(2), as applicable. At the present time, the polyethylene drum must withstand a compression test of 2400 pounds regardless of the size.

In § 173.304, the table in paragraph (a)(2) for the entry "Bromotrifluoromethane" has been amended by adding "DOT-4BA400" in the third column. This specification cylinder was inadvertently omitted from the list of authorized cylinders in Docket HM-176 (47 FR 13816) on April 1, 1982.

In § 173.465, paragraph (d)(2) has been amended by changing the word "horizontally" to read "vertically". The specification of the surface area of a Type A package which must be used in determining the compression test requirements of § 173.465(d)(2) has caused some confusion. The term used in the International Atomic Energy Agency and Nuclear Regulatory Commission transport regulations to specify a horizontal surface area is "vertically projected area". RSPA wishes to be consistent in this specification and consequently the word "horizontally" is hereby changed to read "vertically".

In § 174.81(f) and § 177.848(f) the Segregation and Separation Chart of Hazardous Materials has been changed by removing the reference to footnote "2" at the intersection of column "e" and line "13". The "2" was inadvertently added when the two charts were revised under Docket No. HM-191.

In § 175.30, paragraph (e)(1) has been revised because the present wording is confusing and shipments of industrial gauges containing sealed source (special form) radioactive materials in Type A quantities have been delayed or refused because the outside package does not provide clear visibility without cutting windows in the overpack. Paragraph (c)(1) of § 175.85 authorizes this type of material to be stowed inaccessible to the crew.

In § 178.92-12, the introductory text of paragraph (a) has been revised to authorize DOT Specification 5P lagged steel drums to be marked by steel stamping. Recent amendment under Docket No. HM-166R inadvertently removed this method of marking.

In § 178.98-9, § 178.99-9, § 178.131-9, and § 178.132-9 paragraph (a)(1) in each section has been revised to specifically require the authorized gross weight to be included as part of the marking requirements.

In § 178.102-4, the introductory text of paragraph (a) has been revised to authorize altered DOT Specification 6D steel overpacks to be embossed on the body of the drum, no more than six

inches from the top curl. This proposed change was included in Notice No. 84-3 [49 FR 10780] on March 22, 1984, but was omitted in the final rule.

In § 178.205-16, the Table in paragraph (a) is reprinted to correct an error in columns 4, 5, and 6 for an authorized gross weight of 40 pounds which appeared in Docket No. HM-189C on October 11, 1985 (50 FR 41523).

On March 19, 1985, Docket No. HM-166R [50 FR 11048] revised parts of § 178.337-17(a), § 178.338-18 (a) and (b), and § 178.340-10(b) to require the metal certification plate to be on the left side on all new DOT Specification MC 306, MC 307, MC 312, MC 331, and MC 338 cargo tanks. Inquiries were received regarding the effective date for which the new tanks must have the "plate" on the left side. Since HM-166R had an effective date of July 1, 1985, cargo tanks built after that date must have the "plate" on the left side instead of the right side. RSPA is adding this date to the regulation for purposes of clarification.

Based on limited information available concerning size and nature of entities likely to be affected, I certify that this regulation will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Also, in view of the type of changes, the RSPA has further determined that this rulemaking (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) will not affect not-for-profit enterprises, or small governmental jurisdictions; and (4) does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation is considered unnecessary because the anticipated impact is minimal.

List of Subjects

49 CFR Part 106

Hazardous materials transportation, Administrative practice and procedures.

49 CFR Part 107

Hazardous materials transportation, Programs procedures, penalties.

49 CFR Part 171

Hazardous materials transportation, Definitions.

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, Railroad safety.

49 CFR Part 175

Hazardous materials transportation, Air carriers.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers.

49 CFR Part 177

Hazardous materials transportation, Motor carriers.

49 CFR Part 178

Hazardous materials transportation, Packaging and containers.

In consideration of the foregoing, 49 CFR Parts 106, 107, 171, 172, 173, 174, 175, 176, 177, and 178 are amended as follows:

PART 106—RULEMAKING PROCEDURES

1. The authority citation for Part 106 is revised to read as follows:

Authority: Sec. 902(h)(1), Pub. L. 85-726, 72 Stat. 784 (49 U.S.C. 1472(h)(1)); sec. 3, Pub. L. 90-481, 82 Stat. 720 (49 U.S.C. 1672); 105, Pub. L. 93-633, 88 Stat. 2157, (49 U.S.C. 1804); sec. 21(a), Pub. L. 93-627, 88 Stat. 2146 (33 U.S.C. 1520); (49 CFR 1.45 and 153 and App. A of Part 1); Pub. L. 89-670 (49 U.S.C. 1653); sec. 203, Pub. L. 96-126, 93 Stat. 1004 (49 U.S.C. 2002).

2. In Part 106, Appendix A to Part 106 is amended by removing and reserving paragraph (a)(1).

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

3. and 4. The authority citation for Part 107 is revised to read as follows:

Authority: 49 U.S.C. 1421(c); 49 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).

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

5. The authority citation for Part 171 continues to read as follows:

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

6. In § 171.7, paragraph (d)(4)(iii) and (d)(23) are revised to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(4) * * *
 (iii) American National Standard N14.1 is titled, "Packaging of Uranium Hexafluoride for Transport," 1982 edition.
 * * * * *
 (23) USDOT, "Guidelines for Selecting Preferred Highway Routes for Highway Route Controlled Quantity Shipments of Radioactive Materials."

7. In § 171.8, the definitions of "Hazardous waste", "State designated route", and "Transport vehicle" are revised to read as follows:

§ 171.8 Definitions and abbreviations.

"Hazardous waste", for the purposes of this chapter, means any material that is subject to the Hazardous Waste

Manifest Requirements of the U.S. Environmental Protection Agency specified in 40 CFR Part 262.

"State-designated route" means a preferred route selected in accordance with U.S. DOT "Guidelines for Selecting Preferred Highway Routes for Highway Route Controlled Quantity Shipments of Radioactive Materials" or an equivalent routing analysis which adequately considers overall risk to the public. Designation must have been preceded by substantive consultation with affected local jurisdictions and with any other affected States to ensure consideration of all impacts and continuity of designated routes.

"Transport vehicle" means a cargo-

carrying vehicle such as an automobile, van, tractor, truck, semitrailer, tank car or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, rail car, etc.) is a separate transport vehicle.

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

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

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

9. In § 172.101, the Hazardous Materials Table is amended to read as follows:

§ 172.101 Hazardous Materials Table

+EAW	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 aircraft only	Cargo ves-sel	Pas-senger vessel	Other requirements
(1)	(2) (ADD) * * * * *	(3)	(3a)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
	Nitroethane.....	Flammable liquid.....	UN2842.....	Flammable liquid.....	173.118	173.119	15 gallon.....	55 gallons.....	1, 2	1	
	Nitropropane.....	Flammable liquid.....	UN2608.....	Flammable liquid.....	173.118	173.119	15 gallon.....	55 gallons.....	1, 2	1	
	Diisooctyl acid phosphate.....	Corrosive material.....	UN1902.....	Corrosive.....	173.244	173.296	1 quart.....	1 quart.....	1, 2	1, 2	Glass carboys in hampers not permitted under deck.
	Radioactive material, empty packages.....	Radioactive material.....	UN2908.....	Empty.....	173.421-1 173.427	173.421-1 173.427			1, 2	1, 2	

10. In § 172.202, paragraph (e) is revised to read as follows:

§ 172.202 Description of hazardous material on shipping papers.

(e) Except for those materials in the UN Recommendations, the ICAO Technical Instructions, or the IMDG Code, a material that is not a hazardous material according to this subchapter may not be offered for transportation or transported when its description on a shipping paper includes a hazard class or an identification number specified in § 172.101.

11. In § 172.203, paragraph (h) is revised to read as follows:

§ 172.203 Additional description requirements.

(h) *Transportation by highway.* Following the basic description for a hazardous material in a Specification MC 330 or MC 331 cargo tank, there must be entered for—

(1) *Anhydrous ammonia.* (i) The words "0.2 PERCENT WATER" to indicate the suitability for shipping anhydrous ammonia in a cargo tank made of quenched and tempered steel as authorized by § 173.315(a)(1), Note 14 of this subchapter, or

(ii) The words "NOT FOR Q and T TANKS" when the anhydrous ammonia does not contain 0.2 percent or more water by weight.

(2) *Liquefied petroleum gas.* (i) The word "NONCORROSIVE" or "NONCOR" to indicate the suitability for shipping "Noncorrosive" liquefied petroleum gas in a cargo tank made of quenched and tempered steel as authorized by § 173.315(a)(1), Note 15 to this subchapter, or

(ii) The words "NOT FOR Q and T TANKS" for grades of liquefied petroleum gas other than "Noncorrosive".

12. In § 172.328, the introductory text of paragraph (c) is revised to read as follows:

§ 172.328 Cargo tanks.

(c) *Required markings: Gases.* Except for certain nurse tanks which must be marked as specified in § 173.315(m) of this subchapter, each cargo tank transporting flammable or nonflammable gas (including a cryogenic liquid) subject to this subchapter must be marked as specified in this part on each end and each side with—

13. In § 172.502, the introductory text of paragraph (a), paragraph (b), and the introductory text of paragraph (c) are revised to read as follows:

§ 172.502 Prohibited placarding.

(a) Except as provided in paragraph (c) of this section, no person may affix or display on a transport vehicle, portable tank or freight container any placard described in this subpart unless:

(b) No person may affix or display any sign or other device on a transport

vehicle, portable tank, or freight container, that by its color, design, shape, or content could be confused with any placard prescribed in this subpart.

(c) The restrictions in paragraphs (a) and (b) of this section do not apply to transport vehicles, portable tanks, or freight containers which—

14. In § 172.504, paragraphs (a), (b), and (c), the heading in columns 1 and 2 of Table 1 and Table 2, footnotes 2 and 5 of Table 1, and footnote 9 of Table 2, are revised to read as follows:

§ 172.504 General placarding requirements.

(a) Except as otherwise provided in this subchapter, each transport vehicle and freight container containing any quantity of a hazardous material must be placarded on each end and each side with the type of placards specified in the following tables and other placarding requirements of this subpart, including the specifications for the placards named in the tables and described in detail in §§ 172.519 through 172.558.

(b) A transport vehicle or freight container containing two or more classes of materials requiring different placards specified in Table 2 may be placarded DANGEROUS in place of the separate placarding specified for each of those classes of material specified in Table 2. However, when 5,000 pounds or more of one class of material is loaded therein at one loading facility, the placard specified for that class in Table 2 must be applied. This paragraph does not apply to a portable tank, cargo tank, or tank car.

(c) When the gross weight of all hazardous materials covered by Table 2 is less than 1000 pounds, no placard is required on a transport vehicle, or freight container for the Table 2 materials. A Table 1 material must be placarded as specified in Table 1. This paragraph does not apply to portable tanks, cargo tanks, tank cars, transportation by air or water, or transport vehicles and freight containers subject to § 172.505.

(d) * * *

TABLE 1

If the transport vehicle, or freight container contains a material classed (described) as—	The transport vehicle or freight container must be placarded on each side and each end—
--	---

* * * * *

² EXPLOSIVES B placard not required if the transport vehicle or freight container contains class A explosives and is placarded EXPLOSIVES A as required.

⁵ For exclusive use shipments (see § 173.403) of low specific activity radioactive materials transported in accordance with § 173.425 (b) or (c).

* * * * *

TABLE 2

If the transport vehicle, or freight container contains a material classed (described) as—	The transport vehicle or freight container must be placarded on each side and each end—
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* * * * *

⁹ BLASTING AGENTS, OXIDIZER and DANGEROUS placards need not be displayed if a transport vehicle or freight container also contains Class A or Class B explosives and is placarded EXPLOSIVES A or EXPLOSIVES B as required.

15. Section 172.507 is revised to read as follows:

§ 172.507 Special placarding provisions: Highway.

(a) Each motor vehicle used to transport a package of highway route controlled quantity radioactive materials (see § 173.403(1) of this subchapter) must have the required RADIOACTIVE warning placard placed on a square background as described in § 172.527.

(b) A nurse tank, meeting the provisions of § 173.315(m) of this subchapter, is not required to be placarded on an end containing valves, fittings, regulators or gauges when those appurtenances prevent the markings and placard from being properly placed and visible.

16. In § 172.510, paragraph (d) is revised to read as follows:

§ 172.510 Special placarding provisions: Rail.

* * * * *

(d) *FUMIGATION placard.* Each transport vehicle and freight container containing lading that has been fumigated or treated with poisonous liquid, solid, or gas, and that is offered for transportation by rail must have the placard specified in § 173.9 of this subchapter affixed on or near each door.

17. In § 172.512, paragraph (a)(2) is revised to read as follows:

§ 172.512 Freight containers and aircraft unit load devices.

* * * * *

(2) The placarding exception provided in § 172.504(c) applies to each freight container and aircraft unit load device being transported for delivery to a consignee immediately following an air or water shipment, and,

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

18. 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.

19. To add § 173.5a to read as follows:

§ 173.5a Oilfield service vehicles.

Notwithstanding § 173.29 of this subchapter, a cargo tank mounted on a transport vehicle used in oilfield servicing operations is not subject to the specification requirements of this subchapter if—

(a) The cargo tank and equipment contains only residual amounts (i.e., it is emptied so far as practicable) of a flammable liquid alone or in combination with water,

(b) No flame producing device is operated during transportation, and

(c) The proper shipping name is preceded by "Residual" on the shipping paper for each movement on a public highway.

20. In § 173.12, paragraph (b) is revised to read as follows:

§ 173.12 Exceptions for shipment of waste material.

* * * * *

(b) *Outside packaging.* The outside packaging must be a DOT specification metal or fiber drum. It may also be a polyethylene drum capable of withstanding:

(1) The vibration and compression tests specified in § 178.19-7(c)(1) and (2), and

(2) A four-foot drop test as specified in § 178.19-7(a)(1).

* * * * *

21. In § 173.25, paragraph (c) is added to read as follows:

§ 173.25 Authorized packages and overpacks.

* * * * *

(c) Hazardous materials classed Poison B, may be transported in the same motor vehicle with material that is marked or known to be foodstuffs, feed or any edible material intended for consumption by humans or animals provided the Poison B material is marked, labeled, and packaged in accordance with this subchapter, conforms to the requirements of paragraph (a) of this section and is overpacked as specified in § 177.841(e), or is in an overpack meeting the following requirements:

(1) The overpack conforms to Specification 5C (§ 178.83 of this subchapter), or
(2) The overpack is a salvage drum as prescribed in § 173.3(c) of this subchapter, and—
(i) Has a maximum rated capacity of 85 gallons;
(ii) Is constructed of steel with a minimum thickness of 16 gauge; and
(iii) It meets the requirements of Specification 17C (§ 178.115 of this subchapter) except for size and marking.

22. In § 173.31, paragraph (b)(4) is removed and reserved as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

(b) [Reserved]

§ 173.32 [Amended]

23. In § 173.32, paragraph (b)(3) is removed and paragraph (b)(4) is redesignated paragraph (b)(3).

24. In § 173.34, paragraph (c)(3) is amended by adding a sentence at the end, and paragraph (g)(4)(ii) is revised to read as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

(3) A service pressure change is not authorized for a cylinder which fails to pass the prescribed periodic hydrostatic retest, unless it is reheat treated and requalified in accordance with this section.

(g) (4)

(ii) The permanent expansion shall not be less than 3 percent nor more than 10 percent of the total expansion in the hydrostatic retest, in which case the flattening and physical tests are not required. For this alternative method the hydrostatic retest pressure may not exceed 115 percent of the minimum prescribed test pressure.

25. In § 173.112, paragraph (a)(2) is revised to read as follows:

§ 173.112 Oil well cartridges.

(2) Specification 12B, 12H, 23F or 23H (§§ 178.205, 178.209, 178.214, 178.219 of this subchapter). Fiberboard boxes. Gross weight not to exceed 65 pounds. Hand holes are not authorized.

26. In § 173.114a, paragraph (h)(3) is removed, paragraph (i) is redesignated

paragraph (j) and a new paragraph (i) is added to read as follows:

§ 173.114a Blasting agents.

(i) Blasting agents may not be transported in bulk packagings except in accordance with the terms of specific exemptions issued pursuant to Part 107 of this chapter.

27. In § 173.115, paragraph (d)(2) is revised to read as follows:

§ 173.115 Flammable, combustible, and pyrophoric liquids; definitions.

(2) For a liquid that is a mixture of compounds that have different volatility and flash points, its flash point shall be determined as specified in paragraph (d)(1) of this section, on the material in the form in which it is to be shipped. If it is determined by this test that the flash point is higher than 20 °F (−6.67 °C), a second test shall be made as follows: a portion of the mixture shall be placed in an open beaker (or similar container) of such dimensions that the height of the liquid can be adjusted so that the ratio of the volume of the liquid to the exposed surface area is 6 to one. The liquid shall be allowed to evaporate under ambient pressure and temperature (20 to 25 °C) for a period of 4 hours, or until 10 percent by volume has evaporated, whichever comes first. A flash point is then run on a portion of the liquid remaining in the evaporation container and the lower of the two flash points shall be the flash point of the material.

28. In § 173.118a, paragraph (b)(5) is amended by removing the word "and" the second time it appears and the comma; paragraph (b)(6) is amended by removing the period and inserting in its place a semicolon followed by the word "and"; paragraph (b)(7) is added to read as follows:

§ 173.118a Exceptions for combustible liquids.

(7) The requirements of §§ 173.1, 173.24, 174.1 and 177.804 of this subchapter.

29. In § 173.120, paragraph (c) is revised to read as follows:

§ 173.120 Automobiles, motorcycles, tractors, or other self-propelled vehicles.

(c) Truck bodies or trailers on flat cars. Except as specified in § 173.21, truck bodies or trailers with automatic

heating or refrigerating equipment of the flammable liquid type may be shipped with fuel tanks filled and equipment operating or not operating, when used for the transportation of other freight and loaded on flat cars as part of a joint rail highway movement. The heating or refrigerating equipment is considered to be a part of the truck body or trailer, and is not subject to any other requirements of this subchapter.

30. In § 173.131, the introductory text of paragraph (a) is revised to read as follows:

§ 173.131 Road asphalt, or tar, liquid.

(a) Road asphalt, or tar, liquid, must be packaged as follows:

31. In § 173.245, paragraph (a)(38) is revised to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(38) Specification 57 (§ 178.253 of this subchapter). Steel portable tank. Authorized for transportation by water when having a minimum design pressure of 9 psig and equipped in accordance with § 178.253-4, except that frangible devices are not authorized. Also, for water transportation, no pressure relief device may open at less than 5 psig.

32. In § 173.260, paragraph (a)(3) is amended by adding a sentence at the end and paragraph (f) is removed and reserved as follows:

§ 173.260 Electric storage batteries, wet.

(3) Unless specifically exempt from marking and labeling, each pallet or skid must be marked and labeled as required by Part 172.

(f) [Reserved]

33. In § 173.272, paragraph (i)(18) is revised to read as follows:

§ 173.272 Sulfuric acid.

(18) Specification 17F (§ 178.117 of this subchapter). Metal barrels or drums (single-trip only). Authorized for sulfuric acid of 77.5 percent to 98 percent concentrations with or without an inhibitor, provided the acid has a corrosive effect on steel no greater than 93.2 percent sulfuric acid, measured at 100 °F.

34. In § 173.304, the table in paragraph (a)(2) is amended and paragraph (a)(3) is revised to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

- (a) * * *
- (2) * * *

Kind of gas	Maximum permitted filling density (percent) (see Note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34 (a), (b), § 173.301(i) (see notes following table)
(Revise) Bromo- tri- fluoro- meth- ane (R- 13B1 or H- 1301).	124	DOT-3A400; DOT-3AA400; DOT-3B400; DOT-4A400; DOT-4AA480; DOT-4B400; DOT-4BA400; DOT-4BW400; DOT-3E1800; DOT-39; DOT-3AL400.

(3) Specification 3AL (§ 178.46 of this subchapter) cylinders are authorized for the following liquefied gases: cyclobutane, hydrogen selenide, propylene, silane, carbonyl sulfide, vinyl bromide, and dimethyl ether. Shipments of flammable gases are authorized only when transported by highway, rail and cargo aircraft only.

35. In § 173.306, paragraph (d)(1) is revised to read as follows:

§ 173.306 Limited quantities of compressed gases.

- (d) * * *

(1) Except as specified in § 173.21, truck bodies or trailers with automatic heating or refrigerating equipment of the gas burning type may be shipped with tanks containing fuel and equipment operating or not operating, when used for the transportation of other freight and loaded on flat cars as part of a joint rail-highway movement. The heating or refrigerating equipment is considered to be a part of the truck body or trailer and is not subject to any other requirements of this subchapter.

36. In § 173.315, Note 2, following the Table in paragraph (a)(1) is amended by adding the following sentence at the end; paragraph (m)(7) is revised to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

- (a) * * *
- (1) * * *

Note 2: * * *. Specification MC 330 cargo tanks may be painted as specified for MC 331 cargo tanks.

- (m) * * *

(7) Is in conformance with the requirements of Part 172 of this subchapter except that shipping papers are not required; and it need not be marked or placarded on one end if that end contains valves, fittings, regulators or gauges when those appurtenances prevent the markings and placard from being properly placed and visible.

37. In § 173.346, paragraph (a)(10) is revised to read as follows:

§ 173.346 Poison B liquids not specifically provided for.

- (a) * * *

(10) Specification 103,¹ 103W, 103A,¹ 103ALW, 103AW, 103BW, 104,¹ 104W, 105A100,¹ 105A 100W, 105A200ALW, 109A300ALW, 111A60ALW1, 111A60F1, 111A60W1, 111A60W2, 111A100F2, 111A100W4, 112A400W, 114A400W, or 115A60W6 (§§ 179.100, 179.101, 179.200, 179.201, 179.220, 178.221 of this subchapter). Tank cars. Specification 103BW tank cars must be rubberlined and are authorized only for arsenic acid as prescribed in § 173.348 of this subchapter.

§ 173.366 [Amended]

38. In § 173.366, paragraph (a)(3) is removed.

39. In § 173.417, Table 5, footnote 8, following paragraph (b)(2)(ii) is revised and in paragraph (b)(5) the second sentence is revised to read as follows:

§ 173.417 Authorized packaging-fissile materials.

- (b) * * *
- (2) * * *
- (ii) * * *

Table 5—Authorized Contents for Specifications 6M Packages¹

¹ H/X is the ratio of hydrogen to fissile atoms in the inner containment.

- (5) * * *. Handling procedures and packaging criteria shall be in accordance with U.S. Department of Energy Report No. ORO-651 or ANSI Standard N-14.1-1982. * * *

40. In § 173.421-1, the section title, paragraph (a), and the introductory text of paragraph (b) are revised to read as follows:

§ 173.421-1 Additional requirements for excepted radioactive materials.

(a) Excepted radioactive materials prepared for shipment under the provisions of § 173.421, § 173.422, § 173.425, or § 173.427 must be certified as being acceptable for transportation by having a notice enclosed in or on the package, included with the packing list, or otherwise forwarded with the package. This notice must include the name of the consignor or consignee and the statement "This package conforms to the conditions and limitations specified in 49 CFR 173.421 for excepted radioactive material, limited quantity, n.o.s., UN2910; 49 CFR 173.422 for excepted radioactive material, instruments and articles, UN2911; 49 CFR 173.424 for excepted radioactive material, articles manufactured from natural or depleted uranium or natural thorium, UN2909; or 49 CFR 173.427 for excepted radioactive material, empty packages, UN2908", as appropriate.

(b) An excepted radioactive material classed radioactive material and prepared for shipment under the provisions of § 173.421, § 173.422, § 173.424, § 173.427 or § 173.421-2 is not subject to the requirements of this subchapter, except for: * * *

41. In § 173.427, the introductory text and paragraphs (c) and (d) are revised, paragraph (e) is added to read as follows:

§ 173.427 Empty radioactive materials packaging.

A packaging which previously contained radioactive materials and has been emptied of contents as far as practical, is excepted from the shipping paper and certification, marking and labeling requirements of this subchapter, and from requirements of this subpart, provided that:

- (c) Internal contamination does not exceed 100 times the limits in § 173.443;
- (d) Any labels previously applied in conformance with Subpart E of Part 172 of this subchapter are removed, obliterated or covered and the "Empty" label prescribed in § 172.450 is affixed to the packaging; and
- (e) The packaging is prepared for shipment as specified in § 173.421-1.

§ 173.465 [Amended]

42. In § 173.465, paragraph (d)(2) is amended by removing the word "horizontally" and inserting in its place the word "vertically".

43. In addition to the amendments set forth above, Part 173 is amended by removing the words "tank motor vehicles" or "tank motor vehicle", as

appropriate, and inserting, in their place, the words "cargo tanks" in the following sections:

§ 173.6(b)(7)	§ 173.267(a)(7)
§ 173.33(f)(5)	§ 173.268(b)(3)
§ 173.119 (m)(10), (m)(11), (m)(12)	§ 173.271 (a)(8), (a)(8)(iv)
§ 173.123(a)(6)	§ 173.272(i)(21)
§ 173.134(a)(6)	§ 173.273(a)(5)
§ 173.135(a)(9)	§ 173.274(a)(4)
§ 173.136(a)(8)	§ 173.276(a)(6)
§ 173.141(a)(8)	§ 173.277(a)(9)
§ 173.145(a)(7)	§ 173.280(a)(8)
§ 173.148(a)(5)	§ 173.287(a)(8)
§ 173.154 (a)(4), (a)(18)	§ 173.289(a)(4)
§ 173.190(b)(4)	§ 173.292(a)(2)
§ 173.206(c)(3)	§ 173.294(a)(3)
§ 173.224(a)(4)	§ 173.295(a)(9)
§ 173.245 (a)(29), (a)(30), (a)(31)	§ 173.296(a)(2)
§ 173.247(a)(12)	§ 173.297(a)(1)
§ 173.247a(a)(3)	§ 173.315(h)(13)
§ 173.248(a)(6)	§ 173.346(a)(12)
§ 173.249(a)(6)	§ 173.347(a)(3)
§ 173.252(a)(4)	§ 173.348(a)(1)
§ 173.253(a)(6)	§ 173.352(a)(5)
§ 173.254(a)(5)	§ 173.353(e)
§ 173.255(a)(5)	§ 173.354, Note 1
§ 173.263(a)(10)	§ 173.358(a)(14)
§ 173.264 (a)(14), (b)(3)	§ 173.359(a)(16)
§ 173.266(e)	§ 173.369(a)(14)
	§ 173.373(a)(6)

PART 174—CARRIAGE BY RAIL

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

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR 1.53, unless otherwise noted.

45. In § 174.61, paragraph (b) is revised to read as follows:

§ 174.61 Truck bodies, trailers or freight containers on flatcars.

(b) Except as specified in § 173.21, a truck body, trailer, or freight container equipped with heating or refrigerating equipment which has fuel or any article classed as a hazardous material may be loaded and transported on a flat car as part of a joint rail highway movement. The heating or refrigerating equipment is considered to be a part of the truck body or trailer and is not subject to any other requirements of this subchapter. The truck body, trailer, or freight container must be secured on the flatcar so that it cannot change position during transit.

§ 174.81 [Amended]

46. In § 174.81, the Segregation and Separation Chart of Hazardous Materials is amended by removing the reference to footnote "2" at the intersection of column "e" and line "13".

47. In § 174.101, the introductory text of paragraphs (n) and (o) are revised to read as follows:

§ 174.101 Loading explosives.

(n) A container car or freight container on a flatcar or a gondola car other than a drop-bottom car, when properly loaded, blocked, and braced to prevent change of position under conditions normally incident to transportation, may be used to transport any Class A explosive except black powder packed in metal containers. A freight container must be designed, constructed, and maintained so as to be weather tight and capable of preventing the entrance of sparks. In addition:

* * * * *

(o) Class A or Class B explosives may be loaded and transported in a tight closed truck body or trailer on a flatcar car. Wooden boxed bombs, rocket ammunition, and rocket motors, Class A or Class B explosives, which due to their size cannot be loaded in tight, closed truck bodies or trailers, may be loaded in or on open-top truck bodies or trailers. However, they must be protected against accidental ignition. In addition:

* * * * *

PART 175—CARRIAGE BY AIRCRAFT

48. The authority citation for part 175 continues to read as follows:

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

49. In § 175.30 paragraph (e)(1) is revised to read as follows:

§ 175.30 Accepting and inspecting shipments.

* * * * *

(e) * * *

(1) The overpack does not contain a package bearing the "CARGO AIRCRAFT ONLY" label unless—

(i) The overpack affords clear visibility of and easy access to the package; or

(ii) The package contains a material which may be carried inaccessibly under the provisions of § 175.85(c)(1).

* * * * *

PART 176—CARRIAGE BY VESSEL

50. The authority citation for Part 176 continues to read as follows:

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

51. In § 176.5, paragraph (c) is removed and reserved as follows:

§ 176.5 Application to vessels.

* * * * *

(c) [Reserved]

* * * * *

§ 176.15 [Amended]

52. In § 176.15, paragraph (b) is removed.

§ 176.18 [Amended]

53. In § 176.18, paragraph (a)(4) and (b) are amended by removing the reference to "46 U.S.C. 170 and".

§ 176.48 [Amended]

54. In § 176.48, paragraph (c) is amended by removing the words "and the Commandant (GMHM)".

55. Section 176.96 is revised to read as follows:

§ 176.96 Materials of construction.

Only barges constructed of steel may be used to transport hazardous materials.

56. In § 176.135, the third and fourth sentences of paragraph (c) are revised to read as follows:

§ 176.135 Location of magazines.

* * * * *

(c) * * *. Tween deck hatch covers of wood forming the base of a magazine must be completely covered with bulkhead panels approved by the Coast Guard under 46 CFR 164.008, or an equivalent thermal insulative material acceptable to the Captain of the Port. The joints of the panels must be staggered midway between the joints formed by the wooden hatch covers and the magazine must be constructed in accordance with the applicable provisions of § 176.138, except that the panels must be completely covered with wood dunnage. * * * *

* * * * *

§ 176.163 [Amended]

57. In § 176.163, paragraph (c) is removed and reserved.

* * * * *

58. In § 176.410, paragraph (e)(2) is revised to read as follows:

§ 176.410 Blasting agents, ammonium nitrate, and ammonium nitrate-mixtures.

* * * * *

(e) * * *

(2) In proximity to the explosives, if the two are separated by a steel deck or bulkhead, or a fire retardant wooden bulkhead built to the specifications of § 176.138(b)(3). The deck or bulkhead must be sheathed on the oxidizing materials stowage side with an appropriate fire-resistant insulation. * * * * *

* * * * *

PART 177—CARRIAGE BY PUBLIC HIGHWAY

59. The authority citation for Part 177 continues to read as follows:

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

60. In § 177.825, paragraph (b)(1)(ii) is revised to read as follows:

§ 177.825 Routing and training requirements for radioactive materials.

(b) * * *

(1) * * *

(ii) A State-designated route selected by a State routing agency (see § 171.8 of this subchapter) in accordance with the DOT "Guidelines for Selecting Preferred Highway Routes for Highway Route Controlled Quantity Shipments of Radioactive Materials".

§ 177.841 [Amended]

61. In § 177.841, paragraph (e) is amended by removing the period at the end of the paragraph and adding the words "or when overpacked in a metal drum as specified in § 173.25(c) of this subchapter".

§ 177.848 [Amended]

62. In § 177.848, the Segregation and Separation Chart of Hazardous Materials is amended by removing the reference to footnote "2" at the intersection of column "e" and line "13".

63. In addition to the amendments set forth above, Part 177 is amended by removing the words "tank motor vehicles" or "tank motor vehicle", as appropriate, and inserting, in their place, the words "cargo tanks" (except in § 177.854 (f)(1) and (f)(2) only the word "tanks" need to be inserted) in the following sections:

- | | |
|--------------------|--------------------------|
| § 177.835(c)(3) | § 177.841(d) |
| § 177.837(e) | § 177.854 (f)(1), (f)(2) |
| § 177.839(d) | § 177.859(b) |
| § 177.840 (d), (f) | |

PART 178—SHIPPING CONTAINER SPECIFICATIONS

64. The authority citation for Part 178 continues to read as follows:

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

65. In § 178.50, § 178.50-19 is revised to read as follows:

§ 178.50-19 Marking.

(a) Marking on each cylinder by stamping as follows:

(1) DOT-4B followed by the service pressure (for example, DOT-4B300, etc.).

(2) A serial number and an identifying symbol of the maker. The symbol must be registered with the Director, OHMT. Duplications are not authorized. Lot numbers, not over 500 cylinders in each lot, in place of serial numbers authorized for cylinders not over 2

inches outside diameter or for cylinders with volumetric capacity not exceeding 60 cubic inches.

(3) Inspector's official mark.

(4) Date of test (such as 8-80 for April 1980).

(5) Additional markings are permitted.

(b) *Sequence of marks.* Serial number shall be just below or immediately following the DOT mark; identifying symbol shall be just below or immediately following the serial number; inspector's official mark shall be near the serial number. Date of test shall be so placed that dates of subsequent test can easily be added. Symbol in front of or following the serial number, with space between, or symbol and serial number stamped into welded or brazed-on valve spud directly above the DOT mark located on head of cylinder are also authorized. Other variations in sequence of marks authorized only when necessitated by lack of space.

(c) *Location of markings.* Markings may be stamped plainly and permanently in the following locations on the cylinder:

- (1) On shoulders and top heads when they are not less than 0.087-inch thick.
- (2) On side wall adjacent to top head for side walls which are not less than 0.090 inch thick.
- (3) On a cylindrical portion of the shell which extends beyond the recessed bottom of the cylinder, constituting an integral and non-pressure part of the cylinder.

(4) On a metal plate attached to the top of the cylinder or permanent part thereof; sufficient space must be left on the plate to provide for stamping at least six retest dates; the plate must be at least 1/16-inch thick and must be attached by welding, or by brazing. The brazing rod is to melt at a temperature of 1100° F. Welding or brazing must be along all the edges of the plate.

(5) On the neck, neckring, valve boss, valve protection sleeve, or similar part permanently attached to the top of the cylinder.

(6) On the footing permanently attached to the cylinder, provided the water capacity of the cylinder does not exceed 25 pounds.

66. In § 178.51, § 178.51-19, paragraph (c) is amended by revising paragraph (5) and adding paragraph (6) to read as follows:

§ 178.51 and § 178.51-19 [Amended]

(c) * * *

(5) On the neck, neckring, valve boss, valve protection sleeve, or similar part permanently attached to the top of the cylinder.

(6) On the footing permanently attached to the cylinder, provided the water capacity of the cylinder does not exceed 25 pounds.

67. In § 178.61, § 178.61-20, paragraphs (a)(2), (b), and (c) are revised to read as follows:

§ 178.61 and § 178.61-20 [Amended]

(a) * * *

(2) A serial number and an identifying symbol of the maker. The symbol must be registered with the Director, OHMT; duplications unauthorized. Lot numbers, not over 500 cylinders in each lot, in place of serial numbers authorized for cylinders not over 2 inches outside diameter or for cylinders with volumetric capacity not exceeding 60 cubic inches.

(b) *Sequence of marks.* Serial number shall be just below or immediately following the DOT mark; identifying symbol shall be just below or immediately following the serial number; inspector's official mark shall be near the serial number. Date of test shall be so placed that dates of subsequent test can easily be added. Symbol in front of or following the serial number, with space between, or symbol and serial number stamped into welded or brazed-on valve spud directly above the DOT mark located on head of cylinder are also authorized. Other variations in sequence of marks authorized only when necessitate by lack of space.

(c) *Location of markings.* Markings may be stamped plainly and permanently in the following locations on the cylinder:

- (1) On shoulders and top heads when they are not less than 0.087-inch thick.
- (2) On a metal plate attached to the top of the cylinder or permanent part thereof; sufficient space must be left on the plate to provide for stamping at least six retest dates; the plate must be at least 1/16-inch thick and must be attached by welding, or by brazing. The brazing rod is to melt at a temperature of 1100° F. Welding or brazing must be along all the edges of the plate.

(3) On the neck, valve boss, valve protection sleeve, or similar part permanently attached to the top of the cylinder.

(4) On the footing permanently attached to the cylinder, provided the water capacity of the cylinder does not exceed 25 pounds.

68. In § 178.92, § 178.92-12, the introductory text of paragraph (a) is revised to read as follows:

§ 178.92 and § 178.92-12 [Amended]

(a) Each drum must be marked by embossing on a permanent head or by steel stamping on the top head of the outside shell or on a permanently attached head protection ring with clearly legible raised characters as follows:

69. In § 178.98, § 178.98-9 is amended by revising paragraph (a)(1) to read as follows:

§ 178.98 and § 178.98-9 [Amended]

(a) * * *
(1) DOT-6B * * *; stars to be replaced by the authorized gross weight (for example, DOT-6B880, etc.).

70. In § 178.99, § 178.99-9 is amended by revising paragraph (a)(1) to read as follows:

§ 178.99 and § 178.99-9 [Amended]

(a) * * *
(1) DOT-6C * * *; stars to be replaced by the authorized gross weight (for example DOT-6C880, etc.).

71. In § 178.100, § 178.100-9 is amended by revising paragraph (a)(1) to read as follows:

§ 178.100 and § 178.100-9 [Amended]

(a) * * *
(1) DOT-6J * * *; stars to be replaced by the authorized gross weight (for example, DOT-6J880, etc.).

72. In § 178.102, § 178.102-4, the introductory text of paragraph (a) is revised to read as follows:

§ 178.102 and § 178.102-4 [Amended]

(a) Each new steel overpack must be marked by embossing on a permanent head. *Altered drums.* Drums which have been altered to Specification 8D from an all 18-gauge tight head drum may be embossed on the body of the drum, no more than six inches from the top curl. Embossment must be with clearly legible raised characters as follows:

73. In § 178.131, § 178.131-9 is amended by revising paragraph (a)(1) to read as follows:

§ 178.131 and § 178.131-9 [Amended]

(a) * * *
(1) DOT-37A * * *. Stars to be replaced by the authorized gross weight, or less, at which the drum was type tested (for example, DOT-37A150, etc.).

and the letters STC located near the DOT mark to indicate a single-trip drum.

* * * * *

74. In § 178.132, § 178.132-9 is amended by revising paragraph (a)(1) to read as follows:

§ 178.132 and § 178.132-9 [Amended]

(a) * * *
(1) DOT-37B * * *. Stars to be replaced by the authorized gross weight, or less, at which the drum was type tested (for example, DOT-37B450, etc.) and the letters STC located near the DOT mark to indicate a single-trip drum.

75. In § 178.150, § 178.150-3, paragraph (a)(2) is revised to read as follows:

§ 178.150 and § 178.150-3 [Amended]

(a) * * *
(2) Single bottle cases:

	Nominal capacity of inside containers			
	Pint	Quart	5 pts.	Gallon
Side wall, inches.....	¾	¾	¾	1 ½
Top wall, inches (See Note 1).....	¾	¾	¾	1
Bottom wall, inches.....	1	1	¾	1 ½

Note 1.—In the recess for the closure cap for the inside container, ¼-inch thickness is permissible: the closure cap shall not be in contact with the inside of the top wall.

76. In § 178.205-16, paragraph (a), is revised as follows:

§ 178.205-16 Authorized gross weight and parts required.

(a) The authorized gross weight (when packed) and the parts required are as follows:

Authorized gross weight (pounds)	Strength of fiberboard (minimum) Mullen or Cady test						
	Solid board			Doublefaced corrugated		Doublewall corrugated	
	Box	Lining *	Heads ¹	Box	Lining *	Box	Lining *
15.....	175		(²)	175		200	
30.....	200		275	200		200	
40.....	275		350	275		200	
				200	175		
55.....	325		(²)	325		275	
65 *.....	375		(²)	375			
				275	175	275	
	275	175	350	200	200		

¹ For recessed heads when used. In other cases same as for the box.
² As prescribed in § 178.205-15. A complete box is acceptable in place of the lining.
* Recessed heads are not authorized.
* Except as otherwise authorized herein or by Part 173 of this chapter.

77. In § 178.209, § 178.209-8, paragraph (a)(2) and Note 1 are revised to read as follows:

§ 178.209 and 178.209-8 [Amended]

(a) * * *
(2) Box is to consist of full depth top and bottom sections completely telescoping. No inner lining tube is required. Four variations are authorized: the first is with the bottom slotted on the ends and the cover slotted on the sides; the second, with both the cover and bottom slotted on the sides; the third, with the bottom slotted on the sides and the cover slotted on the ends; and the fourth, with the sides and ends (both covers and bottom) not slotted, manufacturer's joint a side lap glued or stapled to end, closing flaps to form top and bottom of box with side closing flaps out and overlapping.

Note 1.—Hand-holes, oval in shape, not more than 1 inch in width by 3 inches in length, and horizontal with top score line, are authorized in the ends of the top section of the boxes.

* * * * *

78. In § 178.337, § 178.337-17 the first sentence in paragraph (a) is revised to read as follows:

§ 178.337 and § 178.337-17 [Amended]

(a) *Metal identification plate.* Each tank built after July 1, 1985 shall have a corrosion resistant metal plate permanently affixed by brazing or welding around its perimeter, on the left side (on the right side prior to July 1, 1985) near the front, in a place readily accessible for inspection. It must be maintained in a legible condition. * * *

79. In § 178.338, § 178.338-18, the first sentence in paragraphs (a) and (b) is revised to read as follows:

§ 178.338 and § 178.338-18 [Amended]

(a) *Nameplate.* Each tank built after July 1, 1985 shall have a corrosion resistant metal plate permanently affixed by brazing or welding around its perimeter, on the left side (on the right

side prior to July 1, 1985) near the front. * * *

* * * * *

(b) *Specification plate.* Each tank built after July 1, 1985 shall have an additional plate, in the form specified in paragraph (a) of this section. It must be welded, brazed, or riveted to the jacket on the left side (on the right side prior to July 1, 1985) near the front, or at the control station, in a position readily legible to operating personnel. * * *

* * * * *

80. In § 178.340, § 178.340-10 the first two sentences in paragraph (b) are revised to read as follows:

§ 178.340 and § 178.340-10 [Amended]

* * * * *

(b) *Metal certification plate.* After July 1, 1985, each cargo tank, or tank compartment if constructed to a different specification, must have a metal certification plate attached to its shell or to an integral supporting structure. The certification plate shall not be subject to corrosion, and must be located on the left side (on the right side prior to July 1, 1985) near the front in a place readily accessible for inspection. * * *

* * * * *

§§ 178.337-1, 178.337-10, 178.337-13 and 178.337-17 [Amended]

81. In addition to the amendments set forth above, Part 178 is amended by removing the words "tank motor

vehicle" and inserting, in their place, the words "cargo tank" in the following sections:

§ 178.337-1(d)

§ 178.337-10(d)

§ 178.337-13(b)

§ 178.337-17(b)

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M. Cynthia Douglas,

Administrator, Research and Special Programs Administration.

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