

DATE: Comments must be received by October 12, 1983.

ADDRESS: Address comments to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped post card. The Dockets Branch is located in Room 8428 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C.

Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590 (202-472-2726).

SUPPLEMENTARY INFORMATION: Each of the proposed amendments described in the following table is founded upon either: (1) Actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application for an exemption. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations.

These proposals would not significantly affect the cost of regulatory enforcement, nor would additional costs be imposed on the private sector, consumer, or Federal, State or local governments, since these proposals would merely authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record of shipments under the identified exemptions demonstrates that significant environmental impacts would not result from any of the proposals. Adoption of an amendment derived from an existing exemption would obviate the need for the exemption and effectively terminate it. Upon such termination the holder of the exemption and parties thereto would be individually notified. Adoption of an amendment derived from an application

for exemption should provide the relief sought, in which event the exemption request would be denied and the applicant so notified. In the event the Bureau decides not to adopt any of these proposals, each pertinent application would be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on the proposals may wish to address both the proposed amendment and the exemption application.

Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo Vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

The MTB certifies that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities. Also, because the proposals made in this Notice relate to exemptions which have already been approved by the Materials Transportation Bureau, we have further determined that the Notice—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact would be so minimal; (4) will not affect not-for-profit enterprises, or small governmental jurisdictions; and (5) does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.).

List of Subject Terms

49 CFR Part 172

Hazardous materials transportation, Labeling, Packaging and containers.

49 CFR Part 173

Hazardous materials, transportation, Packaging and containers.

49 CFR Part 179

Railroad safety.

49 CFR Parts 172, 173, and 179

[Docket No. HM-139F; Notice No. 83-5]

Conversion of Individual Exemptions Into Regulations of General Applicability

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The MTB is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations.

Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe. In addition, these proposed changes would eliminate the need for recordkeeping by the exemption holder(s); eliminate the need for marking the exemption number on the package and shipping paper(s), and eliminate the need for MTB to receive, review, docket, evaluate, and issue a renewal of the exemption every two years.

Exemption No.	Applicant holder	Regulation affected	Nature of exemption or application	Proposed amendment
DOT-E 5682	Dow Chemical Co. Great Lakes Chemical Corp.	§ 173.353(a) § 173.353a(a)	Authorizes shipments of Methyl Bromide with more than 2% chloroacinn mixture, liquid; Methyl bromide and nonflammable, nonliquefied compressed gas mixture, liquid; Methyl bromide-ethylene dibromide mixture, liquid (RQ-1000/454); and Methyl bromide, liquid (including up to 2% chloroacinn) in DOT Specification 51 portable tanks. (Modes 1, 2 and 3).	To add paragraph (e)(8) to § 173.353 to read as follows: (8) Specification 51 (§ 178.245 of this subchapter). Steel portable tanks having a design pressure of not less than 250 pounds per square inch and equipped with a spring loaded safety relief device. To revise § 173.353a(a) to include reference to § 173.353(a)(8).

Exemption No.	Applicant holder	Regulation affected	Nature of exemption or application	Proposed amendment
DOT-E 6225	Great Lakes Chemical Corp. Michigan Chemical Corp	§ 173.252(g)	Authorizes shipments of Bromine in a round glass jug with a screw cap closure securely fastened with tape, shrinkable band or other method to insure tight closure. Jugs may not exceed 80 fluid ounces (2.5 liters) and as many as four jugs may be overpacked in a DOT Specification 33A expanded polystyrene case which is further overpacked in a 275-pound double-wall fiberboard box with spacers and cushioning material; or overpacked in a DOT Specification 15A-100 wooden box with zonedite cushioning and absorbent material. (Modes 1 and 3.)	To add paragraphs (g)(4) and (g)(5) to § 173.252 to read as follows: (4) Specification 33A (§ 178.150 of this subchapter). Polystyrene case (nonreusable container) having not more than four inside glass jugs of not over 80 fluid ounces (2.5 liters) each. The polystyrene case must be further overpacked in a strong fiberboard box of at least 275-pound test and adequately cushioned. Not authorized for transportation by air. (5) Specification 15A (§ 178.168 of this subchapter). Wooden boxes (for a gross weight of not less than 100 pounds) having not more than four inside glass jugs of not over 80 fluid ounces (2.5 liters) each. Jugs must be cushioned with an appropriate absorbent material. Not authorized for transportation by air.
DOT-E 6388	E. I. Du Pont	§ 173.346(a)(10) § 173.347(a)(2) § 173.352(a)(4) § 173.374(b)(5)	Authorizes shipments of Aniline oil, Nitrobenzene, Nitrochlorobenzene, ortho, Nitrochlorobenzene, para, Sodium cyanide solution, and Poison B liquid, n.o.s. in DOT Specification 105A400W, 112A400W, 114A400W, and proposed 120A300 and 120A400W tank cars. (Note: Proposed amendment does not include this class 120A tank cars). (Modes 2)	To amend paragraph (a)(10) of § 173.346, paragraph (a)(2) of § 173.347 and paragraph (a)(4) of § 173.352 to include DOT Specification 105A400W, 112A400W and 114A400W tank cars. Paragraph (a)(95) of § 173.374 would be added to read as follows: (5) Specification 105A400W, 112A400W, 114A400W (§§ 179.100, 179.101 of this subchapter). Tank cars.
DOT-E 6416	Allied Chemical Corp	§ 179.101-1(a)	Authorizes shipments of Monochlorodifluoromethane in DOT Specification 105A300W tank cars equipped with safety relief valves having a start-to-discharge setting of -247.5 psi with a start-to-discharge tolerance of plus or minus 7.4 psi and a minimum vapor tight pressure of 196 psi. The proposed amendment is for § 179.102-11 because footnote 6 is referenced in the § 179.101-1 Table after safety relief valves, psi. (Mode 2).	To amend the heading in § 179.102-11 and the introductory text of paragraph (a) to include the commodity chlorodifluoromethane.
DOT-E 6523	FMC Corp	§ 173.154	Authorizes shipments of sodium carbonate peroxide; sodium persulfate; sodium perborate monohydrate; ammonium persulfate; potassium persulfate, described as Oxidizer, n.o.s. in tight sift-proof hopper cars; tight sift-proof covered hopper type motor vehicles; DOT Specification 44B and 44C multiwall paper bags; and DOT Specification -4P all-plastic bags. (Modes 1, 2 and 3.)	To revise paragraph (a)(20) and add paragraphs (22) and (23) in § 173.154 to read as follows: (20) As prescribed in § 173.163(a)(7). Authorized only for ammonium persulfate, hydrated calcium hypochlorite, potassium persulfate, sodium carbonate peroxide, sodium chlorate, dry, sodium perborate monohydrate and sodium persulfate. (22) Specification 44P (§ 178.241 of this subchapter). All plastic bags. Authorized only for ammonium persulfate, potassium persulfate, sodium carbonate peroxide, sodium perborate monohydrate and sodium persulfate. Net weight may not exceed 81 pounds. (23) Specification 44B or 44C (§§ 178.236, 178.237 of this subchapter). Multiwall paper bags. Authorized only for ammonium persulfate, dibasic lead phosphite, potassium persulfate, sodium carbonate peroxide, sodium perborate monohydrate and sodium persulfate.
DOT-E 6926	Union Carbide Corp	§ 173.365(a)	Authorizes shipments of dry granular mixtures containing not more than 15% by weight of TEMIK and in which the liquid is absorbed in an inert material in five-ply DOT Specification 44D extensible Kraft paper having a minimum total basis weight of 260 pounds and an outer ply of no less than 60 pounds basis weight. Bag must have a metal foil inner liner and contain not over 50 pounds net weight. Bags must be unitized or containerized for transportation via cargo vessel. (Modes 1, 2, and 3.)	To add paragraph (a)(9) to § 173.365 to read as follows: (9) Specification 44D (§ 178.238 of this subchapter). Multiwall paper bags. Where extensible Kraft is used, the minimum total basis weight must be 260 pounds and the outer wall may be no less than 60 pounds basis weight. Bag must have a metal foil inner liner. Net weight not over 50 pounds each. For transportation by water, bags must be unitized or containerized. Not authorized for transportation by air. Authorized only for carbamate pesticide mixtures containing not more than 15 percent active ingredient.
DOT-E 7032	Polaroid Corp	§ 172.101	Authorizes shipments of a film developer which is properly described as a Corrosive solid, n.o.s. in a 55 gallon non-specification removable head drum of 16 gauge stainless steel. Top head is closed by means of a 12 gauge locking ring and 1/2 inch bolt and nut. Drum must be mounted on a wood pallet and enclosed with a plywood cover secured to the pallet with steel strapping. (Mode 4.)	To add a new entry to the § 172.101 Table for "Film developer having a viscosity over 500,000 centipoises" See Table for proposed entry.
DOT-E 7040	Polaroid Corp	§ 172.101	Authorizes shipments of a film developer which is properly described as a Corrosive liquid, n.o.s. in a 55 gallon DOT Specification 6D/2SL container mounted on a pallet and covered with a wooden overwrap. (Mode 4.)	To add a new entry to the § 172.101 Table for "Film developer having a viscosity between 100,000 and 200,000 centipoises" See Table for proposed entry.

Exemption No.	Applicant holder	Regulation affected	Nature of exemption or application	Proposed amendment
DOT-E 7883	E. I. DuPont RIM Co. Ethyl Corp.	§ 173.31(c)	Authorizes shipments of Sodium, metal in DOT Specification 105-A300W tank cars which are visually inspected at least once every 10 years instead of being hydrostatically retested. (Mode 2).	To amend Retest Table 1 in § 173.31 by adding a footnote (L) in Columns 2, 3, and 4 for DOT-105A300W tank cars and by adding footnote (L) (lower case), following the Table, to read as follows: (1) Tanks in sodium metal service may be visually inspected at least once every 10 years instead of being retested hydrostatically. Date of the visual inspection must be stenciled on the tank near the other required markings. See DOT-E 6523 proposed entry.
DOT-E 8055	NL Industries, Inc. American Cyanamid Co. Helstab Division, Hammond Lead Products, Inc. Associated Lead, Inc.	§ 173.154	Authorizes shipments of Dibasic lead phosphite described as a Flammable solid, n.o.s. in DOT Specification 44C multwall paper bags. Net weight not over 50 pounds each (Modes 1, 2 and 3).	
DOT-E 8714	The Lubrizol Corp.	§ 173.272(i)(22)	Authorizes shipments of Oleum in DOT Specification 115A60W6 stainless steel tank cars having bottom outlets rendered inoperative and blanked off. (Mode 2).	To amend paragraph (i)(22) of § 173.272 to include DOT Specification 115A60W6 stainless steel tank cars for the shipments of Oleum.
DOT-E 8730	Allied Chemical Corp.	§ 173.154(a)(4)	Authorizes shipments of Potassium nitrite solution in DOT Specification MC 311 and MC 312 cargo tanks. (Mode 1).	To amend paragraph (a)(4) of § 173.154 to include Potassium nitrite in DOT Specification MC 311, MC 312 cargo tanks.
DOT-E 8732	American Emulsions Co. Inc. Barton Solvents, Inc. Chemcentral/Los Angeles Delta Solvents & Chemicals Dow Chemical Co. Ashland Chemical Co. Coastal Chemical Co. Van Waters & Rogers Union Carbide Corp.	§ 173.245 (a)(29) and (a)(31)	Authorizes shipments of Monoethanolamine and primary amyl alcohol in DOT Specification MC 303 and MC 306 cargo tanks made of aluminum or steel. (Mode 1).	To amend paragraphs (a)(29) and (a)(31) of § 173.245 to include Monoethanolamine and primary amyl alcohol in DOT Specification MC 303 and MC 306 cargo tanks.
DOT-E 8739	Kerr Steamship Co.	§ 173.1075	Authorizes shipments of hand wrapped newspaper bundles of paper scrap in a freight container. The package that is indicated on the shipping documents is the freight container. (Mode 3).	To revise § 173.1075 to read as follows: Scrap paper or waste, when offered for transportation by water, must be packaged in tight bales except that hand wrapped bundles are authorized when overpacked in a freight container.
DOT-E 8754	Columbia Nitrogen Corp.	§ 173.245	Authorizes shipments of Ammonium hydroxide (containing not less than 12% but not more than 44% ammonia) in DOT Specification 105A200ALW and 109A200ALW tank cars. (Mode 2).	To revise paragraph (a)(32) of § 173.245 to read as follows: (32) Specification 103AW, 103AALW, 103ANW, 103BW, 103CW, 103EW, 105A100W, 105A200ALW, 109A200ALW, 111A100F2, 111A60ALW2, 111A60W2, 111A60W5, or AAR-201A60W §§ 179.100, 179.101, 179.200, 179.201 of this subchapter). Tank cars, Specification 105A200ALW tank cars authorized only for acetic anhydride and ammonium hydroxide. Specification 105A100W tank cars authorized only for ammonium hydroxide and dimethyl chlorothiophosphate. AAR201A60W and 109A200ALW tank cars authorized only for ammonium hydroxide.
DOT-E 8774	Eastman Kodak Co.	§ 172.101 Column (7)(c)	Waives the segregation requirements for Acetic acid, glacial which reads: "Segregation same as for flammable liquids". (Mode 3).	Amend Column (7)(c) of the § 172.101 Table for the entry Acetic acid, glacial (RC-1000/454) to read as follows: (7)(c) Store separate from nitric acid or oxidizing materials.
DOT-E 8798	Stauffer Chemical Co.	§ 173.188(a)(4)	Authorizes shipments of Phosphoric anhydride in DOT Specification 56 portable tanks constructed of Type 316L stainless steel. (Modes 1 and 2).	To add paragraph (a)(4) to § 173.188 to read as follows: (4) Specification 56 (§ 179.252 of this subchapter). Stainless steel portable tanks.
DOT-E 8799	E. I. Du Pont Ethyl Corp.	§ 173.33(d)(1) and (d)(2)	Authorizes shipments of Sodium, metal in DOT Specification MC 330 and MC 331 cargo tanks which have not been subjected to the pressure retest requirements but must have a complete internal visual inspection at least once every 5 years. The date of inspection must be marked on the metal certification plate near the other required markings. (Mode 1).	To amend paragraph (d)(2) of § 173.33 by adding a sentence at the end to read as follows: (2) " ". Tanks used only in sodium metal service may have a complete internal visual inspection at least once every 5 years instead of a hydrostatic or pneumatic test.
DOT-E 8800	General American Transportation Corp.	§ 173.353	Authorizes shipments of Methyl bromide, liquid in DOT Specification 51 portable tanks having a maximum allowable working pressure of 375 psig. (Modes 1, 2 and 3).	See DOT-E 5682 proposed entry.
DOT-E 8827; DOT-E 8846.	Union Carbide Corp. GAF Corp.	§ 173.315(a)(1)	Authorizes shipments of Vinyl methyl ether in DOT Specification MC 330 or MC 331 cargo tanks and a maximum permitted filling density of 68 percent. (Mode 1).	To add Vinyl methyl ether to the Table in § 173.315 to read as follows: Vinyl methyl ether . . . 68 . . . See Note 7 and 13 . . . MC 330, MC 331 . . . 100.
DOT-E 8829	Economics Lab, Inc.	§ 173.277(a)(1)	Authorizes shipments of Hypochlorite solution containing more than 7% available chlorine by weight in a DOT Specification 12A corrugated fiberboard box with vented polyethylene inside bottles of one-gallon capacity each. Not more than four one-gallon polyethylene bottles may be packed in one outside fiberboard box. (Mode 1).	To revise paragraph (a)(1) of § 173.277 to read as follows: (1) Specification 15A, 15B, 15C, 19A or 19B (§ 173.168, 178.169, 178.170, 178.190, 178.191 of this subchapter) wooden boxes, Spec. 12A or 12B (§ 178.210, 178.205 of this subchapter) fiberboard boxes with inside glass, earthenware or polyethylene containers of not more than 1-gallon capacity each. Gross weight must not exceed 65 pounds nor contain more than 4 glass or earthenware inside container if their capacity is greater than 5 pints each, or more than six such polyethylene containers.
DOT-8884	Chemical Applicators of Lafayette, Inc.	§ 173.245(a)(38)	Authorizes shipments of Monoethanolamine, and diethanolamine, in DOT Specification 57 steel portable tanks without fragile devices. (Modes 1 and 3).	To amend paragraph (a)(38) of § 173.245 to include the following corrosive materials: (38) diethanolamine and monoethanolamine

Exemption No.	Applicant holder	Regulation affected	Nature of exemption or application	Proposed amendment
DOT-E 8972	Union Carbide Corp.	§ 173.247(a)(18)	Authorizes shipments of Anhydrous thionyl chloride and mixtures thereof with non-hazardous inorganic salt in a DOT Specification 3E1800 stainless steel cylinder equipped with one end plug and one valve having a protective cover. (Mode 1).	To revise paragraph (a)(18) of § 173.247(a) to read as follows: (18) Specification 3E1800 (§ 178.42 of this subchapter). Cylinder authorized only for thionyl chloride, anhydrous and titanium tetrachloride, anhydrous.

§ 172.101 Hazardous Materials Table.

+ EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification No.	Label(s) required (if not excepted)	Packaging:		Maximum net quantity in one package		Water shipments		
					Exemptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
(1)	(2)	(3)	3(a)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
	Film developer (having a viscosity range between 100,000 and 200,000 centipoises).	Corrosive material.....		Corrosive.....	173.244	173.245	1 quart.....	55 gallons.....	1, 2	1, 2	
	Film developer (having a viscosity over 500,000 centipoises).	Corrosive material.....		Corrosive.....	173.284	173.245b	25 pounds.....	850 pounds.....	1, 2	1, 2	

(49 U.S.C. 1803, 1804, 1808, 49 CFR 1.53, App. A to Part 1 and paragraph (a)(3) of App. A to Part 106)

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Thomas J. Charlton,
Acting Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

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