DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

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

[Docket No. HM-166N; Notice No. 82-7]

Shipment of Hazardous Materials; Proposed Miscellaneous Amendments

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau (MTB) is proposing to make several miscellaneous amendments to the regulations pertaining to the shipment of hazardous materials. This action is necessary to update the regulations and to reduce MTB'S backlog of rulemaking petitions.

DATE: Comments must be received by October 1, 1982.

ADDRESS: Address comments to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and notice number and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th 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: This document is the fourteenth in a series of notices and amendments designed primarily to reduce regulatory burdens by incorporating changes in the Hazardous Materials Regulations based on either petitions for rulemaking submitted in accordance with 49 CFR 106.31 or on MTB's own initiative. These proposed amendments are in keeping with Executive Order 12291 and are designed to simplify existing regulations.

In summary, these proposed amendments would (1) revise § 171.7(d)(2) by updating the reference to the latest issue of Association of American Railroads Specification for Tank Cars; (2) eliminate the confusion in § 172.101 by deleting the parenthetical phrase for the entries "Uranium hexafluoride, fissile (containing more than 0.7% U-235)" and "Uranium hexafluoride, low specific activity (containing 0.7% or less U-235)"; (3) amend the entry "Nitrating acid *(RQ-1000/454)*" in § 172.101 to require the oxidizer label and the corrosive label; (4) correct the entry "Fibers *or* fabric, containing not more than 5% animal *or* vegetable oil" in § 172.101 by deleting the word "not"; (5) correct the RQ value in § 172.101 for the entry "Ammonium hydroxide (containing less than 12% ammonia); (6) correct a typographical error for the entry Phosphorus trichloride; (7) add eight new entries to the Table in § 172.101: (a) Rocket ammunitition with empty, inert, or solid loaded projectile, Class A, (b) Phenyl mercaptan, (c) *Benzenethiol. See* Phenyl mercaptan, (d) *thiophenol. See* Phenyl mercaptan, (e) Petroleum oil n.o.s. *See* Oil, (f) Ethanol *See* Ethyl Alcohol, (g) Chloropicrin, mixture, flammable, (h) Methyl phosphonic dichloride. In addition, the present Table entries for Ethyl phosphonous dichloride, anhydrous and Methyl phosphonous dichloride would be deleted and Ethyl phosphonous dichloride and Methyl phosphonous dichloride would reference Pyroforic liquid, n.o.s. because test results indicate these two materials are pyroforic. (8) delete the word "Forbidden" in Column (7)(c) of the Table in § 172.101 and change the shipping name for the entry "Charged oil well jet perforating gun *(total explosive contents in guns not exceeding 20 pounds per motor vehicle or special offshore down hole tool pallet)*"; correct a typographical error in the § 172.101 Table for the entry *1-Bromo-2-nitrobenzene (unstable at 59 deg C.)* (10) require the Flammable solid and Dangerous when wet label for the entry "Sodium methylate, dry *(RQ-1000/454)*"; (11) add paragraphs (e) and (f) to § 172.202 to prohibit a shipper from offering for transportation as a hazardous material a material that does not meet the definition of a hazardous material or otherwise authorized by 49 CFR Parts 100-177 to be shipped as a hazardous material; (12) clarify the use of the words "Limited Quantity" or "Ltd. Qty." in § 172.203(b); (13) correct "NA2076" to read "UN2076" in § 172.203(c)(2); (14) authorize motor vehicles transporting cargo tanks or portable tanks by highway to use the COMBUSTIBLE placard with the white lower portion or the FLAMMABLE placard to display identification numbers for combustible liquids; (15) delete the parenthetical phrase in Table 1 of § 172.504 for the entries "Uranium hexafluoride, fissile (containing more than 0.7 percent U^{235})" and "Uranium hexafluoride, low specific activity (containing 0.7 percent or less U^{235})". Note 4 would be revised to authorize use of the flammable placard on a compartmented tank car containing a Combustible liquid. Also, Note 6 in Table 2 of § 172.504 incorrectly refers to the word "exemptions" instead of "exceptions"; (16) revise § 172.400(b)(3) regarding military explosives; (17) exempt farmers and their agent(s) from the marking and outside container specification requirements when transporting less-than-case-lots of formulated pesticide chemicals in private carriage under certain conditions. Also, an exception would be granted to waive the specification packaging for formulated pesticide chemicals on vehicles equipped with a closed system and operated by private carriage between a final distribution point and the ultimate point of use; (18) simplify the existing wording for the use of overpacks; (19) authorize the use of DOT Specification 51 portable tanks where IM-101 and IM-102 portable tanks are authorized, subject to the commodity requirements of the IM Tank Table; (20) revise § 173.32(L)(1) and § 173.33(f) to bring them in line with NFPA 58 regarding pipe joints on tanks used for compressed gas; (21) authorize DOT Specification MC-304 cargo tanks to be equipped with pressure relief devices and fusible devices as specified in § 178.342-4 and 178.342-5, for DOT Specification MC-307 cargo tanks; (22) authorize the use of an additional inside container for the shipment of *Lead styphnate* when overpacked in a DOT Specification 5, 5B or 17H metal barrel or drum; (23) exclude beverage wine and "grape must" from the definition of a combustible liquid; (24) revise § 173.115(d) to reflect the latest issue of certain ASTM Standards; (25) authorize the use of DOT Specification 12A or 12B fiberboard boxes as an overpack for the shipment of Pyroforic liquids in § 173.134(a)(1); (26) authorize an exception for the shipment of small quantities of corrosive liquids in glass containers overpacked in strong outside packagings; (27) remove certain requirements in § 173.245(b) regarding the shipment of hazardous waste and hazardous substances that are corrosive only to steel and classed as a corrosive material; increase the capacity of plastic drums from 7-gallon capacity to 55-gallon capacity for the shipment of corrosive solids in § 173.245b(a)(6) and correct an oversight in the May 22, 1980 (45 FR 74640) publication; (28) amend § 173.277 to regulate shipments of Hypochlorite solutions *containing more than 7% available chlorine by weight (RQ-100/45.4)* in tank vehicles; (29) correct a typographical error in § 173.308(a); (30) revise § 173.357(b)(3) for Chloropicrin mixtures; (31) eliminate marking requirements for ORM-D materials under certain conditions; (32) add Blasting agents to the Table in

§ 174.25; (33) revise § 176.11 to authorize hazardous materials offered for transportation under IMCO to be transported by vessel in coast-wise service or between the mainland and Alaska, Puerto Rico, the Virgin Islands, American Samoa, or Guam; (34) revise § 176.30(a)(3) and correct § 176.30(a)(6) to provide for inclusion of the identification number as an element of the basic description on a shipping paper; (35) authorize ammonium nitrate fertilizer *(containing no more than 0.2 percent carbon)* to be loaded on or unloaded from a vessel at any waterfront facility without a permit; (36) clarify § 177.824(h) regarding the word "inspection" and the word "test"; (37) authorize the use of additional tie-down methods for securing tarpaulins on motor vehicles when transporting explosives; (38) eliminate the need for a copy of test reports to be filed with the Associate Director for OE in § 178.209–14, § 178.214–18, § 178.218–11 and § 178.219–14; and correct the words "Bureau of Explosives" to read "Associate Director for HMR" in § 178.245–7.

This proposed rulemaking is a refinement of the existing Hazardous Materials Regulations and should not result in any increase in costs or prices for manufacturers, shippers, carriers, consumers, Federal, State, or local government agencies.

The following list of Federal Register Thesaurus of Indexing Terms apply to this notice of proposed rulemaking:

List of Subjects

49 CFR Part 171

Hazardous materials transportation.

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 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.

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 171.7(d)(2)	To update the reference to the latest issue of the "Association of American Railroads Specification for Tank cars"	To revise § 171.7(d)(2) to read as follows: (2) AAR Specification for Tank Cars means the 1981 edition of the "Association of American Railroads Specifications for Tank cars, Specification M-1002".
§ 172.101	To delete the parenthetical phrase in § 172.101 for Uranium hexafluoride fissile (*containing more than 0.7% U-235* and Uranium hexafluoride, low specific activity (*containing 0.7% or less U-235*). Also, this same parenthetical phrase would be deleted in Column 1 of Table 1 in § 172.504. The referenced parenthetical phrase causes confusion by implying that uranium hexafluoride enriched greater than 0.7% is fissile material while § 173.393(a)(3) indicates that up to 1% enriched materials are not classified as fissile radioactive materials. This proposed amendment would clarify that shipments of up to 1% enriched material are lot specific activity and 1% and greater enriched materials are fissile.	To amend the Table in § 172.101 by changing the following entries in Column 2 Uranium hexafluoride, fissile (*containing more than 0.7% U-235*) and Uranium hexafluoride, low specific activity (containing 0.7% or less U-235) to read as follows: Uranium hexafluoride, fissile. Uranium hexafluoride, low specific activity
§ 172.101	To require both the oxidizer label and the corrosive label for the Table entry "Nitrating acid (*RQ-1000/454*)" This action is considered necessary to alert carriers and emergency response personnel of the corrosivity of this material.	To revise Column (4) of the Table in § 172.101 for the entry "Nitrating acid (*RQ-1000/454*)" to read "Oxidizer and Corrosive"
§ 172.101	To correct the entry in Column (2) "Fibers *or* fabric, containing not more than 5% animal *or* vegetable oil" to read "Fibers *or* fabric, containing more than 5% animal *or* vegetable oil". The word "not" was inadvertently added under Docket HM-112.	To amend the Table in § 172.101 by correcting the entry "Fibers *or* fabric, containing not more than 5% animal or vegetable oil" to read "Fibers *or* fabric, containing more than 5% animal or vegetable oil".
§ 172.101	To correct RQ value in Column (2) for "Ammonium hydroxide (*containing less than 12% ammonia*)" from "(*RQ-5000/2270*" to read "(*RQ-1000/454*)" The incorrect RQ figure was published in the **Federal Register** on November 10, 1980 (45 FR 74640).	To amend the Table in § 172.101 by correcting the entry "Ammonium hydroxide (*containing less than 12% ammonia*) (*RQ-5000/2270*)" to read "Ammonium hydroxide (*containing less than 12 percent*) (*RQ-1000/454*)".
§ 172.101	To correct a typographical error in Column (7)(a) for "Phosphorus trichloride (*RQ-5000/2270*)" from 11 to 1.	To revise Column (7)(a) of the Table in § 172.101 for the entry "Phosphorous trichloride (*RQ-5000/2270*)" to read 1 instead of 11.
§ 172.101	To add new entry in the Hazardous Materials Table for "Phenyl mercaptan," classed as a Poison B. Phenyl mercaptan also meets the DOT definition for the combustible liquid hazard class. The toxicity of phynyl mercaptan, as listed in the National Institute for Occupational Safety and Health Registry of Toxic Effects of Chemical Substances (1979 edition), is as follows: Oral—rat LD50: 46 mg/kg and inhalation—rat LC50: 33 ppm/4 hours (1.5 mg/l). No skin-rabbit LD50 was listed. The closed cup flash point of phenyl mercaptan is 123° F. Evidently,there has been some confusion about the flash point which is incorrectly listed in some publications as 60°F. The UN Recommendation for the Transport of Dangerous Goods classes phenyl mercaptan as a poison and indicates a subsidiary risk of flammable liquid. However, the IMCO Code and the 1977 edition of the UN Recommendations class phenyl mercaptan as a flammable liquid. Amendment No. 19–1980 to the IMCO Code, which will be published later this year, will correct the error and classify phenyl mercaptan as a poison, having a subsidiary risk of flammable liquid.	See Table for proposed entry
§ 172.101	To add a new entry in Column (2) to read as follows: "Petroleum Oil, n.o.s." *See* "oil" This new entry is needed in order to bring the Hazardous Materials Table in line with the petroleum and chemical industry, where a wide range of products are described under the general heading of "Petroleum oil".	To amend the Table in § 172.101 by adding a new entry to read as follows: Petroleum oil, n.o.s. *See* Oil
§ 172.101	To add a new entry in Column (2) to read as follows: Ethanol. *See* Ethyl alcohol	To amend the Table in § 172.101 by adding a new entry to read as follows: Ethanol. *See* Ethyl alcohol.
§ 172.101	To delete the word "Forbidden" in Column (7)(c) and to change the name for the entry "Charged oil well jet perforating gun (*total explosive contents in guns not exceeding 20 pounds per motor vehicle or special offshore down hole tool pallet*). The word "Forbidden" was inadvertently added several years ago, and these guns are used to perforate the casings of wells for other than oil (for example gas or geothermal wells).	To amend the Table in § 172.101 by changing the two entries "Charged oil well jet perforating gun" to read "Charged well casing jet perforating gun" and to delete the word "Forbidden" in Column (7)(c).
§ 172.101	To add a new entry to provide for "Rocket Ammunition with empty, inert, *or* solid loaded projectile" that is a Class A explosive. Some new devices now entering the transportation system are Class A explosive instead of the usual Class B explosive.	To amend the Table in § 172.101 by adding a new entry for "Rocket ammunition with empty, inert *or* solid loaded projectile", Class A explosive. See § 172.101 Table for proposed entry.
§ 172.101	To correct a typographical error in Column (2) for "*1-Bromo-2-nitrobenzene* (unstable at 59° C)" To read "*1-Bromo-3-nitrobenzene (unstable at* 56° C.)"	To amend the Table in § 172.101 by correcting the entry "*1-Bromo-2-nitrobenzene (unstable at 59° C.)*" to read as follows: *1-Bromo-3-nitrobenzene* (unstable at 56° C).
§ 172.101	To change the labeling requirement in Column (4) for "Sodium methylate, dry (*RQ-1000/454*)" from Flammable solid to Flammable solid and Dangerous when wet. Sodium methylate is hydroscopic and should always be protected from becoming wet because it can react with oxygen or moisture in the air to spontaneously ignite.	To amend the Table in § 172.101 by changing the labeling requirement in Column (4) for "Sodium methylate, dry (*RQ-1000/454*)" to read Flammable solid and Dangerous when wet.

SECTION 172.101 HAZARDOUS MATERIALS TABLE

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
+/E/A/W	Hazardous materials descriptions and proper shipping names	Hazardclass	Identification number	Label(s) required (if not excepted)	Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
	REVISE										
	Ammonium hydroxide (*containing less that 12% ammonia*) (*RQ-1000/454*).	ORM-A	NA2672	None	173.505	173.510	10 gallons.	55 gallons.	1	1	
	1-Bromo-3-nitrobenzene (unstable at 56°C)	Forbidden									
	Charged well casing jet perforating gun (*total explosive content in guns not exceeding 20 pounds per motor vehicle or special offshore down hole tool pallet*).	Class C explosive.		Explosive C	None	173.53 173.110	Forbidden.	Forbidden.	1,2	5	
	Ethyl phosphonous dichloride. *See* Pyroforic, liquid, n.o.s										
	Fibers *or* fabric, containing more that 5% animal *or* vegetable oil.	Flammable solid.	NA1373	Flammable solid	None	173.170	Forbidden.	Forbidden.	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Methyl phosphonous dichloride. *See* Pyrofonc liquid, n.o.s.										
E	Nitrating acid (*RQ-1000/454*)	Oxidizer	NA1796	Oxidizer and corrosive.	None	173.267	Forbidden.	1 quart	1	5	Segregation same as for corrosive material.
E	Phosphorus trichloride (*RQ-5000/2270*)	Corrosive material.	UN1809	Corrosive	None	§ 173.271	Forbidden	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels.
E	Sodium methylate, dry (*RQ-1000/454*).	Flammable solid.	UN1431	Flammable solid and dangerous when wet	173.153	173.154	25 pounds.	100 pounds	1,2	1	
	Uranium hexafluoride, fissile	Radioactive material	NA9173	Radioactive and corrosive	173.393	173.396			1,2	1,2	
	Uranium hexafluoride, low specific activity	Radioactive material.	NA9174	Radioactive and corrosive.	173.392	173.393			1,2	1,2	
	ADD										
	Benzenethol. See Phenyl mercaptan.										
	Chloropicrin mixture, flammable (*pressure not exceeding 14.7 psia, flash point below 100 F*).	Poison B	NA2929	Poison and flammable liquid.	None	173.357	Forbidden.	Forbidden.	1	5	Keep cool.
	Ethanol. *See* Ethyl alcohol										
	Methyl phosphonic dichloride	Corrosive	NA9206	Corrosive	None	173.271	Forbidden.	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels.
	Petroleum oil, n.o.s. *See* Oil										
	Phenyl mercaptan	Poison B	UN2337	Poison	173.345	173.346	Forbidden.	10 gallons.	1,2	1	
	Rocket ammunition with empty, inert, *or* solid loaded projectile	Class A explosive.		Explosive A	None	173.57	Forbidden.	Forbidden.	6	5	
	Thiophenol. See Phenyl mercaptan.										
	DELETE										
	Ethyl phosphonous dichloride, anhydrous.	Corrosive material.	NA2845	Corrosive	173.244	173.245 173.245a	1 quart	1 quart	1	4	
	Methyl phosphonous dichloride	Corrosive material.	NA2845	Corrosive	173.244	173.245 173.245a	1 quart	1 quart	1	4	

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 172.202	To prohibit a shipper from offering for transportation as a hazardous material, a material that does not meet the definition of a hazardous material or otherwise authorized by 49 CFR Parts 100-177 to be shipped as a hazardous material. Emergency response personnel have requested this prohibition so as to help reduce confusing factors at the scene of an incident involving hazardous materials.	In § 172.202, paragraph (e) and (f) would be added to read as follows: (e) Except as provided in § 171.12 of this subchapter and paragraph (f) of this section, a material which is not a hazardous material under the provisions of this subchapter may not be described on a shipping paper as a hazardous material. (f) Except as provided in §§ 173.21, 173.51 and 173.86 of this subchapter, a material for which a reasonable doubt exists as to its hazard class and which is either a sample intended for transport to a laboratory for analysis or a hazardous waste intended for transport to a designated facility may be described in accordance with this subpart according to the shipper's tentative class assignment based upon —(1) Defining criteria in this subchapter; (2) The hazard precedence prescribed in § 173.2 of this subchapter and (3) The shippers' knowledge of the material.
§ 172.203(b)	To eliminate confusion and misinterpretation on the use of the words "Limited Quantities" or "Ltd. Qty." following the basic description on shipping papers.	To revise § 172.203(b) to read as follows: (b) *Limited quantities.* The description for a material offered for transportation as "limited quantity", as authorized by this subchapter, must include the words "Limited Quantity" or "Ltd. Qty." following the basic description.
§ 172.203(c)(2)	To correct a typographical error used in the example of "RQ, Cresol, Corrosive material, NA2076". The "NA" should read "UN".	To amend paragraph (c)(2) of § 172.203 by changing "NA" to read "UN".

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 172.332(c)(4)	To authorize motor vehicles transporting cargo tanks or portable tanks to use the COMBUSTIBLE placard with the white lower portion of the FLAMMABLE placard to display identification numbers for combustible liquids.	To revise § 172.332(c)(4) to read as follows: (4) For a COMBUSTIBLE placard used to display an identification number the entire background below the white background for the identification number must be white during transportation by rail and may be white during transportation by highway.
§ 172.400(b)(3)	To add the words "and explosives" after the words "military ammunition" in the first line. This will clarify that a label is not required for "explosives" or "ammunition" under certain conditions. Also, the words "by, for, or to" would be changed to read "by or on behalf of" the U.S. Department of Defense. The words "for" and "to" are confusing and could allow shipments to be shipped without DOD approval.	To revise § 172.400(b)(3) to read as follows: (3) Military ammunition and explosives shipped by or on behalf of the U.S. Department of Defense (DOD) when in freight containerload, carload or truckload shipments, if loaded and unloaded by the shippers, or DOD.
§ 172.504(d)	To delete the parenthetical phrase in Table 1 of § 172.504 for the entries: Uranium hexafluoride, fissile (containing more than 0.7 pct U235). Uranium hexafluoride, low specific activity (containing 0.7 pct or less U235). See proposed change in § 172.101 for the reason for this change.	To amend Table 1 in § 172.504(d) by changing the following entries in Column 1 under Radioactive material: Uranium hexafluoride, fissile (containing more than 0.7 pct U235). Uranium hexafluoride, low specific activity (containing 0.7 pct or less U235) to read as follows: Uranium hexafluoride, fissile. Uranium hexafluoride, low specific activity.
§ 172.504	Note 6 to Table 2 in § 172.504 incorrectly refers to § 173.245(b) for authorized exemptions. The word "exemptions" should read "exceptions." Also, in Table 2, Note 4 would be revised to eliminate the requirement for displaying a FLAMMABLE placard and a COMBUSTIBLE placard on a compartmented tank car that contains a Combustible liquid and a Flammable liquid. This exception in no way affects the identification number display requirements.	In § 172.504, Table 2, Note 6 would be corrected by changing the word "exemptions" to read "exceptions" and Note 4 would be revised to read as follows: 4. A FLAMMABLE placard may be used on cargo tank and a portable tank during transportation by highway and water or on a compartmented tank car containing materials classed as Flammable liquid and Combustible liquid.
§ 173.9	To provide an exception for agricultural operations from the marking requirements and the outside container specifications when transporting less-than-case-lots of formulated pesticide chemicals in private carriage between a local distributor and the ultimate point of application under specified conditions. Also, an exception would be provided to waive certain packaging requirements for vehicles with closed liquid pesticide mixing systems.	To add a new § 173.9 to read as follows: *Agricultural Operations:* a. Formulated liquid and solid pesticides which are offered for transportation in less-than-case-lost quantities, or when repackaged, are not subject to Subpart D of Part 172 of this subchapter and the outside specification packaging requirements of Part 173 of this subchapter when all of the following conditions are met: (1) Inside containers must be enclosed in a strong outside container and cushioned to prevent breakage and leakage. (2) Each inside container may not exceed 1-gallon capacity for liquids nor 25 pounds for dry materials. (3) Gross weight of less-than-case or repackaged lots may not exceed 100 pounds in each vehicle. (4) Transportation is authorized only by private motor vehicle between a final distribution point and the ultimate point of application within a one hundred mile radius. (5) Formulated pesticide chemicals that are a Poison B may not be transported in the same vehicle with material that is marked as or known to be foodstuff, feed, or any other edible material intended for consumption by humans or animals. b. Formulated liquid pesticides in specification packagings of 55 gallons capacity, or less, with closures manifolded to a closed mixing system and equipped with positive dry disconnect valves may be tansported by a private motor carrier between a final distribution point and an ultimate point of application or loading aboard an aircraft for aerial application.
§ 173.25	A number of questions have been asked concerning the provisions of this section, particularly as to whether overpacks for packages of corrosive liquids are restricted to fiberboard or wooden outside containers. MTB is proposing to revise the title and text of § 173.25 to indicate that the provisions of this section are applicable to any strong outside packagings used to overpack authorized packages containing hazardous materials, to clarify provisions applicable to overpacking corrosive liquids; and to eliminate repetitive language in the existing paragraphs.	In § 173.25 the title and entire text would be revised to read as follows: § 173.25 *Authorized packages and overpacks.* (a) Except as provided in paragraph (b) of this section, authorized packages containing hazardous materials may be shipped when tightly packed in a strong overpack, under the following conditions: (1) Packing is subject to the requirements of §§ 173.21 and 173.24 of this subchapter; (2) Overpack must be marked with the proper shipping name and labeled as required by this subchapter for each hazardous materials contained therein unless markings and labels represetative of each hazardous materials in overpack are visible; (3) Each package subject to the orientation marking requirements of § 172.312 of this subchapter must be packed in the overpack with its filling holes up and the overpack must be marked "THIS END UP" to indicate the upward position of closures; and (4) Overpack must be marked "INSIDE PACKAGES COMPLY WITH PRESCRIBED SPECIFICATIONS" when specification packagings are required, unless specification markings on the inside packages are visible. (b) In addition to the requirements of paragraph (a) of this section, packages containing corrosive liquids must comply with the following conditions: (1) Packages containing nitric acid, perchloric acid, or hydrogen peroxide solution (over 52% peroxide) may not be overpacked; and (2) Corrosive liquids may not be packed with any other hazardous material except as follows: (i) As provided in §§ 173.242, 173.257, 173.258, 173.259, 173.260, 173.261, and 173.286 of this subchapter; and (ii) Acid or alkaline battery fluid in packages prescribed by §§ 173.257 and 173.258 of this subchapter may be included in overpacks with dry charged storage batteries when packed to prevent movement within the overpack.
§ 173.32(a)	To authorize the use of DOT Specification 51 portable tanks where IM-101 and IM-102 portable tanks are authorized, subject to the commodity requirements of the IM Tank Table. The Specification 51 portable tank is considered to have a containment capability equal to or greater than the IM-101 and IM-102 portable tanks..	To add paragraph (5) to § 173.32(a) to read as follows: (5) Where IM-101 or IM-102 portable tanks are prescribed, Specification 51 portable tanks otherwise conforming to the special commodity requirements of the IM Tank Table may be used.
§ 173.32(L)(2), § 173.33(f)(1).	To clarify requirements for pipe joints on tanks used for compressed gas and to bring 49 CFR requirements in line with the current edition of NFPA 58.	To revise paragraph (L)(1) of § 173.32 and paragraph (f)(1) of § 173.33 to read as follows: (L) * * * (l) Pipe joints shall be threaded, welded or flanged. If threaded pipe is used, the pipe and pipe fittings must not be lighter than extra-strong (XS) weight. Nonmeallеable metals must not be used in the construction of valves or fittings. Where copper tubing is permitted, joints must be brazed or be of equally strong metal union type. The melting point of brazing material must not be lower than 1000°F. The method of joining tubing must not decrease the strength of the tubing such as by the cutting of threads.

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 173.33(b)(2)	To authorize DOT Specification MC-304 cargo tanks to be equipped with pressure relief devices and fusible devices as specified in § 178.342-4 and 178.342-5 for MC-307 cargo tanks, if desired. This proposed amendment would authorize the optional use of MC-307 type of relief valves and fusibles on MC-304 cargo tanks. The consensus of opinion is that the relief capacity requirements specified for the MC-307 tanks will provide adequate protection for the MC-304 tanks. This proposed amendment was requested by the National Tank Truck Carriers, Inc..	To amend § 173.33(b)(2) by adding the following sentence: "* * *Cargo tanks constructed to Specificabon MC 304 are authorized compliance with § 178.342-4 and 178.342-5
§ 173.74(b)	To authorize the use of an additional inside container for the shipment of lead styphnate when overpacked in a DOT Specification 5, 5B or 17H metal barrel or drum. At present, the inside container must be a bag made of rubber cloth. To our knowledge bags made of rubber cloth are not available. Bags made of rubber or rubberized cloth would satisfy the safety requirements and they are readily available.	To revise the first sentence of § 173.74(b) to read as follows: (b) Lead styphnate (lead trinitroresorcinate) must be packed wet with not less than 20 percent by weight of water in Specification 5 or 5B (§§ 178.80, 178.82 of this subchapter) metal barrel or drum, Spec. 17H (§ 178.118 of this subchapter) metal drum (single-trip), with an inside bag made of rubber or rubberized cloth * * *.
§ 173.115(b)(4)	To provide for an exception for a beverage wine, in bulk, from the definition of a combustible liquid. Approximately 88 percent of the wines produced are table wines having less than 14 percent alcohol by volume and 12 percent are dessert wines having an alcohol content over 14 percent by volume. Wines having an alcohol content over 21 percent are blending wines, and are not included in this proposed rulemaking. The MTB has no knowledge of any incident of fire due to the shipment of wine in bulk.	To revise paragraph (2) of 173.115(b)(2) to read as follows: (2) This subchapter does not apply to an aqueous solution containing 24 percent or less alcohol by volume if the remainder of the solution does not meet the definition of a hazardous material as defined in this subchapter
§ 173.115(d)(1)(i)(A)	To update the reference to the latest issue of ASTM standards to reflect their current status. Also, the reference to (ASTM D3243-73) in paragraph (d)(ii)(B) would be deleted.	In § 173.115, paragraph (d)(1)(i)(A) would be amended by changing (ASTM) D-56-70) to read (ASTM D56-79); paragraph (d)(1)(i)(B) would be deleted; paragraph (d)(1)(i)(C) would be amended by changing (ASTM D3278-73) to read (ASTM D3278-78); paragraph (d)(1)(ii)(A) would be amended by changing (ASTM D93-71) to read (ASTM 93-80) and by adding the following at the end: For cutback asphalt, use Method B of ASTM 93-80; paragraph (d)(ii)(B) would be deleted paragraph (d)(ii)(C) would be amended by changing (ASTM D3278-73) to read (ASTM D3278-78); paragraph (e) would be revised to read as follows: (e) "S.U.S." means Saybolt Universal Seconds as determined by the Standard Method of Test for Saybolt Viscosity (ASTM D-88-56) (reapproved 1973) and may be determined by use of the S.U.S. conversion tables specified in ASTM Method D2161-79 following determination of viscosity in accordance with the Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (ASTM D445-79).
§ 173.134(a)(1)(iii)	A shipper of pyroforic liquids in small DOT Specification 3AA cylinders overpacked in a DOT Specification 33A polystyrene case reports that the polystyrene cases are being damaged during transportation and that marking and labeling on the polystyrene case is more difficult because the labels do not adhere to the polystyrene case..	To revise the first sentence of § 173.134(a)(1)(iii) to read as follows: (iii) Overpacked in a Specification 12A or 12B (§§ 178.210, 178.205 of this subchapter) fiberboard box or Specification 33A (§ 178.150 of this subchapter) polystyrene case, * * *
§ 173.244(a)(5)	To authorize an exception for the shipment of small quantities of corrosive liquids in glass containers overpacked in strong outside packagings. This proposed change is considered necessary in order to bring the provisions of § 173.244 in line with other provisions of the regulation which authorize the shipment of small quantities of corrosive liquids in glass containers without the need for a metal can overpack.	To add paragraph (5) to § 173.244(a) to read as follows: (5) Corrosive liquids in glass containers having a rated capacity not over 8 fluid ounces by volume in strong outside packaging and cushioned with an absorbent material which will not react chemically with the corrosive material in sufficient quantity to completely absorb the liquid contents in the event of breakage.
§ 173.245(b)	The final rule published in the Federal Register on November 10, 1980 (45 FR 74640) provisions were made for regulating hazardous waste and hazardous substances that are corrosive only to steel and classed as a corrosive material. Unintentionally, full compliance with 49 CFR was implemented. Compliance with Parts 172 and the requirements of Part 174 and 177 associated with Part 172 in addition to discharge reporting are all that are considered essential to provide for safety in transportation for these corrosive liquids. This proposed change will provide for discharge reporting, shipping papers and transport vehicle placarding so that the EPA and DOT requirements are consistent.	In § 173.245 paragraph (b) would be revised to read as follows: (b) Except as provided in this paragraph and except when transportation by aircraft or vessel is involved, a liquid material classed as a corrosive material that is corrosive only to steel and does not meet the definition of any other hazard class defined in this subchapter (e.g., ORM-E), is excepted from the requirements of this subchapter for rail and highway carriers when transported in a portable tank, cargo tank or tank car constructed of materials that will not react dangerously with or be degraded by the material being transported. If the material is a hazardous waste or a hazardous substance, according to § 171.8 of this subchapter, the requirements of Parts 172 of this subchapter, and the requirements of Part 174 and 177 of this subchapter associated with Part 172 in addition to discharge reporting requirements of this subchapter apply.
§ 173.245b	The final rule published in the FEDERAL REGISTER on May 22, 1980 (45 FR 34560) and amended on November 10, 1980 (45 FR 74640) provisions were made for identifying hazardous waste and hazardous substances so EPA discharge reporting requirements could be met. Through an oversight no provisions were made in the transportation of corrosive solids not specifically provided for by name. The MTB is proposing to add paragraph (b) to provide an exception for the bulk transportation by highway of certain corrosive solids that do not meet the definition of any other class. The MTB is limiting the exception for those corrosive solids that are also a hazardous waste or hazardous substances by adding paragraph (c) which requires shipping papers and incident reporting so as to facilitate compliance with spill reporting requirements and to make EPA and DOT requirements consistent	In § 173.245b paragraphs (b) and (c) would be added to read as follows: (b) Except when transported by aircraft or vessel, a solid material classed as corrosive material that is corrosive only to steel and which does not meet the definition of any other hazard class defined in this subchapter (e.g. ORM-E), is excepted from the requirements of this subcapter for transportation by highway and rail carrier when transported in a portable tank, cargo tank, or tank car constructed of materials that will not react dangerously with or be degraded by the material being transported. (c) A solid material classed as a corrosive material that is corrosive only to steel and is a hazardous substance or a hazardous waste according to § 171.8 of this subchapter is subject to the requirements of this subchapter only for shipping papers (if applicable, manifest) and incident reporting when transported in a portable tank, cargo tank or tank car constructed of materials that will not react dangerously with or be degraded by the material being transported
§ 173.245b(a)(6)	To increase the capacity of plastic drums and pails for the shipment of corrosive solids from 7-gallon capacity to 55-gallon capacity. DOT-E 6800 and DOT-E 7035 presently authorize the use of a 55-gallon polyethylene drum for shipment of monochloroacetic acid (solid). Another request is pending to add hexamethylenediamine, solid.	To revise paragraph (6) of § 173.245b(a) to read as follows: (6) Polyethylene pail or drum not exceeding 550 pounds net weight and not over 55-gallon capacity
§ 173.271	To add Methyl phosphonic dichloride in the title and in the introductory text of paragraph (a). Methyl phosphonic dichloride (also known as methane phosphonyl dichloride) will react violently with water and decomposes to give off hydrochloric acid. The hazard characteristics of this material are similar to phosphorus oxychloride. Therefore, the packaging prescribed in § 173.271, not § 173.245, is applicable.	To revise the title of § 173.271 and the introductory text of paragraph (a) to read as follows: § 173.271 *Methyl phosphonic dichloride, phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* (a) Methyl phosphonic dichloride, phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride must be placed in specification containers as follows.

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 173.277(a)(9), § 173.277(a)(10), § 173.277(g).	To regulate shipments of hypochlorite solution *containing more than 7% available chlorine by weight (RQ-100/45.4*)in tank motor vehicles. At the present time, § 173.277(g) states that shipments of this material by tank motor vehicle are not subject to any requirements of this subchapter. Sodium hypochlorite solutions (hypochlorite solutions) containing more than 7% available chlorine by weight are highly corrosive. This material is classed as a corrosive material and is also considered to be a hazardous substances with a reportable quantity of 100 pounds. Since § 173.277(g) exempts this material from any requirements of the Hazardous Materials Regulations, the reportable quantity and other requirements of a hazardous substance are nullified The proposed change for paragraph (g) is needed because the final rule published in the FEDERAL REGISTER on November 10, 1980 (45 FR 74640) identified hypochorite solution as a hazardous substance in the Table in § 172.101 so that hazardous substance discharge reporting could be accomplished. However, through an oversight, the exception in paragraph (g) was not changed to reflect the shipping papers and discharge reporting requirements. Thus, MTB had conflicting requirements which would result in a motor carrier who had a spill or other type of discharge to be in violation of EPA reporting requirements.	In § 173.277, paragraph (a)(9) would be revised, paragraph (a)(10) would be added, paragraph (g) would be revised to read as follows: (9) Specification MC 310, MC 311 or MC 312 (§ 178.243 of this subchapter). Tank motor vehicles. Tanks must be lined with rubber or other materials resistant to the lading (10) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter) are authorized under conditions specified in the IM tank table (g) Shipments by tank motor vehicle must be made under the provisions of Parts 171 and 172 of this subchapter as follows: (1) Discharge reporting. (2) Shipping papers (manifest if required). (3) Marking.
§ 173.308	The reference in the introductory text of paragraph (a) incorrectly refers to § 173.21(d). The correct reference should be § 173.21(e).	To amend paragraph (a) of § 173.308 by correcting the reference of § 173.21(d) to read § 173.21(e).
§ 173.357(b)(3)	To delete the last part of paragraph (b)(3) which reads "and only authorized for such mixtures not classed as flammable under these regulations" This change is needed in order to authorize shipments which were affected when the definition of flammable liquid was changed from 80°F TOC to 100°F TCC.	To revise paragraph (b)(3) § 173.357 to read as follows: (3) Specification 17C or 17E (§§ 178.115, 178.116 of this subchapter). Metal drums (single-trip) with openings not over 2.3 inches in diameter. Capacity not to exceed 55 gallons for Spec. 17C nor 30 gallons for Spec. 17E. Authorized only for chloropicrin mixtures containing not over 15 percent chloropicrin by weight or 15 percent by volume chloropicrin, 85 percent by volume dichloropropene technical
§ 173.505(b)	To eliminate the need for marking requirements when shipped in cages, carts, or similar overpacks. In view of the methods under which these ORM-D materials are shipped, the need for marking the outer overpack serves no useful purpose.	To revise paragraph (b) of § 173.505 to read as follows: (b) Strong outside packaging as specified in § 173.1200 and marking requirements specified in § 172.316 of this subchapter are not required for materials classed as ORM-D when unitized in cages, carts, or similar overpacks and when shipped by a private or contract motor carrier from a distribution center to a retail outlet.
§ 174.25	To reflect the placarding requirement for Blasting agents as shown in Table 2 of § 172.504. This will make the rail operating requirements consistent with the basic placarding requirements and simplify compliance.	To amend the Table in § 174.25 by adding an entry for Blasting agents after the Explosives, Class C entry
§ 176.11	The present wording does not authorize hazardous materials offered for transportation under IMO to be transported by vessel in coast-wise service or between the mainland and Alaska, or the mainland and Puerto Rico, the Virgin Islands, American Samoa, or Guam. This action is needed in order to remove an unnecessary restriction.	To revise the introductory text of §§ 176.11(a) to read as follows: (a) A hazardous material may be offered and accepted for transportation and transported by vessel when in compliance with corresponding requirements of the IMDG Code in place of the requirements of this subchapter with respect to packaging, marking, labeling, description, certification or placarding. All hazardous materials must otherwise be stowed and carried in accordance with this part.
§ 176.30(a)(3)	To make the requirments to show the technical name for an n.o.s. entry on manifest the same as the requirement on the shipping papers.	To revise § 176.30(a)(3) to read as follows: (3) Shipping name of each hazardous material on board, as given in the Hazardous Materials Table, § 172.101 or § 172.102 of this subchapter or the proper shipping name as given in the International Maritime Dangerous Goods Code published by IMO. For other than a domestic shipment, when the shipping name of a material is an "n.o.s." entry, this entry must be qualified in accordance with § 172.203(i)(2) or the IMDG Code.
§ 176.30(a)(6)	The final rule published in the Federal Register on May 22, 1980 (45 FR 34560) provided for inclusion of the identification number as an element of the basic description on a shipping paper. Through an oversight, § 176.30(a) was not amended to include the identification number as part of the description on a dangerous cargo manifest. The MTB is proposing to include a requirement for entering an identification number on a dangerous cargo manifest for consistency with the basic shipping paper requirements and to enhance compliance.	To revise § 176.30(a)(5) to read as follows: (6) The identification number (when assigned) and any additional description required by § 172.202 or § 172.203 of this subchapter.
§ 176.415(b)(2)	To add ammonium nitrate fertilizer (containing no more than 0.2 percent carbon) to the list of materials that may be loaded on or unloaded from a vessel at any waterfront facility without a permit. Shipping experience with ammonium nitrate fertilizer (containing no more than 0.2 percent carbon) during the past serveral years has proven that this material presents no unusual hazard in transportation or storage.	To revise § 176.415(b)(2) to read follows: (2) Ammonium nitrate fertilizer (containing no more than 0.2 percent carbon) if the nearest District Commander, U.S. Coast Guard or Captain of the Port is notified at least 24 hours in advance of any loading or unloading in excess of 1,000 pounds in any one vessel (*See § 173.182(b) footnote*).
§ 177.824(h)	To eliminate the confusion regarding the marking of the month and year of the last "test" on cargo tanks. Confusion exists because of the word "inspection" in § 177.824(b) and the word "test" in § 177.824(h). Since it has been interpreted that an "inspection" is the same as a "test", the MTB proposes to add the words "or visual inspection, as appropriate" between the words "test" and "must" in § 177.824(h).	In § 177.824, paragraph (h) would be revised to read as follows: (h) *Test date markings.* The month and year of the last test or visual inspection, as appropriate, must be durably and legibly marked on the tank in letters not less than 1¼ inches high, on the right side near the front. These markings must be near the metal certification plate, except on tank having the plate located other than on the right side near the front.
§ 177.835(b)(1)	To authorize the use of additional tie-down methods for securing tarpaulins on motor vehicles when transporting explosives. Rope or wire are the only two methods presently authorized. The MTB is proposing to authorize the use of any tie-down methods which will securely hold the tarpaulins in place during transportation..	To revise the first sentence of § 177.835(b)(1) to read as follows: (1) Whenever tarpaulins are used for covering explosives, they shall be secured by means of rope, wire, or other equally efficient tie downs * * *
§ 178.209-14, § 178.214-18, § 178.218-11, § 178.219-14.	To delete the words "copy to be filed with the Associate Director for OE" in each of the referenced paragraphs. A copy of the Special tests report is required to be kept on file for one year by or for each plant making the boxes. Mailing a duplicate copy of the report to the Associate Director for OE serves no useful purpose.	To amend §§ 178.209-14, 178.214-18, 178.218-11 and 178.219-14 by deleting the words "copy to be filed with the Associated Director for OE".
§ 178.245-7	To change the reference to the Bureau of Explosives in the introductory text Director for HMR. Docket HM-163; Amdt. Nos. 171-14, 183-119, 178-49 published August 17, 1978 changed the words "Bureau of Explosives" to read "MTB-TSC" in § 178.245-7(a). Docket HM-163C; Amdt. Nos. 171-50, 173-132, 178.57 published September 27, 1979 changed the abbreviation "MTB-TSC" read "Associate Director for OE". This change was inadvertently omitted during the printing of 49 CFR Parts 178 to 199. Reference to the Associate Director for OE will probaby be changed to read Associate Director for HMR each time it appears in 49 CFR, at a later date.	To revise the introductory text of § 178.245-7(a) to read as follows: (a) A copy of the manufacturer's data report required by the "*Code*" (See § 178.245-1(a)) under which the tank is fabricated shall be furnished for each new tank to the owner and the Associate Director for HMR. In addition, the manufacturer or owner shall register each tank with the Associate Director for HMR in the following form: * * *

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

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental

impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). Based on information available concerning size and nature of entities likely to be affected by this proposal, I certify that this proposal would not, if adopted, have a significant economic impact on a substantial number of small entities because the overall economic impact of this proposal would be minimal. A regulatory evaluation and environmental assessment are available for review in the docket.

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Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

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