

47 CFR Part 73

[BC Docket No. 80-51; RM-3218]

FM Broadcast Station in Chatham, Mass.; Changes Made in Table of Assignments**AGENCY:** Federal Communications Commission.**ACTION:** Report and order.**SUMMARY:** Action taken herein assigns a Class B FM channel to Chatham, Massachusetts, as its first FM channel assignment, in response to a petition filed by Rosemary D. Nelson. The assignment is consistent with other assignments made in the Cape Cod area.**EFFECTIVE DATE:** October 9, 1980.**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554.**FOR FURTHER INFORMATION CONTACT:** Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.**SUPPLEMENTARY INFORMATION:**

Report and order (Proceeding Terminated)

Adopted: August 22, 1980.

Released: September 4, 1980.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a proposal for the assignment of Class B FM Channel 298 to Chatham, Massachusetts, as that community's first FM assignment. This proceeding was initiated by a *Notice of Proposed Rule Making*, adopted February 6, 1980, 45 FR 12454, published February 26, 1980, based on a petition filed by Rosemary D. Nelson ("petitioner"). Supporting comments were filed by petitioner in which she reaffirmed her intent to file for the channel, if assigned. Oppositions were filed by Harbinger Broadcasting Co., Inc., licensee of Station WCOD-FM, Hyannis, Massachusetts; Seashore Broadcasting Co. ("Seashore"), licensee of Stations WVLC(AM), and WLOM(FM), Orleans, Massachusetts; and Central Vermont Radio Corporation ("Central Vermont"), licensee of Stations WOCB(AM) and WSOX(FM), West Yarmouth, Massachusetts, to which petitioner responded.

2. Chatham (pop. 4,554)¹ is located in Barnstable County (pop. 96,656), on Cape Cod, approximately 110 kilometers (70 miles) from Boston. Petitioner states that a Class B channel would better serve the special local needs and interests of Chatham and lower Cape area.

¹ Population figures are taken from the 1970 U.S. Census.

3. In opposition, Central Vermont, Seashore and Harbinger contend that although there are no aural services licensed to the community, Chatham is served by a multiplicity of radio broadcast services, unlike the situation relied on by the Commission in *Cape Charles, Virginia*, 43 FR 6606 (1978). The assignment of a Class B radio station in Chatham would allegedly fractionalize the existing stations' audiences, thereby reducing the revenue to each of the stations. They maintain that a Class A frequency will serve the needs of Chatham.

4. Petitioner in reply, states that the parties in opposition have not advanced any substantial public interest basis for rejection of the proposed assignment. She further states that since five Cape Cod communities with similar populations (two even smaller) have already been assigned Class B channels, a Class A channel in Chatham has very little chance of economic survival. Petitioner states that Chatham's growth pattern (a 32% increase to 6,027 from 1970 to 1975), a tourist population of 25,000 during the summer months, fulfillment of the Commission's technical requirements without precluding FM service to any other locality, and the Commission's past practice of allocating Class B channels to Cape Cod's major communities to insure effective service justify the assignment of a Class B channel to Chatham.

5. It appears that the opposition's comments are more concerned with the competitive impact of another Class B station in the market, but that is not the issue we need to consider here. This issue can more adequately be resolved within the context of the application processing and further consideration shall be deferred until that stage. Although there are factual differences in the *Cape Charles, Virginia*, proceeding, the pattern of assignments in that area are similar to the situation here. All of the major communities (West Yarmouth (pop. 3,699), Orleans (pop. 3,055), Hyannis (pop. 6,847), Barnstable (pop. 1,202) and Falmouth (pop. 5,806)), have Class B assignments. It would be inconsistent in our opinion to deviate from this distribution particularly where a need based on growth and tourism has been established. Accordingly, the Commission believes the public interest would be served by assigning Channel 298 to Chatham.

6. In view of the foregoing, IT IS ORDERED, that effective October 9, 1980, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) IS AMENDED with regard to the following community:

City	Channel No.
Chatham, Mass	298

7. Authority for the action taken herein is found in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

8. It is further ordered, That this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Federal Communications Commission.

Henry L. Baumann,
Chief, Policy and Rules Division, Broadcast Bureau.

(FR Doc. 80-28093 Filed 9-10-80; 8:45 am)

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 173, 178

[Docket No. HM-166C; Amdt. Nos. 173-14, 178-62]

Termination of Certain Regulations; Obsolete Packaging Specifications

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

ACTION: Final rule.

SUMMARY: The purpose of these amendments to the Department's Hazardous Materials Regulations is to remove certain specification packagings that are no longer being manufactured or are not in general use. This action is in keeping with Executive Order 12221 on "Improving Government Regulations". These amendments will result in fewer, simpler and less burdensome regulations.

EFFECTIVE DATE: September 11, 1980.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, 400 7th Street SW., Washington, D.C. 20590, (202) 472-2726.

SUPPLEMENTARY INFORMATION: On October 18, 1979, the MTB published a Notice of Proposed Rulemaking, Docket HM-166C; Notice No. 79-13; (44 FR 60112) which proposed to eliminate 27 DOT specification packagings from 49 CFR. The principal purpose of this

action is the termination of unnecessary regulations. The elimination of 20 packaging specifications will result in a reduction of 49 CFR by approximately 48 pages.

The Bureau received seventeen comments on Notice 79-13.

The most significant difference between the final rule and the proposed rulemaking is that DOT Specifications 3B seamless steel cylinders, 5L steel barrels or drums, 5P lagged steel drums, 6C steel barrels or drums, 37K steel drums, 23F and 23H fiberboard boxes are retained in this rulemaking. According to the comments received, these specific packagings are still being manufactured and are in general use. Steel cylinder Specifications 3C, 3D, 3A480X, 4, 4A, and 4C will continue to be authorized for use as packagings for materials listed in Part 173. However, new construction is not authorized and their specifications have been removed from Part 178.

Specification 2A inside containers, metal can, pails and kits, steel barrels or drum Specifications 5D, 5F, 5H, 5X, 6A, 6K, 17X, metal kegs Specification 13, and aluminum barrels or drum Specifications 42C, 42E, 42F, 42G and 42H have all been deleted from Parts 173 and 178.

One commenter recommended that DOT Specification 42D aluminum drums also be eliminated. Since Specification 42D was not included in Notice No. 79-13, it has not been included in this rulemaking. However, it will be included in a notice of proposed rulemaking in the near future. Any person having knowledge of other specifications that are no longer necessary should contact Mr. Raines at the address or phone number shown earlier in this preamble.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

In consideration of the foregoing, Parts 173 and 178 of 49 CFR are amended as follows:

1. In § 173.60, paragraphs (a)(2) and (a)(3) are deleted; paragraph (a)(4) is revised as follows:

§ 173.60 Black powder and low explosives.

(a) * * *
 (2) [Reserved]
 (3) [Reserved]
 (4) Specification 14, 15A, or 16A (§§ 178.165, 178.168, 178.185 of this subchapter). Wooden boxes with inside fiber or metal containers not over 1½ pounds capacity each, or cotton bags of at least 4 ounce cotton duck not over 25 pounds capacity each. The gross weight of Specification 14 boxes may not exceed 140 pounds and the gross weight

of Specification 15A or 16A boxes may not exceed 200 pounds.

* * * * *

2. In § 173.93, paragraphs (a)(2), (a)(3), and (a)(7) are deleted; paragraphs (a)(9), (b)(1), (d)(1), and (e)(2) are revised as follows:

§ 173.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).

(a) * * *

(2) [Reserved]

(3) [Reserved]

* * * * *

(7) [Reserved]

* * * * *

(9) Specification 14, 15A, 15B or 15C (§§ 178.165, 178.168, 178.169, 178.170 of this subchapter) wooden boxes, or Specification 23F or 23H (§§ 178.214, 178.219 of this subchapter) fiberboard boxes, with not more than four strong inside tight metal containers of not more than 25 pounds each. The gross weight in fiberboard boxes may not exceed 65 pounds.

* * * * *

(b) * * *

(1) Specification 5, 5A, 5B, 6B, or 6C (§§ 178.80, 178.81, 178.82, 178.98, or 178.99 of this subchapter). Metal barrels or drums.

* * * * *

(d) * * *

(1) Specification 5, 5A, 5B, 6B, or 6C (§§ 178.80, 178.81, 178.82, 178.98, 178.99 of this subchapter). Metal barrels or drums.

* * * * *

(e) * * *

* * * * *

(2) Specification 5B, 6B, 6C, 6D; also 17C or 17H (single-trip) containers (§§ 178.82, 178.98, 178.99, 178.102, 178.115, 178.118 of this subchapter). Metal barrel, drum, or cylindrical steel overpack, with inside Specification 2S (§ 178.35 of this subchapter) polyethylene container, packed inside a strong, tight metal drum. Inside steel drum must be surrounded on all sides with at least 2 inches of incombustible absorbent cushioning material uniformly distributed. Polyethylene containers are authorized only for liquids that will not react dangerously with the plastic or result in container failure.

* * * * *

3. In § 173.119, paragraphs (a)(10), and (k)(2) are revised; paragraphs (a)(15), (b)(6) and (k)(4) are deleted as follows:

§ 173.119 Flammable liquids not specifically provided for.

(a) * * *

(10) Specification 42B, (§ 178.107 of this subchapter). Aluminum drums.

* * * * *

(15) [Reserved]

* * * * *

(b) * * *

(6) [Reserved]

* * * * *

(k) * * *

(2) Specification 6B, or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

* * * * *

(4) [Reserved]

* * * * *

4. In § 173.121, paragraph (a)(3) is revised as follows:

§ 173.121 Carbon disulfide (disulfide).

(a) * * *

(3) Specification 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.169, 178.170, 178.185, 178.190 of this subchapter). Wooden boxes with strong inside metal containers or with inside glass or earthenware containers not over 5 pints capacity each.

* * * * *

5. In § 173.122, paragraph (a)(2) is revised as follows:

§ 173.122 Acrolein, inhibited.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.169, 178.170, 178.185, 178.190 of this subchapter). Wooden boxes with strong inside tight metal containers not over 5 gallons capacity each.

* * * * *

6. In § 173.127, paragraph (a)(2) is revised; paragraph (a)(3) is deleted as follows:

§ 173.127 Nitrocellulose or collodion cotton, fibrous or nitrostarch, wet; nitrocellulose flakes; collodion nitrocellulose, granular, flake, or block, and lacquer base or lacquer chips, wet.

(a) * * *

(2) Specification 6B, 6C, or 6J (§§ 178.98, 178.99, 178.100 of this subchapter). Metal barrels or drums not over 55 gallons capacity. Specification 6J (§ 178.100 of this subchapter) drums must have removable heads of 14 gauge metal or 16 gauge metal with one or more corrugations near the periphery and heads must have a minimum convexity of ⅜ inch; each drum must have three rolled or swedged-in hoops, one of which shall be in the body near the curl.

(3) [Reserved]

* * * * *

7. In § 173.134, paragraph (a)(2) is revised as follows:

§ 173.134 Pyroforic liquids, n.o.s.

(a) * * *

(2) Specification 15A, 15B, or 15C (§§ 178.168, 178.169, 178.170 of this subchapter) wooden boxes or Specification 12B (§ 178.205 of this subchapter) fiberboard boxes enclosing not more than four strong tight metal cans with inside containers of glass or metal, not over one quart capacity each, having positive screwcap closures adequately gasketed ahead of the threads. Inside containers must be cushioned on all sides with dry, absorbent, incombustible material in a quantity sufficient to absorb the entire contents. The strong tight metal cans must be closed by positive means, not by friction.

8. In § 173.135, paragraph (a)(4) is deleted as follows:

§ 173.135 Diethyl dichlorosilane, dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.

(a) * * *

(4) [Reserved]

9. In § 173.136, paragraph (a)(4) is deleted as follows:

§ 173.136 Methyl dichlorosilane and trichlorosilane.

(a) * * *

(4) [Revised]

10. In § 173.137, paragraph (a)(2) is revised as follows:

§ 173.137 Lithium aluminum hydride, ethereal.

(a) * * *

(2) Specification 6B, 6C, or 17H (single-trip) (§§ 178.98, 178.99, 178.118 of this subchapter). Metal barrels or drums with not more than one inside glass container not exceeding 2 gallons capacity. The inside container must be completely cushioned in sufficient incombustible cushioning material to completely absorb the contents in event of breakage.

11. In § 173.139, paragraph (a)(3) is revised as follows:

§ 173.139 Ethylene imine, inhibited, and propylene imine, inhibited.

(a) * * *

(3) Specification 6B, 6C, or 6J (§§ 178.98, 178.99, 178.100 of this subchapter). Metal barrels or drums, with one inside Specification 17E (§ 178.116 of this subchapter) metal drum not over 30 gallons capacity. Inside drum must be completely

surrounded with incombustible cushioning material.

12. In § 173.154, paragraph (a)(1) is revised as follows:

§ 173.154 Flammable solids, organic peroxide solids and oxidizers not specifically provided for.

(a) * * *

(1) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

13. In § 173.156, paragraph (a)(2) is deleted as follows:

§ 173.156 Barium peroxide and calcium peroxide.

(a) * * *

(2) [Reserved]

14. In § 173.160, paragraph (a)(2) is revised as follows:

§ 173.160 Calcium chlorite and sodium chlorite.

(a) * * *

(2) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

15. In § 173.161, paragraph (a)(2) is revised as follows:

§ 173.161 Calcium phosphide.

(a) * * *

(2) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

16. In § 173.163, paragraph (a)(1) is revised as follows:

§ 173.163 Chlorate of soda, chlorate of potash, and other chlorates.

(a) * * *

(1) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

17. In § 173.164, paragraph (a)(1) is revised as follows:

§ 173.164 Chromic acid or chromic acid mixture, dry.

(a) * * *

(1) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

18. In § 173.166, paragraph (a)(1) is revised as follows:

§ 173.166 Cobalt resinate, precipitated, calcium resinate, and calcium resinate fused.

(a) * * *

(1) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

19. In § 173.175, paragraph (a)(2) is revised as follows:

§ 173.175 Lacquer base, or lacquer chips, dry.

(a) * * *

(2) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

20. In § 173.184, paragraph (a)(3) is revised; paragraph (a)(6) is deleted as follows:

§ 173.184 Nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet.

(a) * * *

(3) Specification 6B, 6C, or 6J (§§ 178.98, 178.99, 178.100 of this subchapter). Metal barrels or drums not over 55 gallons capacity. Specification 6J (§ 178.100 of this subchapter) drums must have removable heads of 14 gauge metal or 16 gauge metal with one or more corrugations near the periphery and the heads must have a minimum convexity of 3/8 inch; each drum must have three rolled or swedged-in hoops, one of which shall be in the body near the top curl.

(6) [Reserved]

21. In § 173.187, paragraph (a)(2) is revised as follows:

§ 173.187 Peroxide of sodium.

(a) * * *

(2) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

22. In § 173.188, paragraph (a)(2) is revised; paragraph (a)(4) is deleted as follows:

§ 173.188 Phosphoric anhydride.

(a) * * *

(2) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

(4) [Reserved]

23. In § 173.189, paragraph (a)(2) is revised as follows:

§ 173.189 Phosphorus, amorphous, red.

(a) * * *

(2) Specification 6B; also 37A or 37B (single-trip containers) (§§ 178.98, 178.131, 178.130 of this subchapter).

Metal barrels or drums. Gross weight not to exceed 160 pounds.

24. In § 173.190, paragraphs (b)(2) and (d)(1) are revised as follows:

§ 173.190 Phosphorous, white or yellow.

(2) Specification 5A or 6B (§§ 178.81, 178.98 of this subchapter). Metal barrels or drums, not over 30 gallons capacity each.

(1) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums, not over 30 gallons capacity each.

25. In § 173.191, paragraph (a)(2) is revised as follows:

(2) Specification 6B or 6C; also 37A or 37B (single-trip containers) (§§ 178.98, 178.99, 178.131, 178.132 of this subchapter). "Black iron" metal barrels or drums.

26. In § 173.195, paragraphs (a)(2) and (b)(1) are revised as follows:

§ 173.195 Pyroxylin plastic scrap.

(2) Specification 6B, 6C, or 6J; also 17H, 37A, or 37B (single-trip containers) (§§ 178.98, 178.99, 178.100, 178.118, 178.131, 178.132 of this subchapter). Metal barrels or drums.

(1) Specification 6B or 6C; or 17H (single-trip) (§§ 178.98, 178.99, 178.118 of this subchapter). Metal barrels or drums.

27. In § 173.201, paragraph (a)(1) is revised as follows:

§ 173.201 Rubber scrap, rubber buffings, reclaimed rubber, or regenerated rubber.

(1) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

28. In § 173.203, paragraph (a)(2) is revised as follows:

§ 173.203 Tetranitromethane.

(2) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums, with an inside stainless steel or aluminum drum(s). The inside drum

may have no opening larger than 2.5 inches in diameter and must be securely closed by a gasketed screw type device. Gaskets must be made of materials that will not deteriorate upon contact with the contents. The inside drum(s) must be cushioned with not less than 2 inches of absorbent incombustible cushioning material. Each inside drum shall be of not less than 20 gauge metal and shall be tested for leakage before packing in the outside drum.

29. In § 173.204, paragraph (a)(2) is revised as follows:

§ 173.204 Sodium hydrosulfite.

(2) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

30. In § 173.206, paragraph (a)(2) is revised as follows:

(2) Specification 5, 5C, 6B, or 6C (§§ 178.80, 178.83, 178.98, 178.99 of this subchapter). Metal barrels or drums. Not authorized for lithium aluminum hydride or aluminum hydride.

(2) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

31. In § 173.207, paragraphs (a)(2) and (b)(4) are revised as follows:

(2) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

(4) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

(4) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

(b)(1), (c)(1), and (d)(1) are revised as follows:

(2) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums, with an inside stainless steel or aluminum drum(s). The inside drum

zirconium metal, dry, in an atmosphere of inert gas, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, chemically produced (see Note 1), finer than 20 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, chemically produced (see Note 1), finer than 20 mesh particle size.

(1) Specification 15A or 15B (§§ 178.168, 178.169 of this subchapter) wooden boxes or Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter) metal drums with inside containers of glass or non-carbon polyethylene having net weight of not over 10 pounds each. Inside glass containers must be equipped with positive type clamp-on closures equipped with rubber gaskets. Inside polyethylene containers must have screw-cap closures equipped with gaskets ahead of thread and shall be of material which will not react with or be decomposed when in contact with contents. Screw-cap closures must be secured in place by suitable tape. Each glass or polyethylene container must be surrounded on all sides with not less than 1-inch of incombustible cushioning material and in an amount sufficient to completely absorb the entire liquid contents of the containers. Each inside glass or polyethylene container must be placed in a strong tight metal can closed with push-in cover held in place by soldering or crimping at least four points. The authorized net weight of hafnium in one outside container shall not exceed 40 pounds for wooden boxes and shall not exceed 150 pounds for steel drums.

(1) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter) or spec. 17C, 17H, or 37A (single-trip containers) (§§ 178.115, 178.118, 178.131 of this subchapter). Metal barrels or drums with inside non-carbon polyethylene bottles having positive type clamp on closures equipped with rubber gaskets, or with screw-cap closures having not less than three continuous threads and equipped with gaskets ahead of threads, not over 5 pounds net weight capacity each. Screw-cap closures must be secured in place by suitable tape. Each bottle must be placed in a Specification 2R (§ 178.34 of this subchapter) metal container having a wall thickness of one-fourth inch and be completely surrounded by cushioning material. Specification 2R containers must be separated from one another by incombustible cushioning material. The authorized net weight of metal in one

outside container shall not exceed 150 pounds.

(c) * * *

(1) Specification 15A or 15B (§§ 178.168, 178.169 of this subchapter) wooden boxes or Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter) or 17C or 17H (single-trip containers) (§§ 178.115, 178.118 of this subchapter) metal drums with inside containers of glass or non-carbon polyethylene having net weight of not over 10 pounds each. Inside glass containers must be equipped with positive type clamp-on closures equipped with rubber gaskets. Inside polyethylene containers must have screw-cap closures equipped with gaskets ahead of the thread and shall be of material which will not react with or be decomposed when in contact with contents. Screw-cap closures must be secured in place by suitable tape. Each glass or polyethylene container must be surrounded on all sides with not less than 1-inch of incombustible cushioning material and in an amount sufficient to completely absorb the entire liquid contents of the containers. Each inside glass or polyethylene container must be placed in a strong metal can closed with push-in cover held in place by soldering or crimping at at least four points. The authorized net weight or zirconium in one outside container shall not exceed 40 pounds in wooden boxes and 150 pounds in steel drums.

(d) * * *

(1) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter) or Specification 17C, 17H, or 37A (single-trip containers) (§§ 178.115, 178.118, 178.131 of this subchapter). Metal barrels or drums with inside non-carbon polyethylene bottles having positive type clamp-on closures equipped with rubber gaskets, or with screw-cap closures having not less than three continuous threads and equipped with gaskets ahead of threads, not over 5 pounds net weight capacity each. Screw-cap closures must be secured in place by suitable tape. Each bottle must be placed in a Specification 2R (§ 178.34 of this subchapter) metal container having a wall thickness of one-fourth inch and be completely surrounded by cushioning material. Specification 2R containers must be separated from one another by incombustible cushioning material. The authorized net weight of metal in one outside container shall not exceed 150 pounds.

* * * * *

33. In § 173.217, paragraph (a)(1) is revised as follows:

§ 173.217 Calcium hypochlorite mixture, dry; lithium hypochlorite mixture, dry; mono-(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetriene, dry; potassium dichloro-s-triazinetriene, dry; sodium dichloro-s-triazinetriene, dry; trichloro-s-triazinetriene, dry.

(a) * * *

(1) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

* * * * *

34. In § 173.225, paragraph (a)(2) is revised as follows:

§ 173.225 Phosphorus trisulfide; phosphorus sesquisulfide; phosphorous heptasulfide, and phosphorus pentasulfide.

(a) * * *

(2) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums, not over 30 gallons capacity each.

* * * * *

35. In § 173.228, paragraph (a)(1) is revised as follows:

§ 173.228 Zinc ammonium nitrite.

(a) * * *

(1) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

* * * * *

36. In § 173.231, paragraph (a)(2) is revised as follows:

§ 173.231 Calcium, metallic, crystalline.

(a) * * *

(2) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums, gross weight not over 350 pounds.

* * * * *

37. In § 173.233, paragraph (a)(3) is revised as follows:

§ 173.233 Nickel catalyst, finely divided, activated or spent.

(a) * * *

(3) Specification 5, 6B, or 6C (§§ 178.80, 178.98, 178.99 of this subchapter). Metal barrels or drums, not over 55 gallons capacity each.

* * * * *

38. In § 173.236, paragraph (a)(1) is revised as follows:

§ 173.236 Decaborane.

(a) * * *

(1) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

* * * * *

39. In § 173.245, paragraphs (a)(9) and (a)(10) are deleted as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(9) [Reserved]

(10) [Reserved]

* * * * *

40. In § 173.252, paragraph (a)(2) is deleted as follows:

§ 173.252 Bromine.

(a) * * *

(2) [Reserved]

* * * * *

41. In § 173.253, paragraph (a)(3) is deleted as follows:

§ 173.253 Chloroacetyl chloride.

(a) * * *

(3) [Reserved]

* * * * *

42. In § 173.263, paragraph (a)(2) is deleted as follows:

§ 173.263 Hydrochloric (muriatic) acid; hydrochloric (muriatic) acid mixtures; hydrochloric (muriatic) acid solution; inhibited; sodium chlorite solution (not exceeding 42 percent sodium chlorite); and cleaning compounds, liquids, containing hydrochloric (muriatic) acid.

(a) * * *

(2) [Reserved]

* * * * *

43. In § 173.264, paragraph (a)(10) and Notes 1, 2, and 3 are deleted as follows:

§ 173.264 Hydrofluoric acid; White acid.

(a) * * *

(10) [Reserved]

Note 1: [Deleted]

Note 2: [Deleted]

Note 3: [Deleted]

* * * * *

44. In § 173.265, paragraph (b)(1) is deleted as follows:

§ 173.265 Hydrofluosilicic acid.

* * * * *

(b) * * *

(1) [Reserved]

* * * * *

45. In § 173.266, paragraph (b)(4) is deleted as follows:

§ 173.266 Hydrogen peroxide solution in water.

* * * * *

(b) * * *

(4) [Reserved]

* * * * *

46. In § 173.268, paragraph (c)(1) is revised as follows:

§ 173.268 Nitric acid.

* * * * *

(c) * * *

(1) Specification 42B (§ 178.107 of this subchapter). Aluminum drums.

* * * * *

47. Section 173.270 is revised as follows:

§ 173.270 Phosphorus tribromide.

(a) Phosphorus tribromide must be packed in specification containers as follows:

(1) Specification 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.169, 178.170, 178.185, 178.190 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1 gallon each, except that inside containers up to 3 gallons each are authorized when only one container is packed in an outside packaging.

(2) Specification 5K or 5M (§§ 178.88, 178.90 of this subchapter). Nickel or monel drums not over 10 gallons capacity each.

48. In § 173.271, paragraph (a)(1) is deleted as follows:

§ 173.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) * * *

(1) [Reserved]

49. In § 173.272, paragraph (c) is revised; paragraph (i)(23) is deleted as follows:

§ 173.272 Sulfuric acid.

* * * * *

(c) *Sulfuric acid concentration of 51 percent or less:* Authorized packaging is described in paragraphs (1) through (16) and (24) through (26) of paragraph (i) of this section.

* * * * *

(i) * * *

(23) [Reserved]

* * * * *

50. In § 173.275, paragraph (a)(2) is revised as follows:

§ 173.275 Difluorophosphoric acid, anhydrous, monofluorophosphoric acid, anhydrous, hexafluorophosphoric acid, and mixtures thereof.

(a) * * *

(2) Specification 42B or 42D (§§ 178.107, 178.109 of this subchapter). Aluminum drums not over 55 gallons capacity.

* * * * *

51. In § 173.276, paragraph (a)(8) is revised as follows:

§ 173.276 Anhydrous hydrazine and hydrazine solution.

(a) * * *

(8) Specification 42B or 42D (§§ 178.107, 178.109 of this subchapter). Aluminum drums. Authorized for anhydrous hydrazine only.

* * * * *

52. In § 173.280, paragraph (a)(4) is deleted as follows:

§ 173.280 Trichlorosilanes.

(a) * * *

(4) [Reserved]

* * * * *

53. In § 173.288, paragraph (b) is deleted as follows:

§ 173.288 Chloroformates.

* * * * *

(b) [Reserved]

* * * * *

54. In § 173.295, paragraph (a)(7) is deleted as follows:

§ 173.295 Benzyl chloride.

(a) * * *

(7) [Reserved]

* * * * *

55. In § 173.302, paragraph (a)(1) is revised as follows:

§ 173.302 Charging of cylinders with nonliquefied compressed gases.

(a) * * *

(1) Specification 3, 1 3A, 3AA, 3B, 3C, 1 3D, 1 3E, 4, 1 4A, 1 4B, 4BA, 4BW, 4C, 1 25, 1 26, 33, 1 or 38, 1 (§§ 178.36, 178.37, 178.38, 178.42, 178.50, 178.51, 178.61 of this subchapter). See §§ 173.34 and 173.301(e).

Note 1.—Authorized cylinders containing oxygen which is continuously fed to tanks containing live fish may be shipped irrespective of the provisions of § 173.24.

* * * * *

56. In § 173.304, paragraphs (a)(1) and (d)(3)(i) are revised as follows:

§ 173.304 Charging of cylinders with liquefied compressed gases.

(a) * * *

(1) Specification 3, 1 3A, 3AA, 3B, 3BN, 3D, 1 3E, 4, 1 4A, 1 4B, 4BA, 4B-ET, 4BW, 4E, 9, 1 25, 1 26, 1 38, 1 39, 40, 1 or 41, 1 (§§ 178.36, 178.37, 178.38, 178.39, 178.42, 178.50, 178.51, 178.55, 178.61, 178.65, 178.68 of this subchapter), except that no Specification 4E, 9, 39, 40, 41 packaging may be charged and shipped with a mixture containing a pyroforic liquid, carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin, or poisonous material (class A, B, or irritating material), unless specifically authorized in this part.

* * * * *

(d) * * *

(3) * * *

(i) Specification 3, 1 3A, 3AA, 3B, 3E, 4A, 1 4B, 4BA, 4B240ET, 4BW, 4B240X, 1 4B240FLW, 4E, 4, 1 9, 1 25, 1 26, 1 38, 1 39, or 41 1 (§§ 178.36, 178.37, 178.38, 178.42, 178.50, 178.51, 178.55, 178.61, 178.54, 178.68, 178.48, 178.63, 178.65, 178.67 of this subchapter). The internal volume of a Specification 39 cylinder must not exceed 75 cubic inches.

* * * * *

57. In § 173.328, paragraph (a)(1) is revised as follows:

§ 173.328 Poison A material not specifically provided for.

(a) * * *

(1) Specification 33¹ or 3D¹ metal cylinders of not over 125 pounds water capacity (nominal). Gaskets if used between the protection cap and neck of cylinder must be renewed for each shipment. Cylinders not fitted with valve protection extension ring must be packed in wooden boxes complying with the construction, marking, and labeling requirements of § 173.25.

* * * * *

58. In § 173.329, paragraphs (b)(1) and (c)(1) are revised; footnote¹ is added as follows:

§ 173.329 Bromacetone; chlorpicrin and methyl chloride mixtures; chlorpicrin and nonflammable, nonliquefied compressed gas mixtures.

* * * * *

(b) * * *

(1) Specification 3A, 3AA, 3B, 3C, 1 3E, 1 4A, 1 4B, 4BA, 4BW, or 4C¹ (§§ 178.36, 178.37, 178.38, 178.42, 178.50, 178.51, 178.61, of this subchapter). Cylinders having not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected to prevent damage in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates complying with the construction, marking, and labeling requirements of § 173.25.

(c) * * *

(1) Specification 3A, 3AA, 3B, 3C, 1 3E, 1 4A, 1 4B, 4BA, 4BW, or 4C, 1 (§§ 178.36, 178.37, 178.38, 178.42, 178.50, 178.51, 178.61, of this subchapter). Cylinders having not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected to prevent damage in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates complying with the construction, marking, and labeling requirements of § 173.25.

59. In § 173.332, paragraph (a)(2) is revised; footnote¹ is added as follows:

§ 173.332 Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid liquefied.

(a) * * *

¹Use of existing cylinders authorized, but new construction not authorized.

Specification 3A480, 3AA480, or 3A480X¹ (§§ 178.36, 178.37, of this subchapter). Metal cylinders of not over 278 pounds water capacity (nominal); a valve protection cap must be used and be at least 3/16 inch thick, gas-tight, with 3/16 inch faced seat for gasket and with a United States standard form thread; the cap must be capable of preventing injury or distortion of the valve when it is subjected to an impact caused by allowing cylinder, prepared as for shipment, to fall from an upright position with side of cap striking a solid steel object projecting not more than 6 inches above floor level.

60. In § 173.346, paragraph (a)(16) is revised; paragraph (a)(17) and (a)(23) are deleted as follows:

§ 173.346 Poison B liquids not specifically provided for.

- (a) * * *
- (16) Specification 42B or 42D (§§ 178.107, 178.109 of this subchapter). Aluminum drums.
- (17) [Reserved]
- (23) [Reserved]

61. In § 173.353, paragraph (a)(3) and footnote¹ are revised as follows:

§ 173.353 Methyl bromide and methyl bromide mixtures.

- (a) * * *
- (3) Specification 3A225, 3AA225, 3B225, 3E1800, 4A225,¹ 4B225, 4BA225, or 4BW225 (§§ 178.36, 178.37, 178.38, 178.42, 178.50, 178.51, 178.61 of this subchapter). Metal cylinders. Valves and other closing devices must be protected to prevent damage in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.08 inch must be packed in boxes or crates (see § 173.25).

62. In § 173.354, paragraph (a)(1) is revised as follows:

§ 173.354 Motor fuel antiknock compound or tetraethyl lead.

- (a) * * *
- (1) Specification 15A (§ 178.168 of this subchapter). Wooden boxes with inside glass or earthenware containers of not over 1-pint capacity each, or metal cans, inclosed in hermetically sealed (soldered) strong metal cans.

63. In § 173.357, paragraph (b)(1) is revised; footnote¹ is added as follows:

§ 173.357 Chloropicrin and chloropicrin mixtures containing no compressed gas or Poison A liquid.

- (b) * * *
- (1) Specification 3A, 3AA, 3B, 3C,¹ 3D,¹ 3E, 4A,¹ 4B, 4BA, 4BW, or 4C¹ (§§ 178.36, 178.37, 178.38, 178.42, 178.50, 178.51, 178.61, of this subchapter). Metal cylinder. Valves or other closing devices must be protected by screw-on metal caps, or by packaging the cylinders in boxes or crates, to protect the valves from damage during transportation. A cylinder closed by means of a solid plug may have the closure protected by a metal collar. Cylinders having a wall thickness of less than 0.08 inch must be packaged in boxes or crates. Each cylinder having a water capacity over 275 pounds must have a minimum design pressure of 225 p.s.i.g., unless the specification requires a higher minimum design pressure.

64. In § 173.360, paragraph (a)(3) is deleted as follows:

§ 173.360 Perchloro-methyl-mercaptan.

- (a) * * *
- (3) [Reserved]

65. In § 173.361, paragraph (a)(2) is revised as follows:

- (a) * * *
- (2) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums. Authorized only for viscous mixtures or those which may become partially solid.

66. In § 173.362, paragraph (a)(4) is revised as follows:

- (a) * * *
- (4) Specification 6B or 6C (§§ 178.98 or 178.99 of this subchapter). Metal barrels or drums.

67. In § 173.365, paragraph (a)(1) is revised as follows:

- (a) * * *
- (1) Specification 5, 5A, 5B, 6B, or 6C (§§ 178.80, 178.81, 178.82, 178.98, 178.99 of this subchapter). Metal barrels or drums.

68. In § 173.369, paragraphs (a)(1) and (a)(12) are revised as follows:

- § 173.369 Carbolic acid (phenol), not liquid.
- (a) * * *
- (1) Specification 5, 5A, 5B, 5C, 6B, or 6C (§§ 178.80, 178.81, 178.82, 178.83, 178.98, or 178.99 of this subchapter). Metal barrels or drums.
- (12) Specification 42B (§ 178.107 of this subchapter). Aluminum drums.

69. In § 173.370, paragraph (a)(4) is revised as follows:

- § 173.370 Cyanides and cyanide mixtures, dry.
- (a) * * *
- (4) Specification 5, 5A, 5B, 6B, or 6C (§§ 178.80, 178.81, 178.82, 178.98, 178.99 of this subchapter). Metal barrels or drums.

70. In § 173.377, paragraphs (a)(3) and (b)(3) are revised as follows:

- § 173.377 Hexaethyl tetraphosphate mixtures; methyl parathion mixtures; organic phosphorus compound mixtures; organic phosphate compound mixtures; parathion mixtures; tetraethyl dithio pyrophosphate mixtures; and tetraethyl pyrophosphate mixtures, dry.
- (a) * * *
- (3) Specification 5, 5B or 6C (§§ 178.80, 178.82, 178.99 of this subchapter). Metal barrels or drums.
- (b) * * *
- (3) Specification 5, 5B or 6C (§§ 178.80, 178.82, or 178.99 of this subchapter). Metal barrels or drums.

71. In § 173.382, paragraph (a)(2) is revised as follows:

- § 173.382 Irritating materials, not specifically provided for.
- (a) * * *
- (2) Specification 6B or 6C (§§ 178.98, 178.99 of this subchapter). Metal barrels or drums.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

§§ 178.20, 178.40, 178.41, 178.43, 178.48, 178.49, 178.52, 178.84, 178.85, 178.87, 178.91, 178.97, 178.101, 178.108, 178.110, 178.111, 178.112, 178.119, 178.136 and 178.140 [Deleted]

72. In Part 178, §§ 178.20, 178.40, 178.41, 178.43, 178.48, 178.49, 178.52, 178.84, 178.85, 178.87, 178.91, 178.97, 178.101, 178.108, 178.110, 178.111, 178.112, 178.119, 178.136 and 178.140 are deleted.

¹Use of cylinders authorized, but new construction not authorized.

¹Use of existing cylinders authorized, but new construction not authorized.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034), nor an environmental impact under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C., on September 3, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 80-27878 Filed 9-10-80; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 78-8; Notice 3]

Lamps, Reflective Devices and Associated Equipment; Correction

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule; correction.

SUMMARY: This notice corrects a typographical error in the amendment published on July 28, 1980, (45 FR 49941). The error appears in the amendment to Paragraph S5.1 in which a reference to SAE Standard J579c appeared as J579b. It is, therefore, necessary to correct the error.

FOR FURTHER INFORMATION CONTACT: John Simeroth, Office of Rulemaking, National Highway Traffic Safety Administration, Washington, D.C. (202-426-2705).

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

§ 571.108 [Amended]

The reference to "J579b" in the third sentence of S5.1 of Title 49 Code of Federal Regulations, § 571.108 is amended to read: "J579c"

The lawyer and program official principally responsible for this correction are Z. Taylor Vinson and John Simeroth respectively.

(Secs. 103, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on September 2, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-27808 Filed 9-10-80; 8:45 am]

BILLING CODE 4910-59-M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 830

Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records

AGENCY: National Transportation Safety Board.

ACTION: Final rule.

SUMMARY: By this revision the National Transportation Safety Board (Board) changes the definition of the term "fatal injury" and adds a definition for the term "incident" to Part 830, concerning aviation accident reporting requirements, to conform to the definitions of those terms that are found in Annex 13 to the Convention on International Civil Aviation (Fifth Edition—1979).

EFFECTIVE DATE: September 11, 1980.

FOR FURTHER INFORMATION CONTACT: John M. Stuhldreher, General Counsel, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594, 202-472-6034.

SUPPLEMENTARY INFORMATION: This revision is based on a notice of proposed rulemaking published in the Federal Register on May 3, 1979 (44 FR 25889). In that notice, the Board proposed to: (1) Delete the requirement for the reporting of aircraft accidents and incidents and certain other occurrences in the operation of aircraft when they occur outside the United States; (2) provide a definition for the term "incident" and redefine the term "fatal injury"; and (3) add five additional types of incidents to the current list of five incidents that require immediate notification to the Board.

A total of 11 comments were received in response to the notice. The majority opposed the proposal to delete the requirement for the reporting of accidents involving U.S. registered aircraft when they occur outside the United States. In making that proposal, the Board assumed that the Accident Data Reporting System (ADREP System) maintained by the International Civil Aviation Organization (ICAO) would make the reporting of accidents to the Board unnecessary. It now appears, however, that ICAO's ADREP System does not yet satisfy the need of the Board to identify accidents occurring in foreign states, particularly those accidents involving small aircraft. Until it does, the Board finds that it must delay the proposal to ease the existing reporting requirement. The Board therefore will not proceed at this time to

amend § 830.1 as was proposed in the notice.

A majority of those who commented on the proposal to add five additional types of incidents to the current list were opposed to the addition for a variety of reasons, including the reason that incidents are already being reported to either the Federal Aviation Administration (FAA) or to the National Aeronautics and Space Administration (NASA) under a variety of programs as discussed in the notice. For example, near midair collisions are being reported to NASA under the Aviation Safety Reporting System on a voluntary basis. In reviewing the comments, the question of how the proposal would affect other reporting systems was given careful attention. Although the proposal involves notification as opposed to reporting, the Board recognizes that every effort should be made to minimize requirements to avoid duplication. The FAA is currently conducting a review of its incident reporting system with the distinct possibility that changes will be made in the reporting of various kinds of occurrences. The Board now believes that its proposed action should be delayed until the relationship of its needs to the anticipated changes to the FAA system becomes clearer and § 830.5 will therefore not be amended as proposed. In the meantime, most of the kinds of incidents proposed for addition to Part 830 are coming to the Board's attention in sufficient time to permit the Board to undertake an investigation, when necessary.

Although it was explained in the notice of proposed rulemaking that the Board does not intend to undertake any new incident-reporting system, both because of the existing systems available and the absence of funds, four commentators urged the Board to consider the potential benefits to safety that would accrue from a broad-based incident data reporting system. As was pointed out in the notice, and as explained above, the Board does intend to work in cooperation with the FAA in its review of aviation safety data needs in the various areas of incident reporting.

One commentator objected to the increase from 7 to 30 days for fatal injury determinations in the definition of "fatal injury" that was proposed in order to conform to the ICAO definition since he believes that it will be difficult to administer and will not advance the cause of accident prevention. The Board believes, however, that compatibility of standards among ICAO member states is an important goal and will contribute to further development of a common