



## DEPARTMENT OF TRANSPORTATION

### MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

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#### Title 49—Transportation

#### CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-139; Amdt. Nos. 173-111]

#### PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

##### Conversion of Individual Exemptions to Regulations of General Applicability

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: Final rule.

**SUMMARY:** This action is being taken to incorporate into the Department's Hazardous Materials Regulations a number of changes based on the data and analysis supplied in selected exemption applications, or from existing special permits and exemptions. The need for this action has been created by the public demand to make available new packaging and shipping alternatives that have proven themselves safe under the Department's special permit and exemption programs. The intended effect of these amendments is to provide wider access to the benefits of transportation innovations recognized and shown to be effective and safe.

**EFFECTIVE DATE:** November 14, 1977.

#### FURTHER INFORMATION CON-

Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 2nd Street SW., Washington, D.C. 20590, 202-426-0656.

**SUPPLEMENTARY INFORMATION:** On June 23, 1977, the Materials Transportation Bureau (MTB) published a Notice of Proposed Rulemaking, Docket HM-139; Notice 77-5 (42 FR 31815) which proposed these amendments. The background and the basis for incorporating these exemptions into the regulations were discussed in that notice. Interested persons were invited to give their views prior to the closing date of July 27, 1977. Primary drafters of this document are Darrell L. Raines and John C. Allen of the Office of Hazardous Materials Operations, Exemptions Branch, and George W. Tenley, Jr. of the Office of the Assistant General Counsel for Materials Transportation Law.

The Bureau received only two public comments concerning the proposed rules. One commenter favors the proposal to authorize the shipment of cleaning compounds containing less than 7 per cent hydrofluoric acid in DOT Specification 37M/2U composite packaging in § 173.256. However, the commenter also suggests that additional packaging be authorized for these commodities. Specifically, it is suggested that packaging authorized for 30 per cent hydrochloric acid in § 173.263 be authorized also for cleaning compounds containing mounts of hydrofluoric acid in

223. The Bureau has no informa-

tion from its exemption program to substantiate the commenter's contention that such additional packaging would be adequate for cleaning compounds containing hydrofluoric acid and therefore such a rule change would be inappropriate under Docket HM-139.

Another commenter suggests that the DOT Specification 57 portable tank be authorized for corrosive liquids, n.o.s. in § 173.245.

Notice 77-5 proposed to add the DOT 57 portable tank only for the liquids described in § 173.249 based on DOT Exemption No. 7240. Authorizing the DOT 57 tanks for the vast array of corrosive materials shipped as corrosive liquids, n.o.s. goes beyond the rule change presented to the public in the notice of proposed rulemaking and therefore will not be included in these amendments.

The only other changes of significance from the notice concerns (1) additional containerization and palletization requirements for shipment of certain Class B poisonous solids by water as prescribed in § 173.377(j), and (2) air shipments of ethylene imine, inhibited and propylene imine, inhibited. Specifically paragraphs (j)(4) and (j)(5) have been added to require the DOT Specification multiwall paper bags authorized for these commodities in paragraph (j) to be palletized and containerized for shipment by cargo vessel. The proposed restriction against air shipments of ethylene imine, inhibited and propylene imine, inhibited has been deleted because both commodities may be shipped by cargo-only aircraft.

Analysis of these amendments and comments thereon indicate that the costs of regulatory enforcement will not be significantly affected, nor will additional costs be imposed on the private sector, consumers, or Federal, State or local governments, since these amendments will authorize the general use of shipping alternatives previously available to only a few users under the exemptions. The safety record or analysis of shipments under the exemptions, identified in Notice 77-5, demonstrate that significant environmental impacts will not result from any of these amendments. Since these amendments are relaxations of existing rules, and place no additional burden on any person, they are being made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, 49 CFR Part 173 is amended as follows:

1. In § 173.113 paragraph (a)(1) is revised to read as follows:

§ 173.113 Detonating fuzes, class C explosives.

(a) \* \* \*

(1) Specification 12H (§ 178.209 of this subchapter). Fiberboard boxes either without liners with well secured inside pasteboard cartons or with suitable filler or lining material to prevent movement in the box.

2. In § 173.119 paragraph (a)(28) is added to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

(a) \* \* \*

(28) Specification 12A (§ 178.210 of this subchapter). Fiberboard boxes with inside metal containers not over 1-gallon capacity each. Not more than six metal containers shall be packed in a 275-pound test, double faced, corrugated fiberboard, specification 12A box and gross weight shall not exceed 45 pounds. The inner flap gaps of the box shall not exceed 1/2-inch and the box shall provide a tight fit so there is no movement of the cans within the box.

\* \* \* \* \*

3. In § 173.135 paragraph (a)(10) is added to read as follows:

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

(a) \* \* \*

(10) Specification 51 (§ 178.245 of this subchapter). Portable tanks.

4. In § 173.139 paragraph (a)(6) is revised to read as follows:

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

(a) \* \* \*

(6) Specification 4B240, 4BA240, or 4BW240 (§§ 178.50, 178.51, 178.61 of this subchapter). Cylinders of all welded construction.

5. In § 173.204 paragraph (a)(4) is revised to read as follows:

§ 173.204 Sodium hydrosulfite.

(a) \* \* \*

(4) Specification 37A or 37B (§§ 178.131, 178.132 of this subchapter). Metal drums (STC). Not authorized for transportation by air. Authorized for transportation by water only when the containers are fitted with a minimum 4-mil polyethylene liner, the drum covers contain sponge rubber gaskets, the drums are closed with a bolted ring closure and the gross weight is not over 275 pounds.

\* \* \* \* \*

6. In § 173.206 paragraph (a)(2) is revised to read as follows:

§ 173.206 Sodium or potassium, metallic; sodium amide; sodium potassium alloys; sodium aluminum hydride; lithium metal; lithium silicon; lithium ferro silicon; lithium hydride; lithium borohydride; lithium aluminum hydride; lithium acetylacetylene diamine complex; aluminum hydride; cesium metal; rubidium metal; zirconium hydride, powdered.

(a) \* \* \*

(2) Specification 5, 5C, 6A, 6B, or 6C (§§ 178.80, 178.83, 178.97, 178.98, 178.99 of this subchapter). Metal barrels or drums. Not authorized for lithium aluminum hydride or aluminum hydride.

\* \* \* \* \*

7. In § 173.223 paragraph (a)(5) is revised to read as follows:

**§ 173.223 Peracetic acid.**

(a) . . . .

(5) Specification 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this subchapter). Cylindrical steel overpacks with inside specifications 2S or 2SL (§§ 178.35, 178.35a of this subchapter) polyethylene containers not over 55-gallon capacity. Polyethylene container must have a vented closure capable of preventing leakage of liquid contents.

8. In § 173.249 paragraph (a) (7) is revised and paragraph (a) (13) is added to read as follows:

**§ 173.249 Alkaline corrosive liquids, n.o.s.; alkaline liquids, n.o.s.; alkaline corrosive battery fluid; potassium fluoride solution; potassium hydrogen fluoride solution; sodium aluminate, liquid; sodium hydroxide solution; potassium hydroxide solution; boiler compound, liquid, solution.**

(a) . . . .

(7) Specification 57 or 60 (§§ 178.253, 178.255 of this subchapter). Portable tanks. Specification 57 portable tank not authorized for transportation by water.

(13) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with inside metal containers. Not more than four 1-gallon containers or six 1-quart containers may be packed in each box. Maximum gross weight may not exceed 65 pounds and the completed package must meet the test requirements of § 178.210-10 of this subchapter.

9. In § 173.253 paragraph (a) (6) is revised to read as follows:

**§ 173.253 Chloracetyl chloride.**

(a) . . . .

(6) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter). Tank motor vehicles having tanks fabricated from Type 316 stainless steel or 99 percent pure nickel.

10. In § 173.256 paragraph (a) (7) is added to read as follows:

**§ 173.256 Compounds, cleaning, liquid.**

(a) . . . .

(7) Specification 37M (§ 178.134 of this subchapter). Cylindrical steel overpack with inside specification 2U (§ 178.24 of this subchapter) polyethylene container. The steel overpack must have a minimum 22-gauge body, head, and bottom with a 16-gauge ring and bolt closure if full removable head. Authorized only for compounds containing not more than 7 percent hydrofluoric acid by weight.

11. In § 173.269 paragraph (a) (6) is added to read as follows:

**§ 173.269 Perchloric acid.**

(a) . . . .

(6) Specification 6D (§ 178.102 of this subchapter). Cylindrical steel overpack with inside specification 2S (§ 178.35 of

this subchapter) polyethylene container not exceeding 30-gallon capacity. Maximum net weight may not exceed 380 pounds. Not authorized for transportation by air.

12. In § 173.287 paragraph (b) (8) is added to read as follows:

**§ 173.287 Chromic acid solution.**

(b) . . . .

(8) Specification MC 312 (§§ 178.340, 178.343 of this subchapter). Tank motor vehicles. Authorized for solutions containing chromic acid only. Not authorized for transportation by water.

13. In § 173.365 paragraph (a) (14) is revised to read as follows:

**§ 173.365 Poison B solids not specifically provided for.**

(a) . . . .

(14) Specification 21C (§ 178.224 of this subchapter). Fiber drums. Maximum net weight may not exceed 225 pounds except that a 21C400 fiber drum may have a net weight not exceeding 350 pounds.

14. In § 173.375 paragraph (a) (2) is added to read as follows:

**§ 173.375 Sodium azide.**

(a) . . . .

(2) Specification 21C (§ 178.224 of this subchapter). Fiber drums with inside polyethylene moisture barrier. Maximum net weight may not exceed 115 pounds.

15. In § 173.377 paragraph (b) (5) is revised and paragraph (j) is added to read 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.**

(b) . . . .

(5) Specification 21C (§ 178.224 of this subchapter). Fiber drums. Authorized only for mixtures in which the liquid is absorbed in concentration not greater than 55 percent. Maximum net weight may not exceed 225 pounds.

(j) Dry mixtures containing more than 2 percent but not exceeding 16.5 percent by weight of hexaethyl tetraphosphate, methyl parathion mixtures, organic phosphorus compound mixtures, organic phosphate compound mixtures, parathion, tetraethyl dithio pyrophosphate or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, in addition to containers prescribed in paragraphs (a) and (b) of this section, may be packed in specification containers as follows:

(1) Specification 44B (§ 178.234 of this subchapter). Multiwall paper bags consisting not more than 5 specification (§ 178.23 of this subchapter) inner bags, each fabricated with a foil liner and containing not more than ten pounds net weight. Maximum net weight of material in each outside container may not exceed 50 pounds. For water transportation, the material must also be in containers as prescribed in subparagraph (4) of this paragraph or palletized and unit packed as prescribed in subparagraph (5) of this paragraph. Not authorized for transportation by air.

(2) Specification 44D (§ 178.238 of this subchapter). Multiwall paper bags consisting of 6-ply extensible kraft paper having a minimum total basis weight of 320 pounds. Bags must have a metal foil inner liner and contain not over 60 pounds net weight. For transportation by water, material must be in containers as prescribed in subparagraph (4) of this paragraph or palletized and unit packed as prescribed in subparagraph (5) of this paragraph. Not authorized for transportation by air.

(3) Specification 44D (§ 178.238 of this subchapter). Multiwall paper bags consisting of 5-ply extensible kraft paper having a minimum total basis weight of 300 pounds. Bags may have outer sheet of 60-pound kraft in place of 70-pound basis weight but must have a metal foil inner liner. Maximum net weight may not exceed 54 pounds each. For transportation by water, material must be in containers as prescribed by paragraph (4) of this paragraph or palletized and unit packed as prescribed by subparagraph (5) of this paragraph. Not authorized for transportation by air.

(4) Containers must be loaded and sealed at the shipper's plant or warehouse and unsealed only at the ultimate destination, unless the Coast Guard Captain of the Port desires to inspect the containers at his Port.

(5) Pallets must be designed to accommodate straps. The bags, fully enclosed by fiberboard or plastic film must be securely strapped to the pallet. The layer or layers of fiberboard or plastic film must fully protect the bags from excessive stress concentration caused by the strapping and normal handling loads.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C., on November 7, 1977.

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