

DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration**

49 CFR Parts 107, 171, 172, 173, 174, 175, 178, and 179

[Docket No. RSPA-99-6212 (HM-189P)]

RIN 2137-AD38

Hazardous Materials Regulations: Editorial Corrections and Clarifications

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: This final rule corrects editorial errors, makes minor regulatory changes, and in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations (HMR). The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the HMR. The amendments contained in this rule are minor editorial changes and do not impose new requirements.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Michael G. Stevens, Office of Hazardous Materials Standards, (202) 366-8553, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:**Background**

RSPA annually reviews the HMR to identify errors which may confuse readers. Inaccuracies corrected in this final rule include typographical errors, incorrect references to other rules and regulations in the CFR, inconsistent use of terminology, and misstatements of certain regulatory requirements. In response to inquiries RSPA received concerning the clarity of particular requirements specified in the HMR, certain other changes are made to reduce uncertainties.

Because these amendments do not impose new requirements, notice and public procedure are unnecessary. In addition, making these amendments effective without the customary 30-day delay following publication will allow the changes to appear in the next revision of 49 CFR.

The following is a section-by-section summary of the amendments made under this final rule. It does not discuss all minor editorial corrections (e.g., typographical, capitalization and punctuation errors), changes to legal authority citations and certain other

minor adjustments to enhance the clarity of the HMR.

Section-by-Section Review**Part 107***Section 107.14*

Paragraph (a)(1) is revised to update operating hours of RSPA's hazardous materials telephone information line and to provide the correct internet address for the Hazardous Materials Safety website.

Section 107.117

In paragraph (d)(4), the telephone number for emergency exemption processing under the Federal Railroad Administration is updated.

Part 171*Section 171.6*

In paragraph (b)(2), the table of OMB control numbers is revised to reflect current control numbers, report titles, and affected sections for collections of information.

Section 171.7

The International Organization for Standardization (ISO) entry "ISO 780-1985(E), Packaging Pictorial Marking and Handling of Goods", is removed for simplification of the regulations. Package orientation arrows, as illustrated in § 172.312, need only to conform pictorially to the ISO standard. Because the illustration shown in § 172.312 and the ISO standard are identical, reference to the standard is unnecessary.

Section 171.8

In the definition for "hazardous substance", a reference in paragraph (3)(i) to the requirements for determining whether a mixture of radionuclides exceeds the reportable quantity (RQ) is corrected to read "paragraph 7 of Appendix A to § 172.101".

Section 171.14

Paragraph (c), as amended in a final rule published October 1, 1998 (Docket HM-189O; 63 FR 52844), is revised to correct the inadvertent removal of the authorization to offer and transport liquid hazardous materials in non-specification fiber drums after October 1, 1999. This authorization remains valid until funds are authorized by Congress to be appropriated to carry out chapter 51 of title 49, United States Code (related to transportation of hazardous materials). Paragraph (c)(2) containing an expired compliance date is removed.

Part 172*Section 172.101*

Minor changes are made to three proper shipping names. The entry "2-Bromopropanes", UN2344, PG II, is revised to read "Bromopropanes" for consistency with the PG III entry and the UN Recommendations. In the entry "Dichlorofluoromethane or Refrigerant gas R212", UN1029, "R212" is revised to read "R21" to correct a printing error. The entry "2-ethylbutyl acetate", UN1177, is revised to read "ethylbutyl acetate" for consistency with the UN Recommendations. Stocks of preprinted shipping papers and package markings showing these old proper shipping names may be continued in use for a period up to one-year from the effective date of this final rule, as currently provided by § 172.101(l).

For the entry "*Nitrogen dioxide*, see Dinitrogen tetroxide", UN1067, the wording "*Nitrogen dioxide*" is corrected from italicized to Roman type. The use of either name is acceptable as a proper shipping name.

For the entry "Nitrous oxide, refrigerated liquid, UN2201", in column (6), the label code "2.2" is revised to read "2.2, 5.1". This revision aligns the entry with the UN Recommendations. Currently, § 172.402(f) requires any Division 2.2 material that also meets the definition for an oxidizing gas to be labeled OXIDIZER.

For the entry "Organic peroxide type C, liquid", UN3103, in column (6), the "5.1" label code is revised to read "5.2" to correct a typographical error. The division number for the material, in column 3, is correctly shown as "5.2".

For the entries, "Paint or Paint related material", UN3066, Packing groups II and III, in column (8B), the reference "202" and "203" respectively are removed and the reference "173" is added in their place. The packagings prescribed in § 173.173 are the same as those prescribed in §§ 173.202 and 173.203.

For the entry "Sulfur, 4.1, UN1350", Special provision N20 is removed. Special provision N20 authorizes the use of a 5M1 non-bulk multi-wall paper bag; whereas, sulfur is not regulated when packaged in non-bulk packagings. In addition, for the entries "Sulfur, 4.1, UN1350" and "Sulfur, 9, NA1350", Special provision A1 is removed. Special provision A1 prohibits non-bulk single packagings on passenger aircraft.

For the entry "Uranyl nitrate hexahydrate solution", UN2980, the packaging exception reference in column 8A, "421, 425", is corrected to read "421, 427". The packaging exceptions for low specific activity

(LSA) radioactive materials were moved from § 173.425 to § 173.427 in a final rule published September 28, 1995 (60 FR 50307).

Appendix A to Section 172.101

The second footnote following Table 2, identified as “EEE+”, is corrected to read “+”.

The third and fourth footnotes following Table 2, identified as “***” and “****” respectively, are revised to correctly reference paragraph 7 of this appendix, which describes a method for determining the reportable quantities for radionuclide mixtures or solutions.

Section 172.102

In paragraph (c)(3), the second sentence of Special Provision B7 is revised to clarify that the requirement applies to multi-unit tank car tanks only.

In paragraph (c)(5), the following changes are made: Special Provision N20 is removed. Special Provision N71, which is applicable only to the entries “Paint” and “Paint related material”, is redundant with the packaging requirements prescribed in § 173.173 and, therefore, is removed.

In paragraph (c)(7), Special Provision T38, the last sentence containing an expired compliance date is removed.

Section 172.312

In paragraph (a)(2), the reference to ISO Standard 780–1985 is removed. Referencing this ISO standard is unnecessary because the package orientation arrows shown in the standard are depicted illustratively in this section.

Section 172.400

In paragraph (b), in column 1 of the table, the entry “7 (empty packages, see § 173.427) is corrected to read “7 (empty packages, see § 173.428)”. The requirements for empty radioactive packages were moved to § 173.428 in a final rule published September 28, 1995 (60 FR 50307).

Part 173

Section 173.52

In paragraph (b), in the first column of Table 1, the fifth and sixth entries for compatibility groups E and F, in the parenthetical expression, the wording “flammable liquid gel” is corrected to read “flammable liquid or gel”.

Section 173.57

In paragraph (a), the introductory text is revised to update the description of the UN Recommendations on the Transport of Dangerous Goods, Manual

of Tests and Criteria, and to correct a punctuation error.

Section 173.62

In paragraph (a), the reference to paragraph “(e)” is corrected to read paragraph “(d)”. In addition, in the Table of Packing Methods in paragraph (c), the entries “133” and “137” are revised to correct a format printing error.

Section 173.121

In the table in paragraph (a), the last two entries in column 3 are corrected by adding the appropriate temperature in Celsius.

Section 173.150

In paragraph (c), a grammatical error is corrected to clarify shipping paper exceptions do not apply to ORM–D materials offered for transportation and transported by aircraft.

Section 173.197

Paragraph (b) containing an expired compliance date is removed. The paragraph designation “(a)” is removed from the introductory text and paragraphs (1) through (7) are redesignated as paragraphs (a) through (g) respectively.

Section 173.314

In the third sentence in paragraph (e), the word “monomethylamine” is corrected to read “methylamine anhydrous”.

Section 173.315

In the paragraph (a) table, the entry for “Liquefied petroleum gas” is revised to reference new note 26 in column 4. This note is added to alert readers that LPG is authorized for transportation in non-specification cargo tanks subject to the conditions prescribed in the current paragraph (k) of this section.

Section 173.318

In paragraph (a)(3)(i), the reference “§ 176.76(h)(1)” is corrected to reference the cryogenic liquids requirements in § 176.76(g).

Section 173.410

In paragraph (h), the semicolon at the end of the sentence is replaced with a period.

Section 173.428

The introductory paragraph is editorially revised to correct a misconception that empty radioactive materials packagings are excepted from labeling. As prescribed in paragraph (d) of this section, the “Empty” label is required to be affixed to the packaging.

Section 173.469

In the formula in paragraph (a)(4)(i), the expression “ 1.3 ± 10^{-4} ” is corrected to read “ 1.3×10^{-4} ”.

Part 174

Section 174.85

In the explanatory notes following the table in paragraph (d), in the line entry which begins with “Group 3”, the wording “PG I” after the wording “2.3” is removed. Compressed gases are not assigned to packing groups.

Part 175

Section 175.700

Paragraph (a)(1) is removed and the remaining paragraphs are renumbered. Packages requiring a Radioactive Yellow-II label do not have a transport index exceeding 1.0; therefore, this paragraph is unnecessary.

Part 178

Section 178.61

In paragraph (f)(2), the reference to “paragraph (m)” is corrected to read “paragraph (j)”.

Section 178.245–4

Paragraph (e) is revised to correctly reference the definition of a “container” in the Coast Guard regulations at § 450.3(a)(2), not § 450.3(a)(3).

Section 178.803

The table is revised to correct the footnote applicable to the hydrostatic testing of metal intermediate bulk containers (IBC) intended to contain liquids or solids loaded or discharged under pressure.

Part 179

Section 179.15

Paragraph (f)(1) is amended to remove an obsolete compliance date and to correct the wording “tank pressure” to read “tank test pressure”.

Section 179.300–15

Paragraph (a) is revised to remove a reference to § 179.302. This section appears in the HMR as “reserved”.

Section 179.400–8

In paragraph (d), a reference to “§ 179.100–23(a)(1)” is revised to read “§ 179.16(c)”. Section 179.100–23 was removed from the HMR in a final rule published June 5, 1996 (Docket HM–216; 61 FR 28666).

Regulatory Analyses and Notices*A. Executive Order 12866 and DOT Regulatory Policies and Procedures*

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not subject to review by the Office of Management and Budget. This rule is not significant according to the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). Because of the minimal economic impact of this rule, preparation of a regulatory impact analysis or a regulatory evaluation is not warranted.

B. Executive Order 12612

This final rule has been analyzed in accordance with the principles and criteria in Executive Order 12612 ("Federalism"). Federal hazardous material transportation law, (49 U.S.C. 5101–5127) contains express preemption provisions at 49 U.S.C. 5125.

RSPA is not aware of any State, local, or Indian tribe requirements that would be preempted by correcting editorial errors and making minor regulatory changes. This final rule does not have sufficient federalism impacts to warrant the preparation of a federalism assessment.

C. Executive Order 13084

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 ("Consultation and Coordination with Indian Tribal Governments"). Because this rule would not significantly or uniquely affect the communities of the Indian tribal governments, the funding and consultation requirements of this Executive Order do not apply.

D. Regulatory Flexibility Act

I certify that this final rule will not have a significant economic impact on a substantial number of small entities. This rule makes minor editorial changes which will not impose any new requirements on persons subject to the HMR; thus, there are no direct or indirect adverse economic impacts for small units of government, businesses or other organizations.

E. Unfunded Mandates Reform Act of 1995

This rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of \$100 million or more to either State, local, or tribal governments, in the aggregate, or to the

private sector, and is the least burdensome alternative that achieves the objective of the rule.

F. Impact on Business Processes and Computer Systems (Year 2000)

Many computers that use two digits to keep track of dates may, on January 1, 2000, recognize "double zero" not as 2000 but as 1900. The Year 2000 problem could cause computers to stop running or to start generating erroneous data. The Year 2000 problem poses a threat to the global economy in which Americans live and work. With the help of the President's Council on Year 2000 conversion, Federal agencies are reaching out to increase awareness of the problem and to offer support. We do not want to impose new requirements that would mandate business process changes when the resources necessary to implement those requirements would otherwise be applied to the Year 2000 problem.

This final rule does not impose business process changes or require modification to computer systems. Because the final rule does not affect organizations' ability to respond to the Year 2000 problem, we do not intend to delay the effectiveness of the requirements in the final rule.

G. Paperwork Reduction Act

There are no new information collection requirements in this final rule.

H. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects*49 CFR Part 107*

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste,

Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 174

Hazardous materials transportation, Radioactive materials, Railroad safety.

49 CFR Part 175

Air carriers, Hazardous materials transportation, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 179

Hazardous materials transportation, Railroad safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Chapter I is amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. The authority for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701; Sec. 212–213, Pub. L. 104–121, 110 Stat. 857; 49 CFR 1.45, 1.53.

§ 107.14 [Amended]

2. In § 107.14, the following changes are made:

a. In paragraph (a)(1), second sentence, the time "4:00 p.m." is removed and "5:00 p.m." is added in its place.

b. In paragraph (a)(1), last sentence, the internet website "http://ohm.volpe.dot.gov/ohm" is removed and "http://hazmat.dot.gov" is added in its place.

§ 107.117 [Amended]

3. In § 107.117, in paragraph (d)(4), the wording "202–366–0509 or 366–0523" is removed and the wording "202–493–6247 or 202–493–6244" is added in its place.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

4. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

5. In § 171.6, paragraph (b)(2) is revised to read as follows:

§ 171.6 Control numbers under the Paperwork Reduction Act.

(b) * * *
(2) Table.

Current OMB control No.	Title	Title 49 CFR part or section where identified and described
2137-0014	Cargo Tank Specification Requirements	§§ 107.503, 107.504, 178.320, 178.337, 178.338, 178.345, 178.346, 178.347, 178.348, 180.409, 180.417.
2137-0018	Inspection and Testing of Portable Tank and IBC's.	§§ 173.24, 173.32, 173.32 (b) (e), 173.32a, 173.32b, 173.32c, 178.3, 178.245, 178.245-1 (a), 178.245-6, 178.255, 178.255-1, 178.270, 178.271, 178.272, 178.702, 178.703, 178.801, 178.810, 178.813, 180.352.
2137-0022	Testing, Inspection, and Marking Requirements for Cylinders.	§§ 173.34 (c), 173.34 (e) (10), 173.302 (c) (3), (c) (5), 173.302 (e), 173.303 (d), 173.309, 178.2, 178.3, 178.35(f) (g) (h), 178.36 (e), 178.37 (e), 178.38 (e), 178.44 (s), 178.45 (n), 178.46 (m), 178.47 (p), 178.57(q), 178.59 (n), 178.60 (r), 178.61 (p), 178.68(n), 178.337, 178.338, 178.345.
2137-0034	Hazardous Materials Shipping Papers and Emergency Response Information.	Part 172, §§ 173.6, 173.7 (a) (1), 173.8, 173.22 (a) (1), 173.56 (b) (1), (d) (1), (e) (2), 173.150 (f) (3) (i), 174.24, 174.26 (b), 174.114, 175.30, 175.35, 175.703, 176.9, 176.24, 176.27, 176.30, 176.31, 176.36, 176.89, 176.90, 176.95, 177.817.
2137-0039	Hazardous Materials Incident Report	§§ 171.15, 171.16.
2137-0051	Rulemaking and Exemptions Petitions	Part 106, Subpart B, Part 107, Subpart B, §§ 106.31, 106.33, 107.3, 107.5, 107.7, 107.103, 107.105, 107.107, 107.109, 107.113, 107.117, 107.121, 107.123, 107.125, 107.201, 107.202, 107.203, 107.205, 107.209, 107.211, 107.215, 107.217, 107.219, 107.221, 107.223.
2137-0510	RAM Transportation Requirements	Part 173, Subpart I, §§ 173.22 (c), 173.411, 173.415 (a), 173.416 (b), 173.417 (a) (5), (b) (3), (4), 173.457 (b), 173.471 (a), (d), 173.472, 173.473 (a), (d), 173.476 (a), (b), (c).
2137-0542	Cryogenic Liquids Requirements	§§ 173.318, 177.816, 177.840, 180.405.
2137-0557	Approvals for Hazardous Materials	§§ 107.401, 107.402, 107.403, 107.404, 107.405, 172.101 (l) (2), 172.102 (c) (1) (60), (c) (3) (B69), 173.2a (c) (4), 173.4 (c), 173.7 (a) (1), 173.21(f)(3)(h)(2)(i), 173.24 (e) (3) (iii), 173.51 (a),(b), 173.56 (a) (2), (b) (1), (2), (4), (c), (f), (g), (i), (j) (3), 173.124 (a) (1) (iii) (b), (a) (2) (iii) (d), 173.128 (d), 173.159 (f), 173.166, 173.171 (a), (c), 173.185 (d) (9), (ii), (iii), i, 173.214, 173.224 (d), 173.225 (b) (4), (c), 173.245 (a) (b), 173.300a, 173.300b, 173.305 (c) (1), 173.315 (i) (12), 173.334 (d), 173.340 (a), (b), (c) (4), 176.340 (c), 178.270-3 (f), 178.270-13 (d), 178.601 (e) (g) (7), (h), (k), 178.603 (b), 178.604 (b) (2), 178.605 (b), 178.606 (b), (c), 178.608 (b) (5), 178.801 (e) (2), (h), (i), 178.813 (c).
2137-0559	Rail Carriers and Tank Car Tank Requirements.	§§ 172.102 (c) (3) (B45), (B46), (B55), (B61), (B69), (B77), (B78), (B81), 173.10 (b) (1), 173.31 (a) (2), (b) (6) (ii), 173.247 (a), 174.9, 174.20 (b), 174.50, 174.61, 174.63 (d), 174.81 Table note b, 174.104 (c), (e), (f), 174.114, 174.204 (a) (1), 179.3, 179.5, 179.7(b)(2), (5)(d), 179.22, 180.505, 180.509, 180.515, 180.517 (a), (b), 180.519 (d).
2137-0572	Testing Requirements for Non-Bulk Packaging.	§§ 178.2 (c), 178.601 (1).
2137-0582	Container Certification Statement	§§ 176.27 (c), 176.172 (c).
2137-0586	Hazardous Materials Public Sector Training and Planning Grants.	Part 110.
2137-0595	Cargo Tank Motor Vehicles in Liquefied Compressed Gas Service.	§§ 173.315 (h) (2), 178.337, 178.337-8, 178.337-9, 180.405, 180.416 (b) (d) (f) (h) (1).

§ 171.7 [Amended]

6. In § 171.7, in paragraph (a)(3) table, under "International Organization for Standardization", the entry "ISO 780-1985(E), Packaging-Pictorial Marking and Handling of Goods....172.312" is removed.

§ 171.8 [Amended]

7. In § 171.8, in paragraph (3)(i) of the definition for "Hazardous substance", the wording "paragraph 6" is removed and "paragraph 7" is added in its place.

§ 171.12a [Amended]

8. In § 171.12a, in the first sentence in paragraph (b) introductory text, the

word "Transportation" is removed and the word "Transportation" is added in its place.

9. In § 171.14, paragraph (c) is revised to read as follows:

§ 171.14 Transitional provisions for implementing certain requirements.

* * * * *

(c) *Non-specification fiber drums.* A non-specification fiber drum with a removable head is authorized for a liquid hazardous material in Packing Group III that is not poisonous by inhalation for which the packaging was authorized under the requirements of part 172 or part 173 of this subchapter

in effect on September 30, 1991. This authorization expires on the date on which funds are authorized to be appropriated to carry out chapter 51 of title 49, United States Code (related to transportation of hazardous materials), for fiscal years beginning after September 30, 1997. Information concerning this funding authorization date may be obtained by contacting the Office of the Associate Administrator for Hazardous Materials Safety.

* * * * *

**PART 172—HAZARDOUS MATERIALS
TABLE, SPECIAL PROVISIONS,
HAZARDOUS MATERIALS
COMMUNICATIONS, EMERGENCY
RESPONSE INFORMATION, AND
TRAINING REQUIREMENTS**

10. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

11. In § 172.101, the Hazardous Materials Table is amended by removing, adding, in appropriate alphabetical sequence, and revising, the following entries to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

§ 172.101 HAZARDOUS MATERIALS TABLE

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions	(8) Packaging (§ 173.* * *)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	[REMOVE:].												
	2-Bromopropanes.	*		*	*		*	*	*				
	Dichlorofluoromethane or Refrigerant gas R212.	*		*	*		*	*	*				
	2-Ethylbutyl acetate.	*		*	*		*	*	*				
	Nitrogen dioxide, see Dinitrogen tetroxide.	*		*	*		*	*	*				
	[ADD:].												
	Bromopropanes	3	UN2344 ...	II	3	T7	150	202	242	5 L	60 L	B	40
	Dichlorofluoromethane or refrigerant gas R21	2.2	UN1029 ...		2.2		306	304	314, 315	75 kg	150 kg	A	
	Ethylbutyl acetate	3	UN1177 ...	III	3	B1, T1	150	203	242	60 L	220 L	A	
	Nitrogen dioxide, see Dinitrogen tetroxide.	*		*	*		*	*	*				
	[REVISED:].												
	Nitrous oxide, refrigerated liquid	2.2	UN2201 ...			2.2, 5.1, B6	None	304	314, 315	75 kg	150 kg	B	40
	Organic peroxide type C, liquid	5.2	UN3103 ...	II	5.2		152	225	None	5 L	10 L	D	12, 40
	Paint or Paint related material	8	UN3066 ...	II	8	B2, T14 B52, T7	154	173	242	1 L	30 L	A	
				III	8		154	173	241	5 L	60 L	A	
	Sulfur	9	NA1350 ...	III	9	30	None	None	240	No limit	No limit	A	19, 74
	Sulfur	4.1	UN1350 ...	III	9	30, T1	None	None	240	No limit	No limit	A	19, 74
	Uranyl nitrate hexahydrate solution	7	UN2980 ...		7, 8		421, 427	415, 416, 417	415, 416, 417			D.	

§ 172.101, Appendix A [Amended]

12. In Appendix A to § 172.101 the following changes are made:

a. In the second footnote of Table 2, the symbol “EEE†” is removed and “†” is added in its place.

b. In the third footnote of Table 2, the wording “paragraph 6” is removed and “paragraph 7” is added in its place.

c. In the fourth footnote of Table 2, in the second sentence, the wording “paragraph 6” is removed and “paragraph 7” is added in its place.

§ 172.102 [Amended]

13. In § 172.102, the following changes are made:

a. In paragraph (c)(3), in Special Provision B7, in the second sentence, insert the wording “on multi-unit tank

car tanks” between the words “devices” and “shall”.

b. In paragraph (c)(5), Special Provision N20 is removed.

c. In paragraph (c)(5), Special Provision N71 is removed.

d. In paragraph (c)(7)(ii), in Special Provision T38, the last sentence is removed.

§ 172.312 [Amended]

14. In § 172.312, in paragraph (a)(2), the wording “ISO Standard 780–1985,” is removed and the wording “the illustration shown in this paragraph,” is added in its place.

§ 172.400 [Amended]

15. In § 172.400, in paragraph (b), in column 1 of the table, the entry “7 (empty packages, see § 173.427)” is

removed and the entry “7 (empty packages, see § 173.428 of this subchapter)” is added in its place.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

16. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701; 49 CFR 1.45, 1.53.

17. In § 173.52, in paragraph (b), in Table 1, the fifth and sixth entries are removed and new entries are added in their place to read as follows:

§ 173.52 Classification codes and compatibility groups of explosives.

* * * * *

(b) * * *

TABLE 1.—CLASSIFICATION CODES

Description of substances or article to be classified	Compat- ibility group	Classifica- tion code
* * * * *		*
Article containing a secondary detonating explosive substance, without means of initiation, with a propelling charge (other than one containing flammable liquid or gel or hypergolic liquid)	E	1.1E 1.2E 1.4E
Article containing a secondary detonating explosive substance with its means of initiation, with a propelling charge (other than one containing flammable liquid or gel or hypergolic liquid) or without a propelling charge	F	1.1F 1.2F 1.3F 1.4F
* * * * *		*

* * * * *

§ 173.57 [Amended]

18. In § 173.57, in paragraph (a) introductory text, the parenthetical wording “(UN Recommendations on the Transport of Dangerous Goods, Tests and Criteria, Part I, Second Edition (see § 171.7 of this subchapter))” is removed and the parenthetical wording “(UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria (see § 171.7 of this subchapter))” is added in its place.

§ 173.62 [Amended]

19. In § 173.62, the following changes are made:

a. In paragraph (a), at the beginning of the first sentence, the reference “paragraph (e)” is revised to read “paragraph (d)”.

b. In paragraph (c), in the Table of Packing Methods, in the entry “133”, in column 1 “Packing instruction”, the text under the wording “2. Intermediate packagings are only required when trays are used as inner packagings” is moved to column 2 “Inner packagings”, under the word “Receptacles”.

c. In paragraph (c), in the Table of Packing Methods, in the entry 137,

under column 1 “Packing instruction”, the text under the wording “When the shaped charges are packed in pairs, the conical cavities must face inwards to minimize the jetting effect in the event of accidental initiation” is moved to column 2 “Inner packagings”, under the word “Bags”.

20. In § 173.121, the table in paragraph (a) is revised to read as follows:

§ 173.121 Class 3—Assignment of packing group.

(a) * * *

Packing group	Flash point (closed-cup)	Initial boiling point
I	≤35°C (95°F)
II	<23°C (73°F)	>35°C (95°F)
III	≥23°C, ≤60.5°C (≥73°F, ≤141°F)	>35°C (95°F)

* * * * *

21. In § 173.150, the last sentence in paragraph (c) is revised to read as follows:

§ 173.150 Exceptions for Class 3 (flammable) and combustible liquids.

* * * * *

(c) *Consumer commodities.* * * * In addition to the exceptions provided by paragraph (b) of this section, shipments of ORM-D materials are not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or are offered for transportation and transported by

aircraft, and are eligible for the exceptions provided in § 173.156.

* * * * *

§ 173.197 [Amended]

22. In § 173.197, paragraph (b) is removed and paragraph (a) introductory text and paragraphs (a)(1) through (a)(7) are redesignated as introductory text and paragraphs (a) through (g), respectively.

§ 173.314 [Amended]

23. In § 173.314, in paragraph (e), the word “monomethylamine” is removed and “methylamine anhydrous” is added in its place.

24. In § 173.315(a) table, the entry for “Liquefied petroleum gas” is revised and a new note 26 is added at the end of the table to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tanks.

(a) * * *

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design pressure (psig)
* * *	*	*	*	*
Liquefied petroleum gas (see Note 15) ..	See par. (b) of this section.	See par. (b) of this section.	DOT-51, MC-330, MC-331; See Note 26.	See par. (c) of this section.
* * *	*	*	*	*

Note 26: Non-specification cargo tanks may be used for the transportation of liquefied petroleum gas, subject to the conditions prescribed in paragraph (k) of this section.

* * * * *

§ 173.318 [Amended]

25. In § 173.318, paragraph (a)(3)(i) is amended by removing the section reference “§ 176.76(h)(1)” and adding “176.76(g)” in its place.

§ 173.410 [Amended]

26. In § 173.410, in paragraph (h) introductory text, the wording “unauthorized operation;” is removed and the wording “unauthorized operation.” is added in its place.

27. In § 173.428, the introductory text is revised to read as follows:

§ 173.428 Empty Class 7 (radioactive) materials packaging.

A packaging which previously contained Class 7 (radioactive) materials and has been emptied of contents as far as practical, is excepted from the shipping paper, certification, and marking requirements of this subchapter, and from requirements of this chapter, provided that—

* * * * *

§ 173.469 [Amended]

28. In § 173.469, in paragraph (a)(4)(i), the formula “ 10^{-4} torr-1/s (1.3 ± 10^{-4} atm-cm³/s)” is removed and “ 10^{-4} torr-1/s (1.3×10^{-4} atm-cm³/s)” is added in its place.

PART 174—CARRIAGE BY RAIL

29. The authority citation for part 174 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 174.85 [Amended]

30. In § 174.85, in paragraph (d) introductory text, in the notes following the table, in the Group 3 entry, the parenthetical wording “(PG I, Zone A; poisonous gas)” is removed and “(Zone A; poisonous gas)” is added in its place.

PART 175—CARRIAGE BY AIRCRAFT

31. The authority citation for part 175 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 175.700 [Amended]

32. In § 175.700, paragraph (a)(1) is removed and paragraphs (a)(2) through (a)(4) are redesignated as paragraphs (a)(1) through (a)(3), respectively.

PART 178—SPECIFICATIONS FOR PACKAGINGS

33. The authority citation for part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 178.61 [Amended]

34. In § 178.61, make the following changes:

a. In paragraph (f)(2), the wording “paragraph (m)” is removed and “paragraph (j)” is added in its place.

b. In paragraph (f)(4), in the formula, the last expression “(D² . d²)” is

removed and “(D² – d²)” is added in its place.

§ 178.245–4 [Amended]

35. In § 178.245–4, in paragraph (e), the reference to “§ 450.3(a)(3)” is removed and “§ 450.3(a)(2)” is added in its place.

§ 178.803 [Amended]

36. In § 178.803, in the table, in column 2 under “Metal IBCs”, the expression “4X” corresponding to the column 1 entry “Hydrostatic” is removed and the expression “3X” is added in its place.

PART 179—SPECIFICATIONS FOR TANK CARS

37. The authority citation for part 179 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

38. In § 179.15, paragraph (f)(1) is revised to read as follows:

§ 179.15 Pressure relief devices.

* * * * *

(f) * * *

(1) A nonreclosing pressure relief device must incorporate a rupture disc designed to burst at a pressure equal to the greater of 100% of the tank test pressure, or 33% of the tank burst pressure.

* * * * *

§ 179.300–15 [Amended]

39. In § 179.300–15, in paragraph (a), at the beginning of the first sentence, the wording “in § 179.302, or” is removed.

§ 179.400–8 [Amended]

40. In § 179.400–8, in paragraph (d), in the second sentence, the reference to “§ 179.100–23(a)(1)” is removed and “§ 179.16(c)” is added in its place.

Issued in Washington, DC, on September 21, 1999, under authority delegated in 49 CFR part 1.

Stephen D. Van Beek,

Deputy Administrator.

[FR Doc. 99–24898 Filed 9–24–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Part 575**

[Docket No. NHTSA–99–6019]

RIN 2127–AH82

Consumer Information Regulations; Uniform Tire Quality Grading Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Response to Petitions for Reconsideration, Technical Amendment; Final Rule.

SUMMARY: On May 24, 1999, NHTSA published a final rule rescinding the requirement that passenger car manufacturers provide general Uniform Tire Quality Grading Standards (UTQGS) information to purchasers and potential purchasers at the point of sale of new motor vehicles, requiring instead that such information be included in owner's manuals. In addition, the rule removed the requirement that motor vehicle manufacturers supply copies of UTQGS information to the agency. In response to two petitions for reconsideration of that final rule, NHTSA is staying the requirement for the inclusion of UTQGS information into the owner's manual for one year until September 1, 2000. The agency is also clarifying an intended change in the May 24, 1999 final rule.

DATES: This rule is effective September 27, 1999, except Sections 575.6(a)(3) and 575.104(d)(1)(iv) are effective from September 27, 1999, through August 31, 2000. Sections 575.6(a)(1) and 575.104(d)(1)(iii) published May 24, 1999 (64 FR 27921) are stayed effective September 27, 1999 until September 1, 2000. Optional early compliance with those amendments is permitted.

Petitions for Reconsideration:

Petitions for reconsideration must be received not later than 45 calendar days after publication in the **Federal Register**.

ADDRESSES: Petitions for Reconsideration should refer to the docket and notice number of this final rule and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: *For technical issues,* Mr. P.L. Moore, Safety Standards Engineer, Office of Planning and Consumer Programs, Safety Performance Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590; Telephone (202) 366–5222.

For legal issues: Mr. Stephen Wood, Attorney, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590; Telephone (202) 366–2992.

SUPPLEMENTARY INFORMATION: On May 24, 1999, NHTSA published a final rule rescinding the requirement that passenger car manufacturers provide general Uniform Tire Quality Grading Standards (UTQGS) information to purchasers and potential purchasers at the point of sale of new motor vehicles, requiring instead that such information be included in owner's manuals. In addition, the rule removed the requirement that motor vehicle manufacturers supply copies of UTQGS information to the agency, and removed a number of obsolete definitions. Finally, the rule amended the exclusion of tires with nominal rim diameters of 10–12 inches from the UTQGS to now exclude tires with nominal rim diameters of 12 inches or less.

The agency received two petitions for reconsideration: one from the Alliance of Automobile Manufacturers (the Alliance) and one from Volkswagen of America, Inc. Both petitions asked for an extension of the effective date to include UTQGS information into the owner's manual because a substantial number of owner's manuals have already been printed for the MY 2000 vehicles and the publication of the final rule on May 24, 1999 did not provide enough lead time to meet the published effective date of September 1, 1999.

The petition from the Alliance also asked that the words “each manufacturer of motor vehicles” be deleted from Section 575.6 paragraphs (c) and (d)(2).

The agency agrees that there might not have been sufficient leadtime to make the changes to the owner's manual

for MY 2000 since some manufacturers have already printed the owners manuals for MY 2000 vehicles. Because manufacturers generally print all the owner's manuals for each model year at one time, we are staying the requirements for one year to September 1, 2000. Because this rule is not being published until after the September 1, 1999 effective date, NHTSA is staying the amended sections in the May 24, 1999 final rule which deal with the owner's manual. NHTSA is also republishing (with new section numbers) the original language of these sections. This will continue the requirements in effect prior to the May 24, 1999 final rule until the new effective date. However, optional early compliance with the new owner's manual requirements is permitted. Should a manufacturer not opt for early compliance, then existing requirements remain in effect.

With regard to 49 CFR 575.6(c), the agency is not making the requested change. This paragraph specifies requirements for providing “information specified in Subpart B of this part that is applicable to each of the vehicles.” Since the changes made in the May 24 final rule to § 575.104(d)(1)(B)(ii) made the requirement that information be provided to prospective purchasers no longer applicable to vehicle manufacturers, 49 CFR § 575.6(c) does not impose any requirements relative to this information on vehicle manufacturers.

With regard to the requested changes to 49 CFR 575.6(d)(2), NHTSA acknowledges that the May 24 final rule did not change the regulatory text to reflect the decision that manufacturers need not submit the UTQGS information to NHTSA. However, this section applies to requirements in addition to those in 49 CFR 575.104. Therefore, NHTSA cannot simply delete the phrase “each manufacturer of motor vehicles” as the petitioner requested. However, NHTSA is amending that section to implement the intended change.

Rulemaking Analyses and Notices**A. Executive Order 12866 and DOT Regulatory Policies and Procedures**

This document was not reviewed under Executive Order 12866, Regulatory Planning and Review. NHTSA has analyzed the impact of this rulemaking action and has determined that it is not “significant” under DOT's regulatory policies and procedures. This final rule delays the effective date for manufacturers of vehicles equipped with passenger car tires to include