

DEPARTMENT OF TRANSPORTATION
Research and Special Programs
Administration

49 CFR Parts 172 and 173

Docket No. HM-166-0; Notice No. 82-41

Deletion of Certain Commodity Entries

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau (MTB) proposes to delete certain entries in the Hazardous Materials Table, § 172.101 and to remove or amend sections in Part 173 of the Hazardous Materials Regulations associated with some of the entries which are proposed for deletion.

The reason for this action is to remove entries from the Hazardous Materials Table which are vague, unnecessary, or which describe materials that present such a minimal hazard that they may not meet the definition of a hazardous material.

DATE: Comments must be received by August 2, 1982.

ADDRESS: Address Comments To: Dockets Branch, Materials

Transportation Bureau, U.S. Department of Transportation, Washington, D.C.

1. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in room 3426 of the Nassif Building, 400 Seventh Street, S.W., 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: Irving R. Abis, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, 400 7th Street, S.W., Washington, D.C. 20590. (202) 472-2726.

SUPPLEMENTARY INFORMATION: This notice proposes the deletion of 171 entries from the Hazardous Materials Table, § 172.101. The number of entries covered by this proposal according to class is as follows:

Combustible liquid	29
Corrosive material	10
Flammable gas	2
Flammable liquid	30
Flammable solid	25
Forbidden	2
Nonflammable gas	2
ORM-A	1
ORM-C	18
Oxidizer	4
ORM-B	2
ORM-D	4
ORM-E	46

The MTB has reviewed the properties of ten materials identified by Code 3 in the proposed regulatory text, and believes that they present only a minimal hazard in transportation. In almost all cases, the commodities identified by Code 3 do not meet the definition of a hazardous material. However, should this notice be promulgated as proposed, it would remain the shippers responsibility to determine whether the material to be offered for transportation meets the definition of a hazardous material. If it does the shipper must classify and ship the material according to hazard class, in compliance with all applicable regulations. With respect to any of the entries proposed for deletion, the material may still be regulated as a hazardous material even though the entry has been deleted. In that case a shipper would use the specific proper shipping name which is most appropriate, or an n.o.s. description if no specific name is appropriate.

This proposal is part of a continuing effort by the MTB to eliminate unnecessary regulation and to reduce the volume of regulation when appropriate. If this proposal is promulgated as an amendment, it will have the effect of reducing the size of the Hazardous Materials Table, thus making it easier to use.

List of Subjects in 49 CFR Parts 172 and 173

Hazardous materials transportation, Packaging and containers.

In consideration of the foregoing, it is proposed to amend the Hazardous Materials Regulations as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

§ 172.101 [Amended]

1. In § 172.101 the Hazardous Materials Table would be amended by removing the following entries:

[The reason that the MTB proposes to remove an entry is shown below by reason code associated with an entry.

1. Vague shipping description could be more appropriately described by using another entry.

2. Primarily shipped by water in international commerce. Shipping name from § 172.102 may be used. (See § 171.12).

3. Limited hazard not justifying a specific

description. If the commodity meets the definition of a hazardous material, it should be shipped under another shipping name or an n.o.s. entry, as appropriate.

4. The word "waste" appears in the proper shipping name which could be confused with hazardous waste as defined in § 171.8.

5. Quantities being shipped under this description are not great enough to justify an entry under this specific description. Commodity should be shipped under another shipping name or an n.o.s. entry, as appropriate.

6. This entry is a cross-entry of an entry which is being proposed for deletion.

7. This is an information entry which is no longer needed.

8. Commodity could be better described using an n.o.s. entry.

9. Data available to MTB indicates that this material could not satisfy the definition of the hazard class assigned to it.]

Entry	Hazard class	Reason code
Acid, sludge	Corrosive material	1
Antifreeze compound, liquid	Combustible liquid	1
Antifreeze compound, liquid	Flammable liquid	1
Antifreeze preparation, liquid	Combustible liquid	1
Antifreeze preparation, liquid	Flammable liquid	1
Bags, sodium nitrate, empty and unwashed	Flammable solid	5
Boiler compound, liquid	Corrosive material	1
Bone oil	ORM-A	5
Bottles, having previously contained a hazardous material and not cleaned. See 173.29		7
Box toe board (nitrocellulose base)	ORM-C	5
Box toe gum	Combustible liquid	5
Box toe gum	Flammable liquid	5
Burlap bags, cleaned (vacuum cleaned, wheel cleaned, or otherwise mechanically brushed). See Burlap cloth.		6
Burlap bags, new. See Burlap cloth		6
Burlap bags, used and unwashed, or not cleaned.	ORM-C	5
Burlap cloth (hessian)	ORM-C	3
Burnt fiber	Flammable solid	5
Carbon remover, liquid	Flammable liquid	1
Charcoal, activated	Flammable solid	9
Charcoal screenings, wet	Forbidden	3
Charcoal, wet	Forbidden	3
Cigar and cigarette lighter fluid. See Lighter fluid.		6
Coal tar distillate	Combustible liquid	1
Coal tar distillate	Flammable liquid	1
Coal tar light oil	Combustible liquid	1
Coal tar light oil	Flammable liquid	1
Coal tar naphtha	Combustible liquid	1
Coal tar naphtha	Flammable liquid	1
Coal tar oil	Combustible liquid	1
Coal tar oil	Flammable liquid	1
Coconut meal pellets containing at least 6% and not more than 13% moisture and not more than 10% residual fat content.	ORM-C	2
Cor. See Fibers.		6
Cologne spirits (alcohol)	Flammable liquid	5
Columbian spirits (wood alcohol)	Flammable liquid	5
Copra	ORM-C	2
Cocoa pellets. See Coconut meal pellets		6
Cosmetics, liquid, n.o.s.	Corrosive material	1
Cosmetics, n.o.s.	Combustible liquid	1
Cosmetics, n.o.s.	Flammable liquid	1

Entry	Hazard class	Reason code	Entry	Hazard class	Reason code	Entry	Hazard class	Reason code
Cosmetics, n.o.s.	Flammable solid	1	Lighter fluid	Flammable liquid	8	Solvent, n.o.s.	Flammable liquid	1
Cotton batting	ORM-C	1	Medicines n.o.s.	Combustible liquid	1	Spirits of salt. See Hydrochloric acid.		5
Cotton batting dross. See Cotton batting.		6	Medicines n.o.s.	Flammable liquid	1	Straw. See Hay.		6
Cotton, burnt. See Burnt cotton.		6	Medicines n.o.s.	Flammable solid	1	Tankage. See Garbage tankage.		6
Cotton seed hull fiber or shavings, pulp, or cut linters. See Cotton batting.		6	Medicines n.o.s. liquid	Oxidizer	1	Tankage fertilizer	Flammable solid	5
Cotton sweepings. See Cotton waste		6	Medicines n.o.s. liquid	Corrosive material	1	Tankage, rough ammoniate	Flammable solid	5
Cotton wadding. See Cotton batting.		6	Medicines n.o.s. solid	Poison B.	1	Tar, liquid	Combustible liquid	1
Cotton waste	ORM-C	4	Medicines n.o.s. solid	Corrosive material	1	Tar, liquid	Flammable liquid	1
Cotton waste, oily (with more than 5% of animal or vegetable oil)	Flammable solid	4	Methyltrihydro phthalic anhydride	Corrosive material	9	Textile waste, wet	Flammable solid	5
Creosote, coal tar	Combustible liquid	1	Motor fuel, n.o.s.	Combustible liquid	1	Textile waste. See Cotton waste.		6
Creosote oil. See Creosote coal tar.		6	Motor fuel, n.o.s.	Flammable liquid	1	Tinning flux. See Zinc chloride solution		1
Crude nitrogen fertilizer solution (more than 25.3 p.s.i.g.). Dead oil. See Creosote, coal tar.	Nonflammable gas	1	Naphtha distillate	Combustible liquid	1	Treated paper (manufactured article properly dried to prevent spontaneous heating). See Oiled material.		6
Denatured alcohol	Flammable liquid	1	Naphtha distillate	Flammable liquid	1	Treated textile (manufactured article properly dried to prevent spontaneous heating). See Oiled material.		6
Dressing, leather	Combustible liquid	1	Naphtha, solvent	Combustible liquid	1	Turpentine substitute	Combustible liquid	1
Dressing, leather	Flammable liquid	1	Naphtha, solvent	Flammable liquid	1	Turpentine substitute (treated or untreated). See Oakum.	Flammable liquid	1
Drugs, n.o.s.	Flammable liquid	1	Naphtha, solvent	Flammable liquid	1	Waste paper, wet	Flammable solid	3
Drugs, n.o.s.	Combustible liquid	1	Nickel catalyst, wet, finely divided, activated, or spent. With not less than 40% water or other suitable liquid.	Flammable solid	5	Waste textile, wet	Flammable solid	4
Drugs, n.o.s.	Flammable solid	1	Nitrogen fertilizer solution	Nonflammable gas	1	Waste wool, wet	Flammable solid	4
Drugs, n.o.s.	Oxidizer	1	Oakum	ORM-C	5	Water treatment compounds, liquid	Corrosive material	1
Drugs, n.o.s. liquid	Corrosive material	1	Oiled clothing (manufactured article properly dried to prevent spontaneous heating). See Oiled material.		6	Wax, liquid	Combustible liquid	1
Drugs, n.o.s. liquid	Poison B.	1	Oiled material (manufactured article properly dried to prevent spontaneous heating).	ORM-C	5	Wet hair. See Hair, wet		6
Drugs, n.o.s. solid	Corrosive material	1	Oiled paper (manufactured article properly dried to prevent spontaneous heating). See Oiled material.		6	Wet textile waste. See Waste textile, wet.		6
Drugs, n.o.s. solid	Poison B.	1	Paper Scrap (when dry, clean, and free from oil).	ORM-C	3	Wood shavings (when dry, clean and free from oil). See Sawdust.		6
Eradicator, paint or grease, liquid	Flammable liquid	1	Paper stock, wet	Flammable solid	3	Wool waste. See Cotton waste.		6
Excelsior (shredded wood) when dry, clean, and free from oil.	ORM-C	3	Paper waste (when dry, clean, and free from oil). See Paper scrap.		6	Wool waste, wet. See Waste wool, wet.		6
Fabric with animal or vegetable oil. See Fibers or fabric, containing not more than 5% animal or vegetable fat.		6	Paper waste, wet. See Waste Paper, wet.		6	Yeast, active, in liquid or pressed form.	ORM-C	5
Feed, wet, mixed	ORM-C	5	Petroleum crude. See Crude oil.		6			
Felt, waste, wet. See Waste wool, wet.		6	Petroleum naphtha	Combustible liquid	1			
Felt, waste. See Cotton waste		6	Plastic solvent, n.o.s.	Combustible liquid	1			
Fertilizer, tankage. See Garbage, tankage.		6	Plastic solvent, n.o.s.	Flammable liquid	1			
Fibers (jute, hemp, flax, sisal, coir, kapok, and similar vegetable fibers)	ORM-C	5	Polish, metal, stove, furniture or wood, liquid	Combustible liquid	1			
Fibers or fabric, containing not more than 5% animal or vegetable oil.	Flammable solid	5	Polish, metal, stove, furniture or wood, liquid	Flammable liquid	1			
Fibers, burnt	Flammable solid	5	Potassium fluoride solution	Corrosive material	8			
Film, photographic (including scrap film), safety, nonflammable, or slow burning. Not subject to requirements of this subchapter.		7	Pyroxylin solution	Combustible liquid	1			
Flax. See Fibers		6	Pyroxylin solution	Flammable liquid	1			
Garbage tankage containing 8% or more water.	ORM-C	5	Pyroxylin solvent, n.o.s.	Combustible liquid	1			
Garbage tankage, containing less than 8% water.	Flammable solid	6	Pyroxylin solvent, n.o.s.	Flammable liquid	1			
Gas drips, hydrocarbon	Combustible liquid	5	Rags, oily	Flammable solid	5			
Gas drips, hydrocarbon	Flammable liquid	5	Rags, wet	Flammable solid	5			
Gas oil. See Fuel oil		6	Range oil. See Fuel oil		6			
Hair, wet	Flammable solid	5	Resin solution (resin compound liquid)	Combustible liquid	1			
Hay	ORM-C	3	Road oil	Combustible liquid	1			
Hay or straw (loose, wet or damp)		6	Rough ammoniate tankage (7% or more moisture content)	Flammable solid	5			
Hessian. See Burlap cloth		6	Rough ammoniate tankage (less than 7% moisture content)	Flammable solid	5			
Hydrocarbon gas, liquefied	Flammable gas	1	Rubber curing compound (solid)	ORM-C	1			
Hydrocarbon gas, nonliquefied	Flammable gas	1	Rubber scrap or Rubber buffings	Flammable solid	3			
Insulation tape (varnished cloth type). See Oiled material		6	Rubber shoddy or Rubber, regenerated or Rubber, reclaimed	Flammable solid	3			
Jute. See Fibers		6	Rum, denatured	Flammable liquid	1			
Kapok. See Fibers		6	Rust preventive coating	Combustible liquid	1			
Leather bleach or dressing	Combustible liquid	1	Sawdust (when dry, clean, and free from oil).	ORM-C	3			
Leather bleach or dressing	Flammable liquid	1	Sisal. See Fibers		6			
			Sludge acid. See Acid, sludge		6			
			Solvent, n.o.s.	Combustible liquid	1			

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In Part 173, the following sections would be removed in their entirety:

Sec.	Sec.
173.129	173.298
173.155	173.925
173.167	173.930
173.169	173.931
173.170	173.955
173.172	173.960
173.165	173.970
173.186	173.975
173.199	173.980
173.200	173.990
173.201	173.1000
173.210	173.1005
173.211	173.1030
173.213	173.1035
173.233	173.1085

§ 173.34 [Amended]

3. In § 173.34, the Table in paragraph (e)(13) would be revised by removing lines 9 and 10, which reference liquefied hydrocarbon gas.

§ 173.162 [Amended]

4. In § 173.162, paragraph (a)(1) would be removed and reserved.

§ 173.245 [Amended]

5. In § 173.245, paragraph (a)(15) would be revised as follows:

(a) * * *

(15) Spec. 17H (§ 178.118 of this subchapter). Metal drums (single trip). Authorized only for liquid boiler compounds, liquid water treatment compounds or viscous cleaning compounds, liquid.

* * * * *

6. In § 173.248, the section heading and introductory text of paragraph (a) would be revised to read as follows:

§ 173.248 Spent sulfuric acid, or spent mixed acid.

(a) Spent sulfuric acid, or spent mixed acid, resulting from the use of sulfuric acid in various processes, not containing hydrofluoric acid, must be packaged as follows:

* * * * *

7. In § 173.249, the section heading and introductory text of paragraph (a) would be revised, and paragraph (a)(4) would be removed and reserved as follows:

§ 173.249 Alkaline corrosive liquids, n.o.s.; Alkaline liquids, n.o.s.; Alkaline corrosive battery fluid; Potassium hydrogen fluoride solution; Sodium aluminate, liquid; Sodium hydroxide solution; Potassium hydroxide solution.

(a) Alkaline corrosive liquids, n.o.s.; Alkaline liquids, n.o.s.; Alkaline corrosive battery fluid; Potassium hydrogen fluoride solution; Sodium aluminate, liquid; Sodium hydroxide solution and Potassium hydroxide solution, when offered for transportation by carriers by rail freight, highway, or water must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein as follows:

(1) * * *

(2) * * *

(3) * * *

(4) [Reserved].

* * * * *

§ 173.301 [Amended]

8. In § 173.301, paragraph (d)(2) would be revised by removing the words "hydrocarbon gases" from line 5 and paragraph (d)(3) would be revised by removing the words "liquefied hydrocarbon gas" from lines 3 and 4.

§ 173.314 [Amended]

9. In § 173.314, the Table in paragraph (c) would be revised by removing the entries referencing liquid hydrocarbon gas.

(49 U.S.C. 1803, 1804, 1808; (49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of Appendix A to Part 106))

Note.—The Materials Transportation Bureau has determined that this proposed regulation is not a major rule under the terms of Executive Order 12291 and does not require a Regulatory Impact Analysis, is not significant under DOT policies and procedures and does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). Based on limited information concerning size and nature of entities likely to be affected by this proposal, I certify that this proposal will not, if promulgated, have a significant economic impact on a substantial number of small entities. A regulatory evaluation and an environmental assessment are available for review in the Docket.

Issued in Washington, D.C. on May 26, 1982.

Alan I. Roberts,

Associate Director for Office of Hazardous Materials Regulation, Materials Transportation Bureau.

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