- The institution shall furnish the additional information as soon as possible or within 15 calendar days of the date of the OTS's request, unless the time is extended by the Director of Supervision or his designee.
- Absent unusual circumstances, the OTS will provide its decision on the appeal within 60 calendar days of receipt of the request for appeal or, if additional information is requested, within 60 calendar days of receipt of any additional information.
- Any of the above timeframes may be extended by the Director of Supervision or his designee. Any extensions granted will be in writing, and will include the reason for the extension, and the expected date that a decision will be made.
Effect of Initiating a Supervisory Appeal

An institution's appeal will not suspend or delay the pursuit of any enforcement action or formal investigation. An appeal will not stay the obligation of an institution or institution-affiliated party to comply with any order or other determination resulting from an enforcement action. An appeal will not operate automatically to relieve the savings association of its obligation to comply with the supervisory determination under review. Upon the request of the savings association filed simultaneously with its appeal, the Director of Supervision may, however, relieve the institution of that obligation to comply during the pendency of its appeal in Washington. OTS retains the right to take any action and to apply any standards deemed appropriate to ensure the safety and soundness of an institution.

## Prohibition on Retaliation

The OTS prohibits any employee, including members of its examination and supervisory staff, from acts of retaliation against a savings association that appeals a supervisory determination. Separately, the OTS intends to appoint an Ombudsman whose responsibilities include the investigation and resolution of complaints of retaliation made by a savings association. Such complaints may be made at any time to: Office of Ombudsman, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552.

The OTS will take appropriate disciplinary action against any employee who is found to have violated the prohibition on retaliation.

[^0]By the Office of Thrift Supervision. John F. Downey,
Director of Supervision.
[FR Doc. 94-32004 Filed 12-28-94; 8:45 am] BILLING CODE 6720-01-P

## UNITED STATES INFORMATION AGENCY

## Culturally Significant Objects Imported for Exhibition; Wassily Kandinsky; Compositions Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 ( 79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 ( 43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "Wassily Kandinsky: Compositions." (See list ${ }^{1}$ ), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at The Museum of Modern Art on or about January 25, 1995 through April 25, 1995 and the Los Angeles County Museum of Art, Los Angeles, California on or about June 1, 1995 through September 29, 1995 is in the national interest. Public Notice of this determination is ordered to be published in the Federal Register.

Dated: December 20, 1994.
Les Jin,
General Counsel.
[FR Doc. 94-31985 Filed 12-28-94; 8:45am] BILLING CODE 8230-01-M

## DEPARTMENT OF VETERANS AFFAIRS

## Information Collection Under OMB Review: Request for Change of

 Program or Place of Training (Under Chapters 30 and 32, Title 38 U.S.C.; Section 903 of Public Law 96-342; or Chapter 106, Title 10 U.S.C.), VA Form 22-1995AGENCY: Department of Veterans Affairs. ACTION: Notice.
The Department of Veterans Affairs has submitted to OMB the following

[^1]proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) the title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.
ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Patricia Fineran, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 2736886.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, Room 3002, Washington, DC 20503, (202) 395-7316. Do not send requests for benefits to this address.
DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before January 30, 1995.
Dated: December 21, 1994.
By direction of the Secretary:
Donald L. Neilson,
Director, Information Management Service.

## Extension

1. Request for Change of Program or Place of Training (Under Chapters 30 and 32, Title 38 U.S.C.; Section 903 of Public Law 96-342; or Chapter 106, Title 10 U.S.C.), VA Form 22-1995.
2. The form is used by veterans, servicepersons, and selected reservists receiving education benefits to request a change of program or place of training.
3. Individuals or households.
4. 56,667 hours.
5. 20 minutes.
6. On occasion.
7. 170,000 respondents.
[FR Doc. 94-32057 Filed 12-28-94; 8:45 am] BILLING CODE 8320-01-M

## Information Collection Under OMB Review: Status of Dependents Questionnaire, VA Form 21-0538

AGENCY: Department of Veterans Affairs. ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of
information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) the title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimated of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.
ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Patricia Fineran, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 2736886.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, Room 3002, Washington, DC 20503, (202) 395-7316. Do not send requests for benefits to this address.

- DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before January 30, 1995.

Dated: December 21, 1994.
By direction of the Secretary:
Donald L. Neilson,
Director, Information Management Service.

## Reinstatement

1. Status of Dependents

Questionnaire, VA Form 21-0538.
2. The form is used to request certification of the status of dependents of veterans for whom additional compensation is being paid. The information is used by VA to determine continued entitlement to the additional benefits for dependents.
3. Individuals or households.
4. 14,083 hours.
5. 10 minutes.
6. On occasion.
7. 84,500 respondents.
[FR Doc. 94-32055 Filed 12-28-94; 8:45 am] BILLING CODE 2320-01-M

## Information Collection Under OMB Review: Veterans, Patient, Health Care Services, Advance Directive, Informed Consent

AGENCY: Department of Veterans Affairs. ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act ( 44 U.S.C. Chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.
ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Ann Bickoff, Veterans Health Administration (161B4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 (202) 535-7407.
Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey. NEOB, Room 10102, Washington, DC 20503, (202) 395-7316. Do not send requests for benefits to this address.
DATES: Comments on the information collection should be directed to the

OMB Desk Officer on or before January 30, 1995.
$\rightarrow$
Dated: December 21, 1994.
By direction of the Secretary:
Donald L. Neilson,
Director, Information Management Service.
Existing Collection in Use Without an OMB Control Number

1. Veterans, Patient, Health Care Services, Advance Directive, Informed Consent
a. VA Living Will/VA Advance Directive, VA Form 10-0137A
b. VA DPAHC (Durable Power of Attorney for Health Care), VA Form $10-$ 0137B
c. Treatment Preferences, VA Form 10-0137C
2. The forms are used to record a VA patient's specific instructions about health care decision in the event the patient becomes incompetent to make those choices. The information will be used by VA health care professionals to make treatment decisions for patients.
3. Individuals or households
4. Total Annual Hours requested99,630
a. VA Form $10-0137 \mathrm{~A}-25,410$ hours
b. VA Form $10-0137$ B- 35,310
c. VA Form $10-0137 \mathrm{C}-39,530$
5. Estimated Average Burden Hours

Per Respondent- 25 minutes
a. VA Form $10-0137 \mathrm{~A}-20$ minutes
b. VA Form $10-0137 \mathrm{~B}-20$ minutes
c. VA Form $10-0137 \mathrm{C}-40$ minutes
6. On occasion
7. Estimated Number of

Respondents-243,000
a. VA Form $10-0137 \mathrm{~A}-77,000$ respondents
b. VA Form 10-0137B-107.000 respondents
c. VA Form $10-0137 \mathrm{C}-59,000$ respondents.
[FR Doc. 94-32056 Filed 12-28-94; 8:45 am] BILLING CODE $8320-01-\mathrm{M}$


DEPARTMENT OF TRANSPORTATION

## Research and Special Programs Administration

49 CFR Parts $171,172,173,175,176$, 177, 178
[Docket No. HM-215A; Amdt Nos. 171-131, 172-139, 173-241, 175-52, 176-36, 177-84, 178-106]
RIN 2137-AC42

## Implementation of the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation

Organization's Technical Instructions
AGENCY: Research and Special Programs Administration (RSPA), DOT.
ACTION: Final rule.
SUMMARY: This final rule amends the Hazardous Materials Regulations to maintain alignment with corresponding provisions of international standards. Because of recent changes to the International Maritime Dangerous Goods Code (IMDG Code), the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and the United Nations Recommendations on the Transport of Dangerous Goods (UN
Recommendations), these revisions are necessary to facilitate the transport of hazardous materials in international commerce.
DATES: Effective: October 1, 1995.
Compliance date: Compliance with the regulations, as amended herein, is authorized as of January 1, 1995.

Incorporation by reference: The incorporation by reference of certain publications listed in these amendments has been approved by the Director of the Federal Register as of October 1, 1995. FOR FURTHER INFORMATION CONTACT: BOD Richard, Assistant International Standards Coordinator, telephone (202) 366-0586, Beth Romo or John Gale, Office of Hazardous Materials Standards, telephone (202) 366-8553, Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

## SUPPLEMENTARY INFORMATION:

## I. Background

On December 21, 1990, the Research and Special Programs Administration (RSPA) published a final rule [Docket HM-181; 55 FR 52402] which comprehensively revised the Hazardous

Materials Regulations (HMR), 49 CFR Parts 171 to 180, with respect to hazard communication, classification, and packaging requirements, based on the UN Recommendations. One intended effect of the rule was to facilitate the international transportation of hazardous materials by ensuring a basic consistency between the HMR and international regulations.

The UN Recommendations are not regulations, but are recommendations issued by the UN Committee of Experts on the Transport of Dangerous Goods. These recommendations are amended and updated biennially by the Committee of Experts and are distributed to nations throughout the world. They serve as the basis for international modal regulations; specifically the IMDG Code, issued by the International Maritime Organization (IMO), and the ICAO Technical Instructions. In 49 CFR 171.12, the HMR authorize shipments prepared in accordance with the IMDG Code if all or part of the transportation is by vessel, subject to certain conditions and limitations, Offering, accepting and transporting hazardous materials by aircraft, in conformance with the ICAO Technical Instructions, and by motor vehicle either before or after being transported by aircraft, are authorized in § 171.11 (with certain exceptions).

On December 22, 1992, RSPA issued an interim final rule [Docket HM-215; 57 FR 607381 amending § 171.7 by incorporating the 1993-1994 edition of the ICAO Technical Instructions and Amendment 26 to the IMDG Code. This rulemaking action authorized the use of the updated international regulations, effective January 1, 1993. Amendment 26 promulgated numerous miscellaneous changes to the IMDG Code regarding classification, labeling, packaging, and documentation. The 1993-1994 edition of the ICAO Technical Instructions contained amendments relating to the seventh revised edition of the UN
Recommendations, as well as changes specificic to air transportation.

The HMR, as revised under Docket HM-181, are largely based on the sixth revised edition of the UN
Recommendations. Selected provisions from the seventh and eighth revised editions of the UN Recommendations have been incorporated into the HMR under subsequent Docket HM-181 rulemaking actions.

On July 18, 1994, RSPA issued a Notice of Proposed Rulemaking (NPRM) (Docket HM-215A; 59 FR 36488), which proposed changes to more fully align the HMR with the seventh and eighth revised editions of the UN

Recommendations. Such changes would provide consistency with the international air and sea transport requirements which, effective January 1 , 1995, will be aligned with the eighth revised edition of the UN
Recommendations.

## II. Summary of Comments

RSPA received nearly 120 comments to the proposed rule from chemical manufacturers and distributors, carriers, model rocket users, and industry associations representing hazardous materials offerors, carriers, and packaging manufacturers and reconditioners. Commenters supported RSPA's effort to align the HMR with international standards to provide consistency and facilitate the international transportation of hazardous materials. Major issues identified by commenters included: (1) The purported need for a delay in the effective date of the final rule to allow an orderly transition from old to new requirements; (2) possible expansion of proposed provisions to allow reuse of certain UN standard packagings without leakproofness testing; (3) a request from model rocket users to clarify proposed packaging requirements for model rockets; (4) proposed removal of an exception for shipments transported within a port area; (5) reciprocal treatment of foreign-manufactured packagings; (6) proposed changes in criteria for corrosivity testing; and (7) proposed subsidiary labeling and terminology changes. A more detailed discussion of the comments and rulemaking actions in response to these comments is provided in the following summary.

## III. Summary of Regulatory Changes by Section

## Part 171

Section 171.7. Various standards, such as those issued by the International Organization for Standardization (ISO), the American Society for Testing and Materials (ASTM), and Transport Canada, are added or updated, and the most current versions of the ICAO Technical Instructions, the IMDG Code, and the UN Recommendations are incorporated.
Section 171.8. New definitions for "Asphyxiant gas," "Gas," "Oxidizing gas" and "Siftproof packaging" are added, and definitions for "Box," "Liquid," "Overpack," "Solid" and "UN standard packaging" are revised for consistency with the seventh and eighth revised editions of the UN Recommendations. Two commenters asked RSPA to delete the word "Small"
in the proposed revision of the definition for "box". These commenters claimed that the term was ambiguous and could lead to differing interpretations by various enforcement agencies. RSPA agrees and is replacing the wording "Small holes" with the phrase "Holes appropriate to the size and use of the packaging". One of the commenters further asked RSPA to clarify whether the openings in the box may be designed for uses other than for ease of handling or opening. RSPA believes the wording "such as ease of handling or opening, or to meet classification requirements" proposed in the NPRM offers sufficient examples of uses for openings and, therefore, is not amending this text in the final rule. The definition for "UN standard packaging" is revised to clarify that it applies to both U.S.-manufactured and foreign-manufactured packagings and to delete reference to Subparts L and M of Part 178.

Section 171.11. Paragraph (d)(5) is adopted as proposed to include the word "toxic" as an appropriate reference to a poison.

Section 171.12. Paragraph (b) is revised as proposed. RSPA is amending $\S \S 171.12(\mathrm{~b})$ and 176.27 (c) to reference IMDG Code requirements for a container packing certification for freight containers and transport units intended for carriage by vessel. This requirement applies to persons who load hazardous materials for transportation (including freight forwarders, freight consolidators and non-vessel operating common carriers) or transport hazardous materials by vessel. A freight container packing certification requirement was adopted several years ago under Amendment 24 to the IMDG Code and became effective worldwide on January 1. 1994, as mandated under the International Convention on Safety of Life at Sea (SOLAS Convention). When - hazardous materials are packed into a freight container or transport vehicle for transportation by vessel, those responsible for packing the unit must provide a certificate or declaration to the carrier attesting that the container is suitable for transport, that it contains compatible materials in packages that have been properly inspected, packed, and secured, and the container and packages are properly marked, labeled, and placarded. This certification may appear either in a separate document or in a signed statement provided on the dangerous goods shipping document. Because the U.S. is a signatory to the SOLAS Convention, RSPA is adopting a similar container packing certification requirement under the HMR.

In the NPRM, RSPA proposed removal of wording in paragraph (c) which allows hazardous materials being imported into or exported from the U.S. to comply with IMDG Code regulations in port areas. Commenters responding to this proposal opposed the removal of this wording; they claimed that a requirement for hazardous materials being imported into or exported from the U.S. to comply with the HMR in a port area would impose an economic burden on the industry and would be a barrier to trade. Paragraph (c) is not being revised in this final rule. RSPA plans to address the port area issue in greater detail in a future rulemaking proceeding.

Section 171.14. This section is revised to provide a delayed implementation date for amendments adopted in this final rule. RSPA also is removing obsolete transition dates provided under the Docket HM-181 final rule and its subsequent revisions. A new paragraph (a) contains all remaining transition provisions for implementing changes adopted under the Docket HM-181 final rules.

The effective date of this final rule is October 1, 1995. However, RSPA is authorizing a voluntary compliance date of January 1,1995, which is consistent with the effective date of new requirements for international air and vessel shipments and will allow shippers to prepare their international shipments in accordance with the new ICAO, IMDG, and HMR provisions. RSPA also is authorizing, in new paragraph (b), a delay in mandatory compliance with the new requirements, until October 1, 1996. RSPA believes that an effective date of October 1, 1995, with an additional one-year delay until October 1, 1996, offers a sufficient phase-in period to implement new provisions and deplete current stocks of shipping papers, labels and placards, and containers affected by the new requirements. The October 1, 1996 implementation date also is consistent with certain Docket HM-181 transition provisions for maintenance and use of packagings. In addition, paragraph (b)(2) permits intermixing of old and new hazard communication requirements and reflects certain intermixing provisions authorized by the Docket HM-181 final rule.

## Part 172

Sections 172.101 and 172.102. RSPA is revising the Hazardous Materials Table (HMT) and the list of special provisions in $\S 172.102$ for basic conformance with the eighth revised edition of the UN Recommendations, the ICAO Technical Instructions (1995-

1996 edition) and the 27 th edition of the IMDG Code.
The IM tank authorizations are revised for consistency with the changes in Chapter 12 of the seventh and eighth revised editions of the UN
Recommendations. These changes can be found in the "T-note" authorizations that are listed in Column 7 of the HMT.
The aircraft quantity limitations in Column 9 and the vessel stowage requirements in Column 10 are revised for consistency with the ICAO Technical Instructions and IMDG Code, respectively. In $\S 172.101(\mathrm{k})(1)-(\mathrm{k})(5)$, revised definitions of the vessel stowage codes, which are prescribed in the §172.101 Table, are adopted as proposed for consistency with the IMDG Code. This revision broadens current stowage provisions for hazardous materials on cargo vessels to apply to hazardous materials (such as propane) on passenger vessels carrying a limited number of passengers. RSPA received two comments supporting this proposed change.

Changes to the HMT are quite extensive-approximately $33 \%$ of the entries in the HMT are changed. Therefore, RSPA is republishing the entire HMT in this final rule, but does not believe it is necessary to discuss every change in this section review. However, in order to facilitate the reader's understanding of the changes to the HMT, RSPA is providing a list of all entries that are added, deleted, or made more restrictive. This list includes all changes in (1) the shipping name, (2) IM tank authorization, (3) subsidiary labeling, (4) classification, and (5) packaging. In addition, a discussion of the more substantive changes is provided.

Numerous editorial changes are made to the HMT to correct misspellings and errors and to provide more consistency. A corrected typographical error is not shown in the list of significant changes. In addition, new generic entries are added for self-heating liquids and solids. Specific entries for self-reactive materials are removed from the HMT and replaced with new generic entries.
As discussed in the NPRM, the UN Recommendations, ICAO Technical Instructions, and IMDG Code have replaced the term "poisonous" with the term "toxic." RSPA proposed to amend proper shipping names in the HMT that contain the word "poisonous" by replacing "poisonous" with the word "toxic" to conform to international terminology. For example, the proper shipping name "Flammable liquid, poisonous, n.o.s." would read "Flammable liquid, toxic, n.o.s." However, RSPA also proposed to revise
$\S 172.101(\mathrm{c})(3)$ to allow the use of the word "poisonous" interchangeably with the word "toxic". Numerous commenters provided diverse opinions on this proposal. Highway carriers and the American Trucking Associations (ATA) believed that emergency responders would be at greater risk because the word "toxic" is overused and minimizes the seriousness of the poison hazard. They recommended reinstating "Poison" or "Poisonous" entries for domestic transportation. Another commenter thought that the option to use either term would force emergency response personnel and end users to deal with situations involving the same product bearing different labels or placards, depending on shipper preference. On the other hand, chemical manufacturers and their associations, such as the Chemical Manufacturers Association (CMA), supported the proposal to allow interchangeable use of either term. Other commenters, such as the Hazardous Materials Advisory Council (HMAC) agreed with interchangeable use, but only for as long as required to deplete stocks of preprinted materials and conduct training. RSPA believes the interchangeable use of "poison" and "toxic" for domestic transportation will provide flexibility and, therefore, is adopting as proposed the provision to permit use of either term.

The eighth revised edition of the UN Recommendations added entries and assigned new UN LD. numbers for elevated temperature materials. RSPA is changing the I.D. numbers for elevated temperature materials in the HMT to correspond with those in the UN Recommendations. RSPA received comments requesting that RSPA not adopt the proposed identification numbers for elevated temperature materials. The commenters noted that the old identification numbers have only been required since October 1 , 1993, and that switching them after only one year will cause confusion and noncompliance. Another commenter requested an extended transition period for the change in identification numbers for elevated temperature materials in order to dispose of large supplies of markings. With the extended transition period being provided in this final rule, RSPA believes that any confusion related to the change of identification numbers witl be minimal. Therefore, RSPA is not accepting commenters' requests and has adopted the shipping descriptions for elevated temperature materials as proposed. In addition, RSPA is revising the HOT mark illustrated in $\$ 172.325(\mathrm{c}$ ) to reflect the
new UN identification number assigned to "Elevated temperature material, liquid, n.o.s."
Currently under the HMR, air bags are assigned to the Division 4.1 hazard class and the proper shipping name is limited to "Air bag inflators" or "Air bag modules." Based on changes in the UN Recommendations, RSPA is revising the proper shipping name for air bags to include seat belt pre-tensioners and modules. The new proper shipping name is "Air bag inflators or Air bag modules or Seat-belt modules or Seatbelt pre-tensioners." This entry also reflects a change in classification from Division 4.1 to Class 9, adoption of a new UN number, and removal of the " $D$ " in Column 1.

Two new domestic entries are added for "toy caps" and "model rocket motors". Model rocket motors containing 30 grams or less propellant. are classed as Division 1.4 S while items containing more than 30 grams but not more than 62.5 grams of propellant are classed as Division 1.4C. RSPA received numerous comments requesting a different packing method for these materials. The commenters requested packing method $\mathrm{E}-146(\mathrm{~b})$ instead of packing method E-114 for these materials. RSPA has not adopted this request to allow the use of packing method E-146 for these materials, but has modified packing method E-114 to allow plastic bags as inner packagings.

Two new entries for "Batteries, containing sodium" and "Cells, containing sodium" are added in the HMT based on the UN
Recommendations entry (UN 3292). Since these materials were previously authorized only under the terms of an exemption or competent authority approval, RSPA is adding a new packaging section, $\S 173.189$, that prescribes general packaging and transport requirements for these materials consistent with the UN Recommendations.

Currently, in Column 1, a " + " is assigned to certain materials meeting the criteria of Division 6.1, Packing Group I, toxic by inhalation, but classed in another hazard class. The eighth revised edition of the UN Recommendations incorporated revisions to the hazard classification of these materials to Division 6.1, Packing Group I, toxic by inhalation. Therefore, the " + " is removed from Column 1 for any liquid poison by inhalation (PIH) material newly classed in Division 6.1, Packing Group L.

The shipping name "acetonitrile" replaces the name "methyl cyanide." The hazard class for "Formaldehyde solutions" currently shown as Class 9 is
revised to Class 8. Numerous generic pesticide entries are revised to remove the "n.o.s." from the shipping names.

Revised generic shipping descriptions for Division 4.3 materials are prefaced by the words "water-reactive" in lieu of the words "substances which in contact with water emit". The prefix of the identification number for "Polyester resin kits" is changed to "UN" from "NA" and Special Provision 40 is added in Column 7 that specifies contents and packaging requirements for polyester resin kits. In addition, Special Provision 117 is removed from the entry corresponding to "UN0150."
The entry for alcoholic beverages is revised in Column 7 to include Special Provision 24 , to indicate that alcoholic beverages with more than 70 percent alcohol by volume are assigned Packing Group II and alcoholic beverages containing more than 24 percent but not more than 70 percent alcohol are assigned Packing Group III. In addition, $\$ 173.150$ is revised to increase (to five liters per inner packaging) the quantity of alcoholic beverage in a packaging excepted from the HMR and to provide an exception adopted in the UN Recommendations to permit Packing Group III alcoholic beverages transported in receptacles of 250 L ( (66 gallons) or less to be excepted from the HMR unless transported by air. One commenter requested that the shipping name "ethanoi" also include Special Provision 24 because distilled spirits can be shipped under either "alcoholic beverages" or "ethanol". RSPA is not accepting this request. As the commenter noted, the addition of Special Provision 24 is simply a procedural modification of the existing elassification procedure for alcoholic beverages. RSPA considers this commenter's request outside the scope of this rulemaking.
RSPA received a comment requesting that the shipping name "polystyrene beads expandable evolving flammable vapors", be retained for domestic transportation. The commenter noted that the name had only been required since October 1. 1993, and that it is not cost-efficient to change in such a short period of time. RSPA is not accepting this request but believes that the lengthy transition period should offset any additional cost that may be incurred by the shipper.
Several comments were received that objected to the proposal to remove from the HMT the entry "Propellant explosive, solid, NA0274, 1.3C". These commenters requested that this entry be retained because it allowed them to ship these 1.3C explosives by cargo only aircraft. RSPA is not adopting this
suggestion and is removing this entry from the HMT. RSPA believes that there is not sufficient justification to create a domestic exception for Division 1.3 substances or to allow these explosive substances to be transported by cargo only aircraft when no other Division 1.3 substance is allowed to be transported by aircraft.

Several comments were received regarding the shipping name
"azodicarbonamide", a self-reactive material. Commenters believed that listing this material was "superfluous" considering the new classification scheme for self-reactive materials. RSPA concurs and has removed this entry from the HMR.
One commenter requested several editorial changes to the shipping name "Jet perforating guns, charged, without detonator", which are adopted in this final rule. However, one suggestion, to remove the words "without detonator" from the shipping description, is not adopted. The commenter stated that packing method US006 allows detonators to be transported in jet perforating guns; therefore, the words
"without detonator" should be removed from the shipping name. However, US006 only allows detonators to be transported with, not in, jet perforating guns.
RSPA received comments disagreeing with the removal of the shipping name "Petroleum oil". Commenters stated that the name was important for compliance with the Oil Pollution Act requirements in 49 CFR Part 130, and requested that a domestic shipping description be added. RSPA coneurs and is retaining the proper shipping name "Petroleum oil" with an identification number "NA1270".

One commenter suggested that RSPA provide a non-bulk packaging exception for "Resin solution" comparable to the exception provided for paint under $\S 173.173$ of the HMR. The commenter claimed that an exception from the performance packaging requirements is provided for certain resin solutions under the UN Recommendations and the IMDG Code. The commenter stated that U.S. companies need the exception for Resin solutions to compete in the international marketplace. RSPA agrees with the commenter's suggestion and is adding in the $\S 172.101$ Table for the entry "Resin solution", in Column 8A, " $\$ 173.173$ ". RSPA also is amending the section heading and the introductory text of paragraph (b) of $\$ 173.173$ to include resins.

In the notice, RSPA proposed to add several generic proper shipping names including the words, "organic", "inerganic", "acid", or "base" In
addition, RSPA proposed new identification numbers for generic shipping descriptions for liquefied gases. RSPA received several comments on these proposals. Many of the commenters were opposed to these new terms claiming that the information would not provide any additional information to emergency responders and would be very costly to implement. If adopted, commenters requested that RSPA provide guidance on the definition of these terms. One commenter suggested that ASTM Test Methods D-664 and D-2896 should be used to determine if a material is an acid or a base. Comments were received that supported the use of these terms, and RSPA received numerous comments supporting international harmonization of transportation regulations.

RSPA understands the concerns expressed by those commenters that terms such as "inorganic" and "organic" provide little useful information to emergency responders. However, RSPA believes that more harm and confusion would be caused by adopting different shipping names for domestic and international transportation for these numerous generic shipping descriptions than would be caused if these shipping names were adopted. Therefore, RSPA is adopting, as proposed, and without domestic exceptions, the generic shipping descriptions bearing the words "inorganic", "organic", "acid", and/or "base" and the new identification number for liquefied gases. In addition, the extended transition period being provided in this final rule will give industry adequate time to revise their shipping papers and package markings. The following provides some general guidance on the definition of these terms.
For acids and bases, RSPA believes that the ASTM methods referenced by commenters would be an acceptable method for determining if a material is an acid or base. However, RSPA is not requiring persons to use those methods. For an aqueous solution, the use of pH and litmus paper is an acceptable method for determining if a material is an acid or base. For a non-aqueous solution, shippers must use their knowledge of the constituents of the material and make a determination as to whether a material is an acid or base. For a material that is neither an acid nor a base, the correct shipping name will be "Corrosive liquid, n.o.s.". The definition of an "organic" is a compound with carbon atoms bonded to other carbon, nitrogen or hydrogen atoms (e.g.. amines, acid chlorides,
acetic acids, phenols). An "inorganic" is any pure element or any compound that does not have carbon atoms bonded to other carbon, nitrogen or hydrogen atoms (e.g., sodium hydroxide, sulfuric acid). Shippers must make a determination, based on the constituents of their material, if their material is inorganic or organic.

In the NPRM, RSPA proposed to add three new proper shipping names to the HMT for samples of non-pressurized gases in Divisions 2.1 and 2.3. In response to the NPRM, one commenter urged RSPA to remove the proposed entries for gas samples in the HMT. The commenter claimed that nonpressurized flammable gases are not subject to the HMR and that including gas samples under the HMR would increase shipping costs and delay shipments. The commenter also recommended that RSPA adopt criteria in $\S 173.115$ to limit the definition of Division 2.1 to gases which exert a pressure of $280 \mathrm{kPa}(41 \mathrm{psia})$ or greater at $20^{\circ} \mathrm{C}\left(68^{\circ} \mathrm{F}\right)$. Alternatively, the commenter recommended that RSPA add a packaging exception for gas samples in quantities less than two liters in each receptacle and remove proposed Special Provision 35 and the non-bulk packaging references to $\$ \$ 173.302$ and 173.304 for the gas sample entries in the HMT.

RSPA disagrees with the commenter's recommendation to remove the entries for gas samples because these materials are currently regulated under the HMR. The commenter's understanding of Division 2.1 criteria is incorrect. Nonpressurized gas samples are presently subject to the HMR if they meet the hazard class criteria in $\$ 173.115$. Division 2.1 or 2.3 materials are not limited to gases which exert a pressure of at least $280 \mathrm{kPa}(41 \mathrm{psi})$ at $20^{\circ} \mathrm{C}(68$ ${ }^{\circ} \mathrm{F}$ ). RSPA simply is providing more descriptive proper shipping names for non-pressurized gas samples. Therefore, RSPA is adopting the gas sample entries as proposed. In addition, RSPA is retaining the non-bulk packaging references in the Table for persons who want to ship larger quantities of gas samples. However, RSPA agrees with the commenter concerning the need to address gas samples in the exceptions and is removing proposed Special Provision 35 and revising the provisions in $\$ 173.306$ to specifically address gas samples.

One commenter submitted data indicating that "Diphenylmethane4, 4'diisocyanate" does not meet Division 6.1, Packing Group III criteria under the HMR. Another commenter verified that " 2 -Bromo- 2 -nitropropane-1,3-diol" does not meet the criteria for

Division 6.1 under the HMR. The commenter requested that RSPA add an " I " in the first column of the $\S 172.101$ Table for the entry " 2 -Bromo-2-nitropropane-1,3-diol" to distinguish it from a domestically regulated hazardous material. RSPA agrees that these materials are not hazardous materials in domestic transportation. However, to facilitate international transportation, RSPA is retaining the entries for Diphenylmethane-4,4'diisocyanate and 2-Bromo-2-nitropropane-1,3-diol and adding an " I " in the first column to indicate that these materials are regulated in international transportation.

One commenter requested that RSPA remove the poison inhalation hazard (PIH) designation for "Allyl isothiocyanate, stabilized" because the material does not meet the PIH criteria in $\S 173.133$. Based on supporting data submitted by the commenter, RSPA agrees with the assessment and is removing the PIH designation for Allyl isothiocyanate, stabilized, in the HMT.
RSPA received one comment regarding the hazard zone designation for "Allyl chloroformate." The commenter provided information which indicates that the hazard zone for allyl chloroformate should be Zone B and not Zone A. RSPA agrees that the hazard zone designation for allyl chloroformate should be "Zone B " and is amending the hazard zone designation for this material rather than issuing an approval under § 172.101(1)(2). In addition, data provided by a commenter indicates that the hazard zone for trichloroacetyl chloride is Zone B, not Zone A, as previously indicated on the HMT. Therefore, RSPA is modifying this shipping description to indicate that trichloroacetyl chloride is a Hazard Zone B PIH material.

One commenter objected to RSPA's proposal to add a proper shipping name for "Pentachlorophenols" classed as Division 6.1, Packing Group II when an existing entry "Chlorophenols, solid" carries a Division 6.1, Packing Group III classification. The commenter contended that the "Keep Away From Food" label adequately conveys the nature of hazard posed by these materials. RSPA added
"Pentachlorophenols" in the HMT and designated it as Division 6.1, PG II based on the UN Recommendations. However, according to $\$ 172.101(\mathrm{c})(12)$, if it has been determined that a material meets the definition of a hazard class, packing group, or hazard zone other than the class, packing group, or hazard zone shown in association with the proper shipping name, another shipping description shall be selected that
appropriately describes the material. Therefore, RSPA is adding the entry for Pentachlorophenols as proposed.

RSPA received several comments requesting that Maneb and Maneb preparations that do not meet the definition of any hazard class, be excepted from the HMR when transported by motor vehicle, rail car, or aircraft. Commenters noted that Special Provision 140 of the UN
Recommendations allows the competent authority to deregulate Maneb. In addition, the commenters noted that exemption DOT E-11037 allows this material to be shipped unregulated. RSPA concurs and has added Special Provision 53 to Maneb (UN2968) which states that Maneb not meeting the definition of Division 4.3 or any other hazard class is not subject to the HMR when transported by aircraft, motor vehicle, or rail car.

RSPA received a comment requesting that it add the shipping description "Dangerous goods in apparatus/ machinery" to the HMT. The commenter stated that this shipping name, which is listed in the ICAO Technical Instructions but not the UN Recommendations, is very sensible and will be beneficial to both shippers and carriers alike. RSPA agrees that this name would be beneficial to the industry but believes that the packaging provision, for both air and ground transport, should be subject to appropriate public notice and comment. Therefore, RSPA is not adopting, in this rule, this commenter's suggestion to add the shipping name "Dangerous goods in apparatus/machinery" to the HMT. However, shipments described and prepared in accordance with the ICAO Technical Instructions and $\S 171.11$ may be transported domestically by aircraft and by motor vehicle either before or after being transported by aircraft.

One commenter suggested that RSPA incorporate an IM tank authorization into the HMR for 2-Ethyhexylchloroformate equivalent to the tank authorization under the IMDG Code and under an approval (SA-9407006) issued by OHMS. RSPA is adding Special Provision T12 in Column 7 of the HMT for 2-Ethyhexylchloroformate which eliminates the need for an approval.

In the NPRM, RSPA proposed to add subsidiary labeling requirements for Class 2 materials. As a result, subsidiary labels were added in Column 6 of the HMT for Class 2 materials, including Chlorine, meeting more than one hazard class. RSPA proposed to add Corrosive and Oxidizer subsidiary labels for Chlorine. One commenter contended that the yellow Oxidizer label is more visible than the black and white Poíson
gas label and may cause confusion in determining the primary hazard. RSPA has determined that the Corrosive subsidiary label is necessary because of the material's effects on skin tissue; however, RSPA is removing the Oxidizer subsidiary label for Chlorine because it is unnecessary.

One commenter objected to the proposal to change the order of the descriptive words in the basic shipping description to coincide with the precedence of hazards. The commenter cited limited safety benefit and high costs as reasons not to adopt the proposed changes. Though RSPA agrees that these changes have limited safety benefit, RSPA believes that adoption of a domestic-only name for these descriptions is not justified. In addition, most of the costs the commenter cited should be ameliorated by the lengthy transition period being provided.
RSPA proposed to add new entries for solid materials containing flammable, corrosive, or toxic liquids in the NPRM One commenter requested clarification on whether these new entries included solid materials that were previously not regulated. The commenter stated that RSPA's intent was not adequately clarified in the special provisions designated for the materials. Another commenter requested clarification of the phrase "packaging must correspond to a design type that has passed a leakproof test at the Packing Group II level" in Special Provisions 47, 48, and 49.

RSPA is adding the entries for solid materials containing flammable, corrosive, or toxic liquids in this rule to provide shippers with additional generic entries to describe solids that contain liquids that are either flammable, corrosive, or toxic (e.g., soil contaminated with toxic material from an underground storage tank) and have not been tested to verify the hazard class. However, if free liquid is present at the time the material is loaded, these shipping descriptions may not be used. The new entries are not intended to regulate non-hazardous materials (i.e.. those materials that do not meet any hazard class definition). The phrase regarding the leakproof test is intended to have these materials transported in a packaging whose "design type" has been leakproof tested. Therefore, only the design, not every packaging, need be subjected to the leakproof test.

One commenter objected to RSPA's proposed amendment to require a CORROSIVE subsidiary label in addition to a POISON GAS primary label on packages containing dry sulfur dioxide. The commenter stated that the material is not corrosive to carbon or stainless steel, and the commenter
expressed concern that addition of a CORROSIVE label will require more frequent cargo tank inspections under § 180.407.

In the context of $\$ 180.407$, corrosive lading means that a material has a corrosive effect on a cargo tank. It is the shipper's responsibility to determine whether a material is corrosive to the material of construction of a cargo tank. Because of the corrosive effects dry sulfur dioxide has on skin tissue, RSPA is adopting the Class 8 subsidiary label as proposed.

RSPA received several comments requesting new bulk packagings for chlorosulfonic acid, dimethyl sulfate, and titanium tetrachloride. RSPA is not
accepting these comments because they are beyond the scope of this rulemaking.

RSPA is making several changes to the IBC authorizations in the HMT based on petitions for reconsideration received to Docket HM-181E. RSPA will handle all other petitions received to Docket HM-181E in a future Federal Register publication. The following materials will be allowed, through a revised Special Provision B110, to be transported in IBCs authorized in §173.242(d): UN2030, UN2014, U3149, UN2078, UN1790, UN2076, UN2022. In addition, Special Provision B100, which does not allow the use of IBCs, is removed from "Chloropicrin mixtures, n.o.s, 6.1, UN1583, Packing Group III".

Special Provision B53 also is revised to indicate that it does not apply to IBCs.
The following tables identify those entries that are: (1) Deleted; (2) significantly changed; or (3) added. An entry is considered significantly changed if there is a change in (1) the shipping name, (2) IM tank authorization, (3) subsidiary labeling, (4) classification, or (5) packaging. Each entry is identified by its identification number which, along with the crossreference table appearing in the HMR prior to the HMT, can be used to identify the affected entries. Unless otherwise indicated, the identification numbers are "UN" numbers:

List of Entries Deleted From the § 172.101 Table

| NA1086 | 0416 | $\cdots 1270$ | 1705 | 2497 | 3030-3043 |
| :---: | :---: | :---: | :---: | :---: | :---: |
| NA2255* |  |  |  |  |  |
| NA2810* | 1118 | 1271 | 1864 | 2553 | NA9259 |
| NA2811* | 1255 | 1584 | 2207 | 2860 | NA9276 ${ }^{\circ}$ |
| 0273 | 1256 | 1592 | 2229 | 2951-2955 |  |
| 0274 | 1257 | 1703 | 2449 | 2970-2973 |  |

*See new entry added by the UN recommendations.
*'See new NA number (NA1270).
List of Entries Significantly Changed

| NA1760 | 1322 | 1474 | 1731 | 2006 | 2379 | 2534 | 2818 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| NA1986 | 1325 | 1475 | 1740 | 2022 | 2382 | 2557 | 2821 |
| NA2922 | 1328 | 1477 | 1747 | 2029-2030 | 2383 | 2584 | 2823 |
| 1030. |  |  |  |  |  |  |  |
| 1106 | 1334 | 1481 | 1750 | 2047 | 2386 | 2571 | 2826 |
| 1125 | 1336 | 1482 | 1751 | 2051 | 2389 | 2583 | 2834 |
| 1135 | 1337 | 1483 | 1752 | 2076 | 2399 | 2584 | 2837 |
| 1143 | 1344 | 1489 | 1755 | 2189 | 2401 | 2585 | 2841 |
| 1154 | 1348 | 1502 | 1757 | 2194 | 2407 | 2586 | 2845 |
| 1158 | 1349 | 1506 | 1761 | 2195 | 2417 | 2604 | 2846 |
| 1160 | 1350 | 1508 | 1773 | 2196 | 2418 | 2606 | 2857 |
| 1162 | 1353 | 1511 | 1783 | 2198 | 2420 | 2610 | 2869 |
| 1167 | 1354 | 1517 | 1787 | 2206 | 2421 | 2616 | 2874 |
| 1198 | 1355 | 1549 | 1788 | 2209 | 2427 | 2619 | 2881 |
| 1202 | 1356 | 1564 | 1789 | 2211 | 2428 | 2625 | 2904-2905 |
| 1210 | 1357 | 1566 | 1809 | 2218 | 2429 | 2670 | 2921-2930 |
| 1214 | 1361 | 1570 | 1811 | 2219 | 2430 | 2677 | 2938 |
| 1221 | 1364 | 1588 | 1814 | 2232 | 2438 | 2679 | 2945-2946 |
| 1228 | 1373 | 1589 | 1816 | 2242 | 2445 | 2681 | 2965 |
| 1235 | 1378 | 1590 | 1819 | 2251 | 2461 | 2684 | 2985-2988 |
| 1265 | 1395 | 1599 | 1824 | 2257 | 2478 | 2693 | 2991-3021 |
| 1268 | 1402 | 1601 | 1888 | 2258 | 2482 | 2733 | 3024-3027 |
| 1274 | 1408 | 1602 | 1908 | 2260 | 2484 | 2734 | 3049-3050 |
| 1277 | 1409 | 1605 | 1922 | 2264 | 2485 | 2735 | 3065-3066 |
| 1282 | 1415 | 1613 | 1952 | 2267 | 2495 | 2741 | 3071 |
| 1289. | 1418 | 1614 | 1953 | 2270 | 2501 | 2742 | 3079 |
| 1296 | 1420 | 1648 | 1954 | 2276 | 2502 | 2757-2787 | 3084 |
| 1297 | 1428 | 1660 | 1955 | 2332 | 2517 | 2789 | 3086-3088 |
| 1298 | 1454 | 1708 | 1956 | 2337 | 2521 | 2796 | 3094 |
| 1308 | 1455 | 1715 | 1975 | 2343 | 2526 | 2801 | 3096 |
| 1310 | 1458 | 1719 | 1986 | 2351 | 2529 | 2810 | 3098-3100 |
| 1320 | 1459 | 1722 | 1988 | 2359 | 2530 | 2813 | 3119-3150 |
| 1321. | 1462 | 1724 | 1992 | 2361 | 2533 | 2817 | 1717 |

67396 Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations

LIST OF ADDITIONS TO THE § 172.101 TABLE

| UN \# | Shipping name |
| :--- | :--- |
| 0491 | CHARGES, PROPELLING. |
| 0492 | SIGNALS, RAILWAY TRACK, EXPLO- |
| SIVE, |  |
| 0493 | SIGNALS, RAILWAY TRACK, EXPLO- |
|  | SIVE. |

JET PERFORATING GUNS, CHARGED, oil well, without detonator.
0495 PROPELLANT, LIQUID.
0496 OCTONAL.
0497 PROPELLANT, LIQUID.
0498 PROPELLANT, SOLID.
0499 PROPELLANT, SOLID.
1851 MEDICINE, LIQUID, TOXIC, N.O.S.
1990 BENZALDEHYDE.
3155 PENTACHLOROPHENOL.
3156 COMPRESSED GAS, OXIDIZING, N.O.S.

3157 LIQUEFIED GAS, OXIDIZING, N.O.S.
3158 GAS, REFRIGERATED LIQUID, N.O.S.

3159 1, 1, 1,2-TETRAFLUOROETHANE.
3160 LIQUEFIED GAS, TOXIC, FLAMMABLE, N.O.S.
3161 LIQUEFIED GAS, FLAMMABLE N.O.S.

3162 LIQUEFIED GAS, TOXIC, N.O.S.
3163 LIQUEFIED GAS, N.O.S.
3164 ARTICLES, PRESSURIZED PNEUMATIC or HYDRAULIC (containing non-flammable gas).
3166 ENGINES, INTERNAL COMBUSTION, including when fitted in machinery or vehicles.
3167 GAS SAMPLE, NON-PRESSURIZED, FLAMMABLE, N.O.S., not refrigerated liquid.
3168 GAS SAMPLE, NON-PRESSURIZED, TOXIC, FLAMMABLE, N.O.S., not refrigerated liquid.
3169 GAS SAMPLE, NON-PRESSURIZED, TOXIC, N.O.S., not refrigerated liquid.
3170 ALUMINIUM PROCESSING BYPRODUCTS.
3171 BATTERY-POWERED VEHICLE or BATTERY-POWERED EQUIPMENT (wet battery).
3174 TITANIUM DISULPHIDE,
3175 SOLIDS CONTAINING FLAMMABLE LIQUID, N.O.S.
3176 FLAMMABLE SOLID, ORGANIC, MOLTEN, N.O.S.
3178 FLAMMABLE SOLID, INORGANIC, N.O.S.

3179 FLAMMABLE SOLID, TOXIC, INORGANIC, N.O.S.
3180 FLAMMABLE SOLID, CORROSIVE, INORGANIC, N.O.S.
3181 METAL SALTS OF ORGANIC COMPOUNDS, FLAMMABLE, N.O.S.
3182 METAL HYDRIDES, FLAMMABLE, N.O.S.

3183 SELF-HEATING LIQUID, ORGANIC, N.O.S.

3184 SELF-HEATING LIQUID, TOXIC, ORGANIC, N.O.S.
3185 SELF-HEATING LIQUID, CORROSIVE, ORGANIC, N.O.S.

LIST OF ADDITIONS TO THE § 172.101 TABLE-Continued

| UN \# | Shipping name |
| :--- | :--- |
| 3186 | SELF-HEATING LIQUID, INORGANIC, <br> N.O.S. |
| 3187 | SELF-HEATING LIQUID, TOXIC, IN- <br> ORGANIC, N.O.S. |
| 3188 | SELF-HEATING |

SELF-HEATING LIQUID, CORROSIVE, INORGANIC, N.O.S.
3189 METAL POWDER, SELF-HEATING, N.O.S.

3190 SELF-HEATING SOLID, INORGANIC, N.O.S.

3191 SELF-HEATING SOLID, TOXIC, INORGANIC, N.O.S.
3192 SELF-HEATING SOLID, CORROSIVE, INORGANIC, N.O.S.
3194 PYROPHORIC LIQUID, INORGANIC, N.O.S.

3200 PYROPHORIC SOLID, INORGANIC, N.O.S.

3203 PYROPHORIC ORGANOMETALLIC COMPOUND, N.OS
ALKALINE EARTH METAL ALCOHOLATES, N.O.S.
3206 ALKALI METAL ALCOHOLATES, SELF-HEATING, CORROSIVE, N.O.S.

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COMPOUND COMPOUND DISPERSION, WATER-REACTIVE, FLAMMABLE, N.O.S.

METALLIC SUBSTANCE, WATER-REACTIVE, N.O.S.
METALLIC SUBSTANCE, WATER-REACTIVE, SELF-HEATING, N.O.S.
CHLORATES, INORGANIC, AQUEOUS SOLUTION, N.O.S.
PERCHLORATES, INORGANIC, AQUEOUS SOLUTION, N.O.S.
HYPOCHLORITES, INORGANIC, N.O.S.

BROMATES, INORGANIC, AQUEOUS SOLUTION, N.O.S.
PERMANGANATES, INORGANIC, AQUEOUS SOLUTION, N.O.S.
PERSULPHATES, INORGANIC, N.O.S.

PERSULPHATES, INORGANIC, AQUEOUS SOLUTION, N.O.S.
PERCARBONATES, INORGANIC, N.O.S.

NITRATES, INORGANIC, AQUEOUS SOLUTION, N.O.S.
NITRITES, INORGANIC, AQUEOUS SOLUTION, N.O.S.
PENTAFLUOROETHANE.
SELF-REACTIVE LIQUID TYPE B.
SELF-REACTIVE SOLID TYPE B.
SELF-REACTIVE LIQUID TYPE C.
SELF-REACTIVE SOLID TYPE C.
SELF-REACTIVE LIQUID TYPE D.
SELF-REACTIVE SOLID TYPE D.
SELF-REACTIVE LIQUID TYPE E.
SELF-REACTIVE SOLID TYPE E.
SELF-REACTIVE LIQUID TYPE F.
SELF-REACTIVE SOLID TYPE F
SELF-REACTIVE LIQUID TYPE TEMPERATURE CONTROLLED.
SELF-REACTIVE SOLID TYPE TEMPERATURE CONTROLLED. SELF-REACTIVE LIQUID TYPE TEMPERATURE CONTROLLED.

B,
B, 3270
C. 3271

3272

LIST OF ADDITIONS TO THE § 172.101
TABLE-Continued

| UN \# | Shipping name |
| :---: | :---: |
| 3234 | SELF-REACTIVE SOLID TYPE $\quad$ C, | TEMPERATURE CONTROLLED

SELF-REACTIVE LIQUID TYPE D TEMPERATURE CONTROLLED.
SELF-REACTIVE SOLID TYPE D TEMPERATURE CONTROLLED.
SELF-REACTIVE LIQUID TYPE E TEMPERATURE CONTROLLED.
SELF-REACTIVE SOLID TYPE E TEMPERATURE CONTROLLED.
SELLF-REACTIVE LIQUID TYPE F TEMPERATURE CONTROLLED.
SELF-REACTIVE SOLID TYPE F, TEMPERATURE CONTROLLED.
2-BROMO-2-NITROPROPANE-1,3DIOL.
AZODICARBONAMIDE.
SOLIDS CONTAINING TOXIC LIQUID, N.O.S.

SOLIDS CONTAINING CORROSIVE LIQUID, N.O.S.
METHANESULPHONYL CHLORIDE.
SODIUM PEROXOBORATE, ANHYDROUS.
MEDICINE, LIQUID, FLAMMABLE, TOXIC, N.O.S.
MEDICINE, SOLID, TOXIC, N.O.S.
CHLOROACETIC ACID, MOLTEN.
ISOSORBIDE-5-MONONITRATE.
DIFLUOROMETHANE.
DISODIUM TRIOXOSILICATE, PENTAHYDRATE.
TRIBUTYLPHOSPHANE.
tert-BUTYL HYPOCHLORITE.
ELEVATED TEMPERATURE LIQUID, N.O.S. with flash point above 37.8 ${ }^{\circ} \mathrm{C}$, at or above its flash point.
ELEVATED TEMPERATURE LIQUID,
N.O.S., at or above $100^{\circ} \mathrm{C}$ and below its flash point.
3258 ELEVATED TEMPERATURE SOLID, N.O.S., at or above $240^{\circ} \mathrm{C}$.

3259 AMINES, SOLID, CORROSIVE, N.O.S. or POLYAMINES, SOLID, CORROSIVE, N.O.S.
3260 CORROSIVE SOLID, ACIDIC, INORGANIC, N.O.S.
3261 CORROSIVE, SOLID, ACIDIC, ORGANIC, N.O.S.
3262 CORROSIVE, SOLID, BASIC, INORGANIC, N.O.S.
3263 CORROSIVE, SOLID, BASIC, ORGANIC, N.O.S.
3264 CORROSIVE, LIQUID, ACIDIC, INORGANIC, N.O.S.
3265
3266
3267
3268
AIR BAG INFLATORS or AIR BAG MODULES or SEAT-BELT PRETENSIONERS or SEAT-BELT MODULES.
POLYESTER RESIN KIT.
NITROCELLULOSE MEBRANE FILTERS.
ETHERS, N.O.S.
ESTERS, N.O.S.

LIST OF ADDITIONS TO THE $\S 172.101$ TABLE-Continued

| UN \# | Shipping name |  |  |
| :---: | :---: | :---: | :---: |
| 3273 | NITRILES, | FLAMMABLE, |  |
| N.O.S. | TOXIC, |  |  |
| 3274 | ALCOHOLATES SOLUTION, | N.O.S., |  | NITRILES, TOXIC, FLAMMABLE, N.O.S.

3276 NITRILES, TOXIC, N.O.S.
3277 CHLOROFORMATES, TOXIC, CORROSIVE, N.O.S.
3278 ORGANOPHOSPHORUS
COMPOUND, TOXIC N.O.S.
3279 ORGANOPHOSPHORUS COMPOUND, TOXIC, FLAMMABLE, N.O.S.

3280 ORGANOARSENIC COMPOUND, N.O.S.

3281 METAL CARBONYLS, N.O.S.
3282 ORGANOMETALLIC COMPOUND, TOXIC N.O.S.
3283 SELENIUM COMPOUND, N.O.S.
3284 TELLURIUM COMPOUND, N.O.S.
3285 VANADIUM COMPOUND, N.O.S.
3286 FLAMMABLE LIQUID, TOXIC, CORROSIVE, N.O.S.
3287 TOXIC LIQUID, INORGANIC, N.O.S.
3288 TOXIC SOLID, INORGANIC, N.O.S.
3289 TOXIC LIQUID, CORROSIVE, INORGANIC, N.O.S.
3290 TOXIC SOLID, CORROSIVE, INORGANIC, N.O.S.
3292 BATTERIES, CONTAINING SODIUM, or CELLS, CONTAINING SODIUM.
3293 HYDRAZINE,AQUEOUS SOLUTION with not more than $37 \%$ hydrazine, by mass.
3294 HYDROGEN CYANIDE, SOLUTION IN ALCOHOL with not more than $45 \%$ hydrogen cyanide.
3295 HYDROCARBONS, LIQUID, N.O.S.
3296 HEPTAFLUOROPROPANE.
3297 ETHYLENE OXIDE AND CHLOROTETRAFLUOROETHANE MIXTURE with not more than $8.8 \%$ ethylene oxide.
3298 ETHYLENE OXIDE AND PENTAFLUOROETHANE MIXTURE with not more than $7.9 \%$ ethylene oxide.
3299 ETHYLENE OXIDE AND TETRAFLUOROETHANE MIXTURE with not more than $5.6 \%$ ethylene oxide.
3300 ETHYLENE OXIDE AND CARBON DIOXIDE MIXTURE with more than $87 \%$ ethylene oxide.
3301
CORROSIVE LIQUID, SELF-HEATING, N.O.S.

Appendix B to $\$ 172.101$. In the
NPRM, RSPA proposed the addition of two notes which are consistent with recent IMO decisions. The first, Note 4, allows a material meeting criteria for a marine pollutant in the IMDG Code but not listed in Appendix B of § 172.101, to be transported as a marine pollutant. Note 5 allows the Associate Administrator for Hazardous Materials Safety to except from HMR
requirements a material listed in Appendix B of the HMR that does not meet the IMDG Code criteria for a marine pollutant. In addition, RSPA proposed to amend the HMR's List of Marine Pollutants by adding or removing a number of materials. Commenters to these proposals generally supported the proposed changes. One commenter questioned the addition of Notes 4 and 5 . However, the majority of commenters addressing these proposed changes supported the addition of these notes. RSPA is adopting these notes for consistency with IMDG Code provisions. Note 4 is consistent with the 27th Amendment to the IMDG Code, which allows the use of criteria for designating marine pollutants. Note 5 provides flexibility so that if a substance does not meet the IMDG Code criteria for a marine pollutant the Associate Administrator may except it from the HMR marine pollutant requirements.

Other commenters thought it more appropriate to address these proposals under Docket HM-211; Marine Pollutants. RSPA disagrees; handling marine pollutant issues in Docket HM215A will facilitate the harmonization of the HMR with the IMDG Code in conjunction with the January 1, 1995 implementation date for the 27 th Amendment to that Code.

Section 172.102. Special Provisions $24,26,32,34-37,39,40,43-52$ and 54 are added to $\S 172.102$, Special Provisions 16, 23, B53, and B110 are revised, and Special Provisions 25, 41, and A33 are removed. These special provisions relate to certain materials' classifications and any special packaging requirements that are necessary to safely transport these materials.

Section 172.203. One commenter addressing proposed changes to the marine pollutant provisions requested relief from certain shipping paper requirements for specific hydrocarbon compounds which fall under the requirements of 49 CFR Part 130, which prescribes prevention and response requirements for the transportation of oil. This commenter believed that petroleum products subject to Part 130 should be exempt from the requirement in $\S 172.203(1)$ to indicate on a shipping paper that the material is also a marine pollutant. RSPA partially agrees with the commenter that hazardous materials that are subject to 49 CFR Part 130 should not be subject to the marine pollutant shipping paper requirements of $\$ 172.203(1)(2)$. Therefore, RSPA is revising §172.203(1)(2) to except petroleum products that are subject to
the provisions of 49 CFR Part 130 when transported in bulk by road or rail.

A new paragraph $(0)$ is added to require additional information to be included in the shipping paper description for organic peroxides and self-reactive materials. In addition, paragraphs ( $k$ ) and ( m ) are revised based on changes to the HMT. In paragraph $(\mathrm{k})$, the list of shipping names requiring technical names is revised based on changes to the HMT. In paragraph (m), the reference to "Poison" is modified to include an alternative reference to "Toxic."

Section 172.204. RSPA proposed to amend the certification statement in paragraph (a)(2) by adding "placarded" as a condition for declaring a shipment to be properly prepared for transportation. The intent of this proposed change is to provide consistency with international declarations and enable one shipper certification statement to be used for both domestic and export shipments so that different preprinted forms are not needed. Commenters supported this proposed change for certifying an international shipment, but were divided as to whether it is appropriate for domestic transportation. Several commenters suggested that paragraph (a)(1) be deleted because it is no longer required. Other commenters believed that paragraph $(\mathrm{a})(1)$ should be retained for domestic purposes without the addition of "placarded" to the certification. According to these commenters, certifying that a shipment has been properly placarded is inconsistent with the provisions in $\$ 172.506$ that a shipper must offer and a carrier must affix the required placards for transportation by highway. RSPA believes that the addition of "placarded" in the certification would not apply to shipments for which the offeror has no control over affixing placards. However, in this rule, RSPA is retaining paragraph (a)(1) for domestic purposes and is adopting paragraph (a)(2) as proposed for use in either domestic or international transportation. In addition, paragraph (a)(2) is amended by removing the provision to indicate the mode of transportation in the shipper's certification. This revision is consistent with the multimodal approach adopted in the UN
Recommendations, ICAO and IMDG Code.

Section 172.320. Section 172.320 is adopted as proposed to authorize all product codes that are traceable to an "EX-number" to be marked on boxes of explosives in lieu of the EX number. Section 172.325. The identification number " 9259 " shown the HOT
marking illustration in paragraph (c) is revised to read " 3257 " to reflect the new UN number assigned to "Elevated temperature material, liquid, n.o.s."
Section 172.400a. A new paragraph (c) is adopted as proposed to state that a subsidiary POISON label is not required on a package bearing a primary CORROSIVE label if the poison hazard of the material inside is based solely on corrosive destruction of tissue and is not due to systemic poisoning. In addition, based on the merit of comments, RSPA is adding a new paragraph (d) to allow the use of a POISON label in place of a KEEP AWAY FROM FOOD label for domestic transportation of Division 6.1 PG III materials.
Section 172.402. Paragraph (a)(2) is adopted as proposed to incorporate certain subsidiary labeling provisions in the subsidiary labeling table in paragraph (a) (2). These provisions require subsidiary hazard labeling for Class 8 Packing Group III materials and Class 3 Packing Group III materials except for Class 3 Packing Group III materials having a flash point at or above $38^{\circ} \mathrm{C}\left(100^{\circ} \mathrm{F}\right)$ when transported by highway or rail. In addition, paragraph (a)(1) is revised to clarify that if Column 6 of the $\S 172.101$ Table indicates a subsidiary label for which there is an exception in paragraph (a)(2) of $\$ 172.402$, the exception applies. This revision is based on the merit of comments urging consistency in subsidiary labeling provisions.
In the NPRM, RSPA discussed a change adopted in the eighth revised edition of the UN Recommendations which removed the STOW AWAY FROM FOODSTUFFS label and placard and replaced them with the POISON label and placard for materials having either a primary or secondary hazard in Division 6.1 Packing Group III. As noted previously, RSPA is addressing this issue in a rulemaking action under Docket HM-217; however, RSPA believes that a package containing a material meeting Division 6.1 Packing Group III criteria as either a primary or subsidiary hazard should bear a label which communicates a warning that the material must be kept separate from foodstuffs when transported domestically by any mode. This was discussed in the preamble of the notice, and the proposed changes to the §172.101 Table included the addition of a KEEP AWAY FROM FOOD label in Column 6 for each affected entry. However, RSPA inadvertently neglected, in the $\$ 172.402$ (a)(2) proposed regulatory text changes, to remove the " N " at the intersection of row 'III' and column " 6.1 " and replace it with an "X". Commenters on this
issue opposed any required domestic labeling of materials having a subsidiary hazard of Division 6.1 Packing Group III. Both HMAC and the Conference on Safe Transportation of Hazardous Articles (COSTHA) stated that any proposed changes should be deferred for consideration under Docket HM-217. In addition, COSTHA noted potential changes to UN toxicity classification criteria and claimed that adopting harmonized toxicity criteria will decrease the number of liquids in Division 6.1 Packing Group III.
COSTHA encouraged RSPA not to revise provisions for the labeling and placarding of Division 6.1 Packing Group III materials until the UN and DOT have completed barmonization efforts.

The preamble section review in the NPRM clearly expressed RSPA's intent to revise $\$ 172.402$ (a) (2) to replace the " N " with an " X " (which would have the effect of requiring subsidiary labeling for materials having a Division 6.1 Packing Group III subsidiary hazard). RSPA believes that materials having a primary or secondary hazard of Division 6.1 PG III pose a risk not only of food contamination, but also dermal and inhalation hazards sufficient to warrant hazard communication. Therefore, RSPA is adopting the requirement for subsidiary hazard labeling for Division 6.1 Packing Group III materials when transported in any mode.
Also, new subsidiary labeling requirements for Class 2 materials are added as paragraphs ( f ) and (g). Several commenters requested clarification of proposed paragraph (f) regarding a Division 2.2 material that meets the definition of an oxidizer. RSPA is clarifying in this final rule that a Division 2.2 material may meet the definition of an oxidizing gas, as defined in § 171.8.

Section 172.411. A requirement specifying a minimum height for the compatibility group letter on certain EXPLOSIVE lahels is removed.
Section 172.416. Section 172.416 is revised to allow the use of the words "TOXIC GAS" on the POISON GAS lobel.

Section 172.430. Section 172.430 is revised to allow the use of the word "TOXIC" on the POISON label.
Section 172.540. Section 172.540 is revised to allow the use of the words "TOXIC GAS" on the POISON GAS placard.
Section 172.547. Section 172.547 is revised to reduce the size requirement for the word "spontaneously" in the "SPONTANEOUSLY COMBUSTIBLE" placard from 25 mm to 12 mm .

Section 172.554. Section 172.554 is revised to allow the use of the word "TOXIC" on the POISON placard.

## Part 173

Section 173.2a. Consistent with the UN Recommendations, the Precedence of Hazards Table is adopted as proposed to account for combinations of Division 4.2 and Class 8 materials which currently are denoted as impossible combinations. In addition, two new notes are added at the end of the paragraph (b) table. Note 1 specifies that, for materials having multiple risks which are not listed by technical name in the § 172.101 Table, the most stringent packaging group must be used. Note 2 is added to specify the class assignment for a material which meets the definition of Class 8 and has an inhalation toxicity by dusts and mists at the Packing Group 1 level.
Section 173.21. A revised reference to the $\$ 173.224$ self-reactive materials table is adopted as proposed to reflect changes to the table.
Section 173.22. Revised paragraph (a)(3)(i) is adopted as proposed to indicate that the marking appearing on the bottom of a metal or plastic drum in accordance with $\$ 178.503$ is not an acceptable means of determining if the drum is an authorized packaging. Paragraph (a)(2) is revised to recognize packagings manufactured outside the U.S. as provided in $\$ 173.24(\mathrm{~d})(2)$, and paragraph (a)(4) is revised to limit notification provisions to packagings manufactured in the U.S.
Section 173.24. Paragraph (d) is adopted as proposed to specify the conditions under which foreignmanufactured packagings may be used. The revision stipulates the conditions under which foreign-manufactured UN packagings may be filled and used in the U.S. Only packagings from countries affording the same degree of acceptance to U.S.-manufactured packagings may be used. Several commenters did not realize that this proposed revision applies to empty packagings being imported into the U.S. for filling. They thought that the proposal applied to packagings already filled with a hazardous material before being imported into the U.S. Provisions concerning the import of filled packagings are contained in $\$ \$$ 171.11, 171.12, and 171.12a and are not amended in this final rule. Other commenters expressed concern as to the ability of U.S. shippers to determine which countries recognize U.S. packagings. Two commenters suggested that RSPA periodically publish a notice in the Federal Register, listing those countries that do not recognize U.S.
manufactured UN standard packagings. Several commenters objected to the issue of reciprocity being addressed in a rulemaking action, claiming this is a political issue. One alternative suggested by commenters is to consider and resolve such issues at the UN or by the competent authorities of the countries involved. RSPA agrees that every effort should be made by the competent authority of each country involved to resolve reciprocity issues. RSPA would only resort to declaring a country as not providing reciprocal treatment for UN standard packaging manufactured in the U.S. in a Federal Register notice after exhausting attempts to resolve differences through negotiation.

In addition, revised paragraph (e)(4)(ii) is adopted as proposed to prohibit hazardous materials from being packed or mixed with other hazardous or nonhazardous materials in the same outer packaging if such materials are capable of reacting with each other and causing the evolution of "asphyxiant gases."

Section 173.25. Paragraph (a) is adopted as proposed to refer to the definition of "Overpack" in § 171.8, which also is amended to provide examples of suitable overpacks. Commenters generally supported the proposed revision; however, based on several comments, there appears to be confusion regarding the current provisions for overpacks, specifically concerning the marking, labeling and use of shrink- or stretch-wrapped pallets. Currently, shrinkwrap is considered an overpack when consolidating packages on a pallet. The overpack must be marked and labeled for each hazardous material contained therein unless markings and labels representative of each hazardous material are visible. If packages are stacked and banded on a pallet, the packages should be positioned, when possible, so that the markings and labels are visible on the outside of the stack.

Paragraph (b) is added as proposed to authorize shrink-wrapped or stretchwrapped trays as outer packagings for inner packagings prepared under limited quantity or consumer commodity provisions if the completed package is capable of meeting the Packing Group III performance level and the gross weight of the package does not exceed 20 kg . This proposal generated opposition from carriers, who claimed that shrink wrap as an outer packaging does not provide adequate protection from the rigors of transportation and should not be authorized. However, at least one of these commenters was referring to a shrink-wrapped pallet
rather than a package limited to 20 kg (44 pounds) gross weight. On the other hand, commenters such as COSTHA strongly supported this proposal, but requested that RSPA maintain consistency with the UN Recommendations by authorizing the use of shrink-wrapped or stretchwrapped trays as outer packagings without imposing a requirement that these completed packagings be capable of passing Packing Group III performance tests.

Section 173.28. RSPA is not adopting a proposed revision to paragraph (b)(1), based on the merit of a comment suggesting the sentence duplicates the provisions of $\$ 173.24(\mathrm{~d})$ and should only apply to the reuse of packagings required to meet performance standards, not to the reuse of all packagings. The Association of Container Reconditioners (ACR) urged RSPA to revise the footnote to the table in paragraph (b)(4), to restore the minimum thicknesses to what was required when the final rule was published on December 21, 1990. ACR pointed out that in corrections and amendments made in 1991, the footnote to the table in paragraph (b)(4) had been revised to allow reuse of metal drums with a minimum wall thickness of 0.8 mm and minimum head thickness of 1.1 mm . ACR asked that the note be revised to reference minimum thicknesses of 0.82 mm and 1.09 mm . Since these changes were not proposed in the NPRM, RSPA is not revising the minimum thicknesses at this time; however, the number " 0 " has been added after the last digit in each instance for clarity.

A commenter expressed confusion over the requirement for the nominal or minimum thickness to be permanently marked on a packaging that is to be reused. The commenter stated that it appeared that the marking could be either the nominal or minimum thickness. Paragraph (b)(4) has been revised to clarify that the nominal thickness is marked on metal packagings, and the minimum thickness must be marked on plastic packagings which are to be reused.
New paragraph (b)(7) is added to waive requirements for leaktesting prior to each reuse to certain packagings used in limited operations. The NPRM proposed to waive retesting requirements for stainless steel, monel, or nickel drums, which are constructed with a thickness at least one and one half times the minimum required by $\S 173.28(\mathrm{~b})(4)$, and which are refilled with the same or similar compatible contents and transported by a private carrier, contract carrier, or common carrier in a transport vehicle or freight
container used exclusively for such service, within a distribution chain controlled by the offeror.

Commenters overwhelmingly supported RSPA's proposed paragraph (b)(7). Numerous commenters suggested that RSPA extended the provisions of paragraph (b)(7) to plastic drums in addition to stainless steel, monel, and nickel drums. The commenters cited the high costs that would be incurred by plastic drum users if leak testing were required prior to each use. Many commenters stated that the leak test itself could cause damage to plastic drums over time, due to the bulging of the packaging caused by internal pressure. Commenters asked that RSPA revise paragraph (b)(7) to be more consistent with the UN
Recommendations, which require leak testing for plastic drums only after reconditioning.

RSPA recognizes that the UN Recommendations do not require a packaging to be leakproofness tested before it is reused for transport, but only after it is reconditioned. However, RSPA notes that the UN Recommendations, at section 9.6.7.2., limit the period of use for plastic drums and jerricans to five years from the date of manufacture. The HMR do not currently place a limit on the period of use for plastic drums. RSPA believes that under certain controlled conditions, plastic drums can be used safely without leak testing prior to each reuse.

Upon further consideration of the leakproofness testing requirements for plastic drums, RSPA has determined that the types of damage to plastic drums caused by normal transportation stresses include puncture, abrasion of plastic material, and loose or damaged closures. RSPA believes that these types of damage can be detected by a thorough visual examination by a person who is qualified to identify such damage. RSPA also believes that damage to plastic drums from abrasion, puncture, and damaged fittings can be minimized with careful handling. For that reason, RSPA believes that plastic drums used in distribution chains controlled by the offeror can be used safely without leak testing prior to each reuse. However, damage caused by incompatibility of the product being shipped with the plastic of the drum would not be detected through an external visual examination. Because such damage can happen and worsen over time, RSPA believes that after five years of use, a plastic drum. should be subjected to a leak test prior to each reuse for the shipment of liquid hazardous materials.

New paragraph § $173.28(\mathrm{~b})(7)$ authorizes the reuse, without leak
testing, of certain drums including those constructed of stainless steel, monel, nickel, and plastic. In order to ensure an appropriate level of safety, when stainless steel, monel, or nickel drums are reused without undergoing leakproofness testing, they are required to meet more stringent thickness standards than prescribed in paragraph (b)(4). Plastic drums may be reused without undergoing leakproofness testing only for five years from the date of manufacture, consistent with the UN Recommendations. After five years from the date of manufacture, such drums could continue to be used only if leakproofness tested prior to each reuse. Metal and plastic drums can only be reused without leak testing when refilled with the same or similar contents, and transported by a private carrier, contract carrier, or common carrier in a transport vehicle or freight container used exclusively for such service, within a distribution chain controlled by the offeror. As proposed in the NPRM, other packagings could qualify only if approved by the Associate Administrator for Hazardous Materials Safety. In any case, a packaging which, upon visual examination, shows evidence of a reduction in integrity must be reconditioned and, if applicable, leak tested, before being reused.

RSPA does not agree with commenters who suggested that the waiver of leak testing requirements be extended to metal drums other than those made from stainless steel, monel, and nickel. Transportation stresses typically can cause leakage, from the chime seams of these drums, that is most appropriately detected through the performance of a leakproofness test.
In addition, paragraph $(\mathrm{c})(1)(\mathrm{i})$ is revised to clarify that onty external coatings must be removed when reconditioning metal drums.

Section 173.33. Paragraph $(\mathrm{c})(5)$ is amended as proposed to limit the provisions of the paragraph to materials in Packing Groups I and II of Division 6.1.

Section 173.52. The descriptions of Compatibility Group B is revised to clarify that detonators and similar articles are included within this description even if they do not contain primary explosives. In addition, in the descriptions for Compatibility Groups E and F, the word "gel" is added to clarify that articles with a propelling charge containing gel may not be classified in Compatibility Group E or F

Section 173.59. The definitions "powder, smokeless," "propellants," and "charges, propelling" are revised and definitions for "charges, propelling.
for cannon," "propellent, liquid," and "propellant, solid" are added.
Section 173.60. Paragraph (b)(15) is added to require all plastic packagings to be static-resistant.

Section 173.62. The Explosives Table is amended to add new descriptions for Class 1 materials. In addition, the packing method for UN0075 and UN0143 is revised to E-159. The Table of Packing Methods is editorially revised to change the reference to steel. and aluminum boxes from 4 A 1 or 4 A 2 to $4 A$ and $4 B 1$ or $4 B 2$ to $4 B$. Several packing methods are revised by authorizing aluminum boxes (4B) as an alternate packaging. For clarity, the entire Explosive Packing Methods Table has been reprinted along with the Table of Particular Packaging Requirements and Exceptions. Paragraph (e) is revised to update the military packaging exception to allow explosives packaged prior to January 1, 1990, to be transported in accordance with the packaging provisions in effect on that date.

Section 173.115. The definition of a Division 2.2 gas is expanded to include asphyxiant and oxidizing gases. However, based on comments received, the definition is revised to be more consistent with the definition in the UN Recommendations. In addition, the definitions of asphyxiant gas and oxidizing gas proposed in the NPRM have been moved to $\$ 171.8$.

Section 173.120. RSPA received several comments supporting the new exceptions for Class 3 materials. Some of these commenters requested that these exceptions be extended to the definition of combustible liquids. Through RSPA agrees that similar exceptions should be adopted for the definition of combustible liquid, the exceptions have been established for materials with a flash point of $141^{\circ} \mathrm{F}$ or below. The tests may not be appropriate for a material with a flash point of below $200^{\circ} \mathrm{F}$. Therefore, RSPA is unable to adopt this suggestion. However, if data is provided to support adoption of these test methods, or a modified form thereof, RSPA will initiate a new rulemaking action to adopt these exceptions for combustible liquids.
Section 173.121. Criteria for including viscous Class 3 materials in Packing Group III is revised. Several modifications to the method are provided when the temperature of the flash point is too low for the standard procedures. The table in $\$ 173.121(\mathrm{~b})(1)(\mathrm{iv})$ is amended for consistency with the eighth revision of the UN Recommendations.

Section 173.124. The definition of self-reactive materials is revised to
conform to the changes in the UN Recommendations, which now contains "generic" shipping descriptions. Seven types of self-reactive material (Types AG) are defined in paragraph (a)(2). The procedure for assigning a specific selfreactive material to a generic type is set forth in paragraph (a)(2)(vi). If a selfreactive material is identified by technical name in the Self-Reactive Materials Table in $\S 173.224$, the generic type is assigned in that Table. The lengthy process by which importing and exporting countries agree on the packaging requirements or assignment of a shipping description for a new selfreactive material is avoided by using this procedure.

Section 173.128. Editorial revisions are made in paragraphs (a), (c)(2) and (c)(3), paragraph (b) $(7)$ is clarified and procedures for obtaining approvals are clarified in revised paragraph (d).

Section 173.136. RSPA received several comments on the adoption of the OECD Guidelines in the definition of Class 8 (corrosive materials). Some commenters supported the proposed change, while others opposed it and requested that RSPA not adopt it. Those that opposed the change to the Class 8 definition cited problems with retesting of chemicals tested under the old definition, moistening of solid materials before testing, and "full thickness testing." The changes adopted in this final rule to the definition of Class 8 are a refinement of the existing definition. RSPA will not require the retesting of materials that have been classified under the test method previously found in Appendix A of Part 173. In addition, the new definition will not expand significantly the number of materials subject to the HMR. Although the OECD Guidelines require appropriate moistening of a solid material before application to the skin, this minuscule amount of liquid should have no effect on the outcome of the test. In addition, review of some past testing of corrosive solids indicates that moistening is already being used as a vehicle to assure good contact with the skin. As stated by one commenter, the new definition will provide standardization in classifying these materials; make more definitive information available to emergency responders, drivers, cargo handlers, and others; and will facilitate the safe handling and emergency response procedures for corrosive materials. Therefore, RSPA is adopting the changes to the definition of Class 8 and assignment of Class 8 Packing Groups, as proposed.

Section 173.150. RSPA proposed to add language in the introductory text of $\$ 173.150$ (b) to specifically address
combustible liquids in the limited quantity provisions. RSPA received a comment in opposition to this proposal stating that there is no difference in the way combustible liquids that are hazardous substances or hazardous wastes (versus non-hazardous substances or non-hazardous wastes) are treated under the current wording of these provisions. However, combustible liquids in non-bulk packagings that meet the definition of a hazardous substance, hazardous waste, or marine pollutant currently are subject to shipping paper, marking, placarding and other requirements set forth in $\S 173.150(f)(3)$. RSPA is adopting the proposed language to clarify that combustible liquids are eligible for the limited quantity exceptions if they are packaged accordingly.

Section 173.152. The limited quantity provisions for organic peroxides are amended by increasing the authorized net capacity per inner packaging for Type D, E, or F liquid and solid organic peroxides and Type B or C solid organic peroxides. However, the authorized net capacity for liquid Type B or C organic peroxides is decreased from 30 ml to 25 ml per inner packaging.

Section 173.158. Based on the merits of a comment and a petition for rulemaking ( $\mathrm{P}-1170$ ), a new paragraph $(f)(3)$ is added for nitric acid of 70 percent or less to authorize combination packagings consisting of inner plastic packagings individually overpacked in tightly closed metal packagings, and further packed in an outer packaging, such as a drum or box. This packaging currently is authorized for transportation in cargo aircraft only, but there is no comparable authorization for transport in other modes. Offerors of nitric acid in plastic packagings are reminded of the compatibility requirements specified in $\S 173.24(\mathrm{e})$.

Section 173.164. Certain exceptions for mercury (metallic and articles containing mercury), are revised, and a 4 H 2 solid plastic box is authorized as an outer packaging, consistent with the ICAO Technical Instructions.

Section 173.166. This section is amended to limit its applicability to air bag inflators and modules showing certain specified results when subjected to a bonfire test. Airbag modules and inflators not meeting the test criteria must be transported as explosives. RSPA received several comments on the transportation of airbags, many of which were outside the scope of this rulemaking. One commenter requested that RSPA revise proposed proper shipping names for airbags, but did not provide sufficient justification for adding a domestic-only proper shipping
name for these commodities. The comments requesting new packaging authorization and removal of the Exnumber marking requirements have been denied because they are considered beyond the scope of this rulemaking.

Section 173.168. RSPA proposed the addition of a separate section to define a "nonspillable battery," establish separate requirements for nonspillable batteries (as opposed to the requirements for wet batteries contained in §173.159), and provide vibration and pressure differential testing criteria. Except when transporting a wheelchair or other battery-powered mobility aid equipped with a nonspillable battery by air as checked baggage, a nonspillable battery which is protected against short circuits, securely packaged and durably marked is not subject to any other HMR requirements. After further deliberation, RSPA has decided not to create a separate section for nonspillable batteries and, therefore, provisions for these batteries will remain in § 173.159.

Section 173.171. Paragraph (a) is revised as proposed to clarify that smokeless powder must be examined and approved as both Division 1.3 and Division 4.1.

Section 173.185. RSPA is amending the requirements for lithium batteries consistent with changes in the UN Recommendations. While the new requirements apply more severe test requirements to lithium batteries, they also allow batteries with higher quantities of lithium to be transported without being subject to the regulations, provided specified criteria are met. Existing batteries previously allowed to be transported as Class 9 batteries may continue to be transported under the present requirements indefinitely if the present requirements are met. One commenter to this section asked why rechargeable batteries are no longer specifically mentioned in the section. Rechargeable batteries are no longer mentioned in the section because such batteries are being treated in the same manner as other lithium batteries.

Section 173.189. RSPA received two comments on the proposed transport of sodium batteries. One commenter requested that sodium batteries installed in motor vehicles be excepted from the HMR, and the other requested that sodium batteries be allowed to contain polysulfides. RSPA concurs with these commenters and has revised this proposed section accordingly,

Section 173.196. RSPA is adopting the proposed revision to paragraph (f) to clarify that either the inner receptacle or the outer packaging for infectious substances must be capable of
withstanding the prescribed pressure differential.

Section 173.211-213. These sections are adopted as proposed to change packaging identification codes (for steel boxes from 4 A 1 to 4 A 2 to 4 A and for aluminum boxes from 4 B 1 and 4 B 2 to $4 \mathrm{~B})$ for consistency with international requirements.

Section 173.224. This section is revised based on the UN Recommendations. Paragraph (b) sets forth the Self-Reactive Materials Table which identifies the technical name for specific self-reactive materials, the identification number which is used to select the appropriate generic shipping description, specifications for concentrations of the self-reactive material, packing methods that may be used, temperature control requirements, and additional special provisions. The existing packing methods for selfreactive materials are replaced with the packing methods for organic peroxides which are prescribed in $\$ 173.225$.
Paragraph (c) sets forth procedures for new self-reactive materials, formulations and samples. New selfreactive materials and formulations of currently identified self-reactive materials must be approved in accordance with the provisions in §173.124(a)(2)(vi). Paragraph (c)(4) contains provisions for the shipping of samples of new formulations. Paragraph (d) specifies that self-reactive materials of Type F may be transported in bulk only under the approval of the Associate Administrator for Hazardous Materials Safety.

Section 173.225. In § 173.225, paragraph (a) is revised to prohibit the use of metallic non-bulk packagings meeting a Packing Group I packaging standard. Paragraph (c)(5) is added to authorize the transportation of mixtures of organic peroxides that are specifically identified in the Organic Peroxides
Table without approval by the Associate Administrator for Hazardous Materials Safety. In addition, the Organic Peroxide Table is revised to add new organic peroxides adopted in the UN Recommendations. Several * miscellaneous changes, based on comments, have been made to the Table. In addition, for use domestically, RSPA is adding 12 new organic peroxides that are not listed in the UN
Recommendations but have been approved by RSPA for domestic transportation.

Section 173.304. In the paragraph (a)(2) table, for the entry "carbon dioxide," an erroneous reference to a DOT- 311800 cylinder is corrected to authorize a DOT-3T1800 cylinder for carbon dioxide.

Section 173.306. In paragraph (a) $(3)(v)$, the hot water immersion test for aerosols and small gas receptacles includes a reference temperature of $50^{\circ} \mathrm{C}$ $\left(122^{\circ} \mathrm{F}\right)$ in addition to the reference temperature of $55^{\circ} \mathrm{C}\left(131^{\circ} \mathrm{F}\right)$. A reference temperature of $50^{\circ} \mathrm{C}$ is permitted if the liquid phase of the materials contained in the receptacle does not exceed 95 percent of the capacity of the receptacle at $50^{\circ} \mathrm{C}$. In addition, provisions are added for plastic receptacles or contents which are sensitive to heat.

Appendix A to Part 173. Appendix A, which provides a method of testing corrosion to skin, is removed and reserved for consistency with changes to the definition and packing group assignment for Class 8 materials.

Appendix E to Part 173. New criteria are added for self-reactive materials possessing explosive properties, and an editorial change is made to clarify that powders of metals or metal alloys that can be ignited are classified in Division 4.1.

Appendix F to Part 173. In paragraph 1., an editorial revision is made to correctly reference Division 5.1.

Appendix H to Part 173. A new Appendix H is added to Part 173 to provide a method of testing for combustibility. This method outlines a procedure for determining if a material can sustain combustion if heated under test conditions and exposed to an external source of flame.

## Part 175

Section 175.10. The phrase "environmental restoration or protection" is added as an exception in paragraph (a)(12) to clarify that certain aircraft operations pertaining to environmental restoration may be conducted under the provisions of this paragraph. Exceptions for carbon dioxide (dry ice) are consolidated into paragraph (a)(13) to except this material from regulation from Part 175 when it is used as a refrigerant for a package, intended for use in food or beverage service aboard an aircraft, or used to pack perishables in carry-on baggage. Based on the merit of two comments, proposed paragraph (a)(4) more closely adopts the language of the ICAO Technical Instructions to permit nonradioactive medicinal or toilet articles (including aerosols) in either carry-on baggage or checked baggage. It also permits aerosols in Division 2.2 having no subsidiary risk, if intended for sporting or home use, in checked baggage. In addition, a new paragraph (a) $(26)$ is added to except from regulation small medical or clinical mercury thermometers carried by
passengers or crew members for personal use.

Section 175.33. Paragraph (a)(1) is revised to require that a compatibility group letter for a Class 1 material be included in the written notification to the pilot-in-command. RSPA also proposed to add a new paragraph (a)(9) to require an aircraft operator to include an air waybill number where one has been issued. However, based on the merit of a comment from the Air Transport Association, RSPA agrees that the placement of an airway bill number on the notification does nothing to enhance safety. Therefore, this proposed requirement is not adopted.

## Part 176

Section 176.27. RSPA proposed the addition of a new paragraph (c) to reference a container packing certificate required under the provisions of the SOLAS Convention and the IMDG Code. Commenters to this proposal did not object to its addition, but suggested that the certification contain a reference to the section outlining the requirements rather than a certification that each of the requirements have been met. RSPA agrees, and is revising proposed paragraph (c)(2). In addition, the Hazardous Materials Advisory Council (HMAC) and the Chemical Manufacturers Association (CMA) asked RSPA to clarify that the container packing certificate is to be presented to the vessel carrier at the time the hazardous materials are offered for transportation by vessel. A clarification is added in paragraph (c)(1) in response to this request.

Section 176.76. A new paragraph (i) is adopted as proposed to address the transport of fumigated transport units on vessels. These fumigation requirements are in addition to the fumigation requirements contained in §173.9. The new vessel requirements are generally consistent with the IMDG Code requirements for transporting fumigated transport units and are consistent with Special Permits currently being issued by the Coast Guard for U.S. maritime transport of fumigated transport units.

## Part 177

Section 177.841. Revised paragraph (e)(3) is adopted as proposed to specify requirements for separating Division 6.1 Packing Group III materials from foodstuffs, consistent with provisions in §177.848.

## Part 178

Section 178.2. Changes to paragraphs (a) and (e) are adopted as proposed. Paragraph (a) is revised to clarify that

Part 178 requirements for UN standard packagings apply only to packagings manufactured in the U.S. See §173.24(d)(2) for foreign-manufactured packagings. A new paragraph (e) is added to include definitions for "manufacturer" and "specification markings." These new definitions specify who is to be identified through a specification marking as the "manufacturer" and clarify the manufacturer's responsibility under Part 178.

Section 178.3. One commenter thought that the location of manufacture should be immaterial to the use of the "USA" mark. This commenter stated that the "USA" mark should be described as simply indicating compliance with Part 178, regardless of where the packaging is physically manufactured and asked RSPA to clarify the use of the marking "USA" for a DOT specification or UN specification packaging that is manufactured in the U.S. or in another country. RSPA believes that a "USA" marked packaging should be manufactured and marked only in the U.S., and that packagings manufactured in the U.S. must be marked "USA" and comply with Part 178.

Section 178.502. In paragraph (a) introductory text and paragraph (a)(1), the terms "type" or "types" of packagings are revised for consistency with international regulations to read "kind" or "kinds" of packagings.

Section 178.503. As proposed in the NPRM, this section is revised to incorporate changes in the UN Recommendations with regard to the marking of non-bulk packagings. Consistent with the UN Recommendations, each packaging certified to a UN standard must have a series of markings which describe the packaging and its characteristics. The Steel Shipping Container Institute (SSCI) objected to the lower weight limif for packagings which would be required to be marked on the top or side, suggesting that a capacity limit, such as 30 liters, would be more appropriate. SSCI pointed out that, if all packagings over 30 kg are required to be marked on the side or top, packagings as small as 5 gallons, if they are used to ship very dense products, must be marked this way. In the UN Recommendations, and as proposed in the NPRM, the threshold of 30 kg above which packagings must be marked on the top or a side is intended to represent the maximum weight that a person can reasonably be expected to lift in order to see the markings on the bottom of a package. The important consideration is weight, rather than capacity, and therefore the

30 kg size limit, after which markings must be applied on the top or side, is adopted in this final rule. This requirement has been moved to §178.3(a)(5) to appear with related marking requirements.

Currently, $\S 178.503$ requires that metal or plastic drums or jerricans intended for reuse be marked with the minimum thickness of the packaging material. Consistent with the UN Recommendations, in this final rule metal drums and jerricans intended for reuse must be marked with the nominal thickness. The nominal thickness marked must be in accordance with ISO 3574 ; that is, the nominal thickness marked may only exceed the actual minimum thickness of the packaging material by the tolerance specified in ISO 3574. A commenter suggested that RSPA clarify, for a metal packaging marked with a nominal thickness, what the minimum thickness must be. In this final rule, a table indicating what minimum thickness corresponds to the nominal thickness specified in ISO Standard 3574 , for various packaging capacities, has been added to a new Appendix C to Part 178. Packagings to be used are still subject to the minimum thickness requirements of $\$ 173.28$. Because the eighth revised edition of the UN Recommendations did not address thickness requirements for plastic packagings, plastic drums and jerricans intended for reuse must continue to be marked with the minimum thickness of the packaging material.

In additional to the full marking on the top or side of a metal drum having a capacity greater than 100 liters, paragraph (a)(10) requires a permanent marking of the drum characteristics on the bottom of the drum. The country authorizing the mark and the name and address of the manufacturer are not required as part of this permanent mark. This marking identifies the packaging as it was originally manufactured, and may not necessarily be used to determine compliance with packaging requirements. For example, if a nonremovable head drum has been converted to a removable head drum, this conversion is not reflected in the marking on the bottom of the drum, but is evident in the top or side marking. For drums marked permanently on the bottom, the top or side mark is not required to be permanent (i.e., able to withstand the reconditioning process). RSPA is not adopting a commenter's suggestion that the permanent marking on the bottom of a drum not be required if the markings appearing on the top or side of the packaging are permanent. RSPA believes this type of change
should be considered first by the UN Committee of Experts.

As proposed in the NPRM, the additional permanent marking on the bottom of a drum would have applied to plastic drums as well as metal drums. Several commenters objected to this proposal as it applied to plastic drums. RSPA notes that the UN
Recommendations do not require plastic drums to bear the additional permanent marking on the bottom of the drum, and most plastic drums are permanently marked on the side. Based on the merit of comments, and consistent with the UN Recommendations, RSPA is limiting the additional marking requirement of paragraph (a)(10) to metal drums with a capacity greater than 100 liters.

Based on comments from ACR, the marking requirements for metal drums with a capacity greater than 100 liters have been revised in this final rule for greater consistency with the UN Recommendations, and for clarity. As proposed in the NPRM, the permanent marking requirements of paragraph (a)(10) would have applied only to those metal drums "intended for reuse or reconditioning as a single packaging or the outer packaging of a composite packaging." ACR stated that the determination of suitability for reuse or reconditioning is not made by the manufacturer. RSPA agrees, and the qualifier "intended for reuse or reconditioning" is not adopted in this final rule.

A commenter was concerned that a semi-permanent label would not be considered "durable" for purposes of the UN marking. RSPA would consider the use of a printed label to satisfy the requirement for "durable" markings, provided the label can withstand the rigors of normal transportation.
Paragraph (c) specifies additional requirements for markings on reconditioned metal drums. The paragraph requires that reconditioners reapply markings which no longer appear on drums after the reconditioning process. A reconditioner can duplicate the original markings or apply markings which reflect a lower performance level, but cannot apply markings which identify a performance level greater than that for which the original design type had been tested and marked.

A new paragraph (d) clarifies marking requirements for remanufactured packagings. Based on a comment from ACR, paragraph (d) specifies that required markings need not be permanent on remanufactured metal drums for which there is no change to the packaging type, and no replacement of integral structural components. All
other remanufactured metal drums must be permanently marked on the top or side. This paragraph was not proposed in the NPRM, but is considered necessary to ensure that packagings can be properly marked after remanufacture, when it may not be possible to permanently mark on the bottom.

Section 178.512. Standards for steel boxes and aluminum boxes are consolidated by removing the distinction between unlined/uncoated steel or aluminum boxes and steel or aluminum boxes having an inner liner or coating. Therefore, both unlined and lined steel boxes are identified as 4A and unlined and lined aluminum boxes are identified as 4B. Corresponding revisions are reflected in the packaging authorizations of Part 173.

Section 178.513. A new paragraph is added to the standards for natural wood boxes to specify fastening requirements.

Section 178.516. Paragraph (b)(1) contains an updated reference to ISO Standard 535-1976(E). Paragraph (b)(2) is revised to authorize the ends of fiberboard boxes to be constructed of suitable materials other than wood, which is already authorized. As proposed in the NPRM, paragraph (b)(3)(iii) is redesignated as (b)(4) to clarify that the requirement for waterresistant adhesive applies to all box closures, and not only the manufacturer's joint. In its comments, 3M suggested that RSPA include ASTM D5570, Standard Test Method for Water Resistance of Tape and Adhesives Used as a Box Closure, as a standard for determining the water resistance of adhesives used in 4G boxes. Since RSPA did not propose such a standard in the NPRM, the suggestion is not adopted in this final rule.

Section 178.521. In paragraph (b)(2), the term "water-resistant" is revised to "waterproof", and examples of a waterproof ply or barrier are provided.

Section 178.522. A composite packaging consisting of a plastic receptacle in a protective plastic drum is designated as 6 HH in the current HMR standards. The UN Recommendations recently adopted a new composite packaging standard to authorize a plastic receptacle in a protective plastic box. Therefore, in paragraph (b)(3), the previous 6 HH composite packaging is redesignated at 6 HH 1 and the new composite packaging (the plastic receptacle in a protective plastic box) is designated as 6 HH 2 .
Section 178.601. Paragraph (b) is adopted as proposed to limit the responsibility of shippers to those packaging assembly functions they actually perform or are responsible for performing. A revision to paragraph
(b) (2) removes the shipper responsibility provision regarding packaging fabrication and testing functions not performed by the shipper. Only one commenter did not favor this proposal. The Society of the Plastics Industry believed that a shipper should share some responsibility for compliance, such as obtaining a certification from the packaging manufacturer for each type of packaging used in hazardous materials service. Paragraph (g)(2)(i) is revised to clarify that selective testing under Variation 2 requires the fragile inner packagings to contain liquids. A new sentence is added to the end of paragraph $(\mathrm{g})(2)$ (vi) to clarify that where outer packagings are not leakproof or siftproof and consequently require some type of leakproof liner, plastic bag or other means of containment, sufficient absorbent material must be placed inside the liner or bag. A new paragraph (k) is added to permit several tests to be performed on one sample if the validity of test results is not affected and if approved by the Associate Administrator for Hazardous Materials Safety. Newly designated paragraph (1) is revised as proposed to clarify recordkeeping requirements and provide consistency with test report requirements in the UN
Recommendations. One commenter requested clarification of the methods by which a test method is "maintained" at each location where a packaging is manufactured. This commenter asked if a manufacturer's central office could maintain records when multiple locations are involved and provide access through a computer data base or fax, "Maintained" as provided in $\$ 178.601(1)$ is limited to hard copies of test reports or electronic storage of reports at each manufacturing location. Inspectors cannot conduct inspections without test records to compare to the packages. Therefore, the company may maintain records at a central office so long as the company is capable of providing hard copy reports in a timely manner to an inspector at the time of inspection. SSCI pointed out that paragraph (1)(10) is redundant with paragraph (1)(1) in that both require an identification of the address of the test facility. RSPA agrees, and paragraph (1)(10), as adopted, requires the title, rather than the address, of the signatory to be included.

Section 178.602. In paragraph (c) a reference to " $\$ 178.603(\mathrm{~d})(2)$ " is corrected to read " $\$ 178.603(\mathrm{e})$ ".
Section 178.603. In paragraph (a), a new provision is added to require that the drop test be performed using the package orientation most likely to result in failure if more than one orientation
is possible. Paragraph (c) is revised to clarify that the cold drop test outlined in this paragraph applies only to plastic packagings, and applies to combination packagings with inner plastic bags only when the inner packagings are intended to contain liquids. A revision to paragraph $(f)(1)$ clarifies that inner packagings of combination packagings are not required to be vented to reach equilibrium after the drop test.
Section 178.604. For consistency with a change in the UN Recommendations, the length of time to conduct a leakproofness test, other than for production testing, is specified as five minutes in revised paragraph (d).
Section 178.606. For consistency with the UN Recommendations, a phrase is added in paragraph (c) (1) to clarify that the force to be applied, when a test sample contains a non-hazardous liquid with a specific gravity different from the hazardous liquid intended for transport, must be calculated based on the specific gravity that will be marked on the packaging.

Appendix $C$ to Part 178. A new Appendix C is added to Part 178 to incorporate a table indicating the corresponding nominal and minimum thicknesses for packagings of varying capacities, in accordance with ISO Standard 3574.

## Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures
This final rule is not considered to be a significant regulatory action under section 3(f) of Executive Order 12866 and was not reviewed by the Office of Management and Budget. The rule is not considered significant under the Regulatory Policies and Procedures of the Department of Transportation [44 FR 11034]. A regulatory evaluation is available for review in the Docket.

## B. Executive Order 12612

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 ("Federalism"). Federal law expressly preempts State, local, and Indian tribe requirements applicable to the transportation of hazardous material that cover certain covered subjects and are not substantively the same as Federal requirements. 49 U.S.C. 5125(b)(1). These subjects are:
(A) The designation, description, and classification of hazardous materials;
(B) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;
(C) The preparation, execution, and use of shipping documents pertaining to
hazardous material and requirements respecting the number, content, and placement of such documents;
(D) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and
(E) The design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous material.

This final rule concerns classification, packaging, labeling, marking, shipping documentation, and manufacture of packaging for hazardous material. Therefore, this final rule preempts State, local, or Indian tribe requirements that are not substantively the same as Federal requirements on these subjects. Section 5125 (b)(2) of title 49 U.S.C. provides that when DOT issues a regulation concerning any of the covered subjects, DOT must determine and publish in the Federal Register the effective date of Federal preemption. That effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. RSPA has determined that the effective date of Federal preemption for these requirements will be October 1, 1995. Thus, RSPA lacks discretion in this area, and preparation of a federalism assessment is not warranted.

## C. Regulatory Flexibility Act

This rule incorporates changes introduced in the seventh and eighth. revised editions of the UN Recommendations, the 1993-1994 and 1995-1996 ICAO Technical Instructions, and Amendments 26 and 27 to the IMDG Code. It applies to offerors and carriers of hazardous materials and facilitates the transportation of hazardous materials in international commerce by providing consistency with international requirements. If this rule is not adopted, U.S. companies, including numerous small entities competing in foreign markets, will be forced to comply with a dual system of regulation, to their economic disadvantage. Therefore, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

## D. Paperwork Reduction Act

The requirements for information collection have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 95-511) under OMB control number

2137-0034 for shipping papers and 2137-0557 for approvals.

## E. 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 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.
49 CFR Part 172
Hazardous materials transportation, Hazardous waste, Labels, 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 175

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

## 49 CFR Part 176

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

## 49 CFR Part 177

Hazardous materials transportation, Motor carriers, Radioactive materials, Reporting and recordkeeping requirements.
49 CFR Part 178
Hazardous materials transportation, Motor vehicles safety, Packaging and
containers, Reporting and recordkeeping requirements.
In consideration of the foregoing, 49 CFR Chapter I is amended as follows:

## PART 171-GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for Part 171 continues to read as follows:
Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.
2. In the § $171.7(\mathrm{a})(3)$ Table, under the entry American Society for Testing and Materials, a new entry is added in numerical order; under the entry International Organization for Standardized, three new entries are added at the end of existing entries; and a new entry is added in alphabetical order, to read as follows:
§171.7 Reference material.
(a) * * *
(3) Table of material incorporated by reference. * * *

American Society for Testing and Materials

ASTM G 31-72 (Reapproved 1990) Standard Practice for Laboratory Immersion Corrosion Testing of Metals

International Organization for Standardization

ISO 3574-1986(E) Cold-reduced carbon steel sheet of commercial and drawing qualities
ISO 2592-1973(E) Petroleum products-Determination of flash and fire points-Cleveland open cup method
ISO 9328-1-1991(E) Steel plates and strips for pressure purposes-Technical delivery conditions-Part 1: General requirements

Organization for Economic Cooperation and Development (OECD)
OECD Publications and Information Center, 2001 L Street, Suite 700, Washington, DC 20036 OECD Guideline for Testing of Chemicals, No. 404 "Acute Dermal Irritation/Corrosion", 1992 $\qquad$
. $\qquad$

90 Standard Test Methods for Flash Point by Pensky-Martens Closed Tester".
c. In the entry ASTM D 3278-78, the wording "D 3278-78 Flash Point of Liquids by Setaflash Closed Tester" is revised to read "ASTM D 3278-89 Standard Test Methods for Flash Point of Liquids by Setaflash Closed-Cup Apparatus".
d. In the entry ASTM D 4359-84, the wording "D 4359-84" is revised to read "ASTM D 4359-90".
e. Under International Civil Aviation Organization (ICAO), for the entry "Technical Instructions for the Safe

Transport of Dangerous Goods by Air", the date "1993-1994" is revised to read "1995-1996".
f. Under International Maritime Organization (IMO), the entry "International Maritime Dangerous Goods (IMDG) Code, 1990 Consolidated Edition, as amended by Amendment 26 thereto" is amended by removing the wording "Amendment 26 thereto" and adding in its place the wording "Amendment 27 (1994)".
g. Under International Organization for Standardization, the wording "ISO-535-1976(E) Paper and BoardDetermination of Water Absorption-

Cobb Method" is revised to read "ISO-535-1991(E) Paper and board-
Determination of water absorptivenessCobb method".
h. Under Transport Canada, the entry "Transportation of Dangerous Goods Regulations, as of July 1, 1985, incorporating Registration Numbers SOR/85-77, SOR/85-585 and SOR/85609 " is revised to read "Transportation of Dangerous Goods Regulations, 1 July 1985, SOR/85/77, incorporating the following Registration Numbers: SOR/ 85-314, SOR/85-585, SOR/85-609, SOR/86-526, SOR/88-635, SOR/87335, SOR/87-186, SOR/89-39, SOR/89294, SOR/90-847, SOR/91-711, SOR/ 91-712, SOR/92-447, SOR/92-600, SOR/93-203, SOR/93-274, SOR/93525, SOR/94-146 and SOR/94-264 (English edition)".
i. Under United Nations, for the entry "UN Recommendations on the Transport of Dangerous Goods, Sixth Revised Edition (1989)" the wording "Sixth Revised Edition (1989)" is revised to read "Eighth Revised Edition (1993)".
j. Under United Nations, for the entry "UN Recommendations on the Transport of Dangerous Goods, Tests and Criteria, Second Edition, 1990", in column 2, the references "173.124;" "173.128;" "173.166;" and "173.185" are added in appropriate numerical order.
4. In $\S 171.8$, the following definitions are added or revised, as indicated, in appropriate alphabetical order to read as follows:

## §171.8 Definitions and abbreviations.

 [Add:]Asphyxiant gas means a gas which dilutes or replaces oxygen normally in the atmosphere.

Gas means a material which has a vapor pressure greater than 300 kPa (43.5 psi) at $50^{\circ} \mathrm{C}\left(122^{\circ} \mathrm{F}\right)$ or is completely gaseous at $20^{\circ} \mathrm{C}\left(68^{\circ} \mathrm{F}\right)$ at a standard pressure of 101.3 kPa (14.7 psi).

Oxidizing gas means a gas which may, generally by providing oxygen, cause or contribute to the combustion of other matorial more than air does.

Siftproof packaging means a packaging impermeable to dry contents, including fine solid material produced during transportation.
[Revise:]

Box means a packaging with complete rectangular or polygonal faces, made of metal, wood, plywood, reconstituted wood, fiberboard, plastic, or other suitable material. Holes appropriate to the size and use of the packaging, for purposes such as ease of handling or opening, or to meet classification requirements, are permitted as long as they do not compromise the integrity of the packaging during transportation, and are not otherwise prohibited in this subchapter.

Liquid means a material, other than an elevated temperature material, with a melting point or initial melting point of $20^{\circ} \mathrm{C}\left(68^{\circ} \mathrm{F}\right)$ or lower at a standard pressure of $101.3 \mathrm{kPa}(14.7 \mathrm{psi})$. A viscous material for which a specific melting point cannot be determined must be subjected to the procedures specified in ASTM D 4359 "Standard Test Method for Determining Whether a Material is Liquid or Solid".

Overpack, except as provided in subpart K of part 178 of this subchapter, means an enclosure that is used by a single consignor to provide protection or convenience in handling of a package or to consolidate two or more packages. Overpack does not include a transport vehicle, freight container, or aircraft unit load device. Examples of overpacks are one or more packages:
(1) Placed or stacked onto a load board such as a pallet and secured by strapping, shrink wrapping, stretch wrapping, or other suitable means; or
(2) Placed in a protective outer packaging such as a box or crate.

Solid means a material which is not a gas or a liquid.

UN standard packaging means a packaging conforming to standards in the UN Recommendations on the Transport of Dangerous Goods.

## §171.11 [Amended]

5. In $\S 171.11$, in the last sentence of paragraph (d)(5), the wording "Poison" is revised to read "Poison or Toxic".

## §171.12 [Amended]

6. In $\S 171.12$, in paragraph (b) introductory text, in the second sentence, the wording "stowed and segregated, and certified in accordance with the IMDG Code" is revised to read "stowed and segregated, and certified (including a container packing certification, if applicable) in accordance with the IMDG Code".
7. Section 171.14 is revised to read as follows:
§171.14 Transitional provisions for implementing requirements based on the UN Recommendations.

General. The purpose of the provisions of this section is to provide an orderly transition to new requirements based on the UN Recommendations, so as to minimize any burdens associated with them. Subsequent final rules may implement different time requirements than the transitional provisions in this section. When the effective date section or regulatory text of a final rule imposes a compliance date earlier or later than that which would be required under this section, the transition date in this section does not apply.
(a) A rule published in the Federal Register on December 21, 1990, effective October 1, 1991, resulted in a comprehensive revision of this subchapter based on the UN Recommendations. Final rules published in the Federal Register on December 20, 1991 effective October 1 , 1991, October 1, 1992 effective October 1, 1992, September 24, 1993 effective October 1, 1993, and September 22, 1994 effective September 22, 1994, further revised the December 21, 1990 final rule. Prior to an applicable transition date in paragraph (a)(1) of this section, a person may elect to comply with either the applicable requirements of this subchapter in effect on September 30, 1991, or the requirements of this subchapter appearing in the December 20, 1990 rule, as revised in final rules published in the Federal Register on December 20, 1991, October 1, 1992, September 24, 1993, and September 22, 1994.
(1) Transition dates. The following transition dates apply only to requirements in the December 21, 1990 rule, as revised in the December 20 , 1991, October 1, 1992, September 24, 1993, and September 22, 1994 final rules:
(i) January 1, 1995. On January 1, 1995, all applicable regulatory requirements, including those pertaining to classification (see § 173.134 of this subchapter), hazard communication, and packaging, are effective for Division 6.2 materials (infectious substances) other than regulated medical waste and infectious substances affecting animals only.
(ii) October 1, 1995, On October 1, 1995, all applicable regulatory requirements, including those pertaining to classification (see § 173.134 of this subchapter), hazard communication, and packaging are
effective for regulated medical waste
(Division 6.2) and infectious substances affecting animals only (Division 6.2).
(iii) October 1, 1996. On October 1, 1996, requirements in Parts 172 and 173 of this subchapter for maintenance and use of packagings that were not previously in effect are effective. (DOT specification packagings removed from Part 178 of this subchapter by the December 21, 1990 final rule and packaging authorizations removed from Part 173 of this subchapter by the December 21, 1990 final rule may no longer be used in place of new packaging requirements.)
(2) Other transitional provisions-(i) Packages filled prior to October 1, 1991. Notwithstanding the marking and labeling provisions of Subparts D and E, respectively, of Part 172, and the packaging provisions of Part 173 and Subpart B of Part 172 of this subchapter, a package may be offered for transportation and transported prior to October 1, 2001, if it-
(A) Conforms to the old requirements of this subchapter in effect on September 30, 1991;
(B) Is filled with hazardous materials prior to October 1, 1991;

Placard Substitution Table

| Hazard class or division number | Current placard name | Old (Sept. 30, 1991) placard name |
| :---: | :---: | :---: |
| Division 1.1 | Explosives 1.1 | Explosives A. |
| Division 1.2 | Explosives 1.2 | Explosives A. |
| Division 1.3 | Explosives 1.3 | Explosives B. |
| Division 1.4 | Explosives 1.4 | Dangerous. |
| Division 1.5 | Explosives 1.5 | Blasting agents. |
| Division 1.6 | Explosives 1.6 | Dangerous. |
| Division 2.1 | Flammable gas | Flammable gas. |
| Division 2.2 | Nonflammable gas | Nonflammable gas. |
| Division 2.3 | Poison gas | Poison gas. |
| Class 3 | Flammable | Flammable. |
| Combustible liquid | Combustible | Combustible. |
| Division 4.1 | Flammable solid | Flammable solid. |
| Division 4.2 | Spontaneously combustible | Flammable solid. |
| Division 4.3 | Dangerous when wet | Flammable solid W. |
| Division 5.1 | Oxidizer | Oxidizer. |
| Division 5.2 | Organic peroxide | Organic peroxide. |
| Division 6.1, PG I and II | Poison | Poison. |
| Division 6.1, PG III . | Keep away from food | (none required). |
| Class 7 | Radioactive | Radioactive. |
| Class 8 | Corrosive | Corrosive. |
| Class 9 | Class 9 | (none required). |

(b) A rule published in the Federal Register on December 29, 1994, effective October 1, 1995, resulted in further revisions to this subchapter based on the UN Recommendations. During the transition period provided in paragraph (b)(1) of this section, a person may elect to comply with either the applicable requirements of this subchapter in effect on September 30, 1995, the applicable requirements based on the transition dates provided in paragraph (a)(1) of this section, or the requirements of this subchapter appearing in the December 29, 1994, final rule.
(1) Transition date. On October 1, 1996, all applicable regulatory requirements adopted in the December 29, 1994, final rule must be met.
(2) Intermixing old and new requirements. Prior to the transition date in paragraph (b)(1) of this section, it is recommended that hazard communication requirements be consistent where practicable, i.e., marking, labeling, placarding, and shipping paper descriptions should
conform to either the old requirements of this subchapter in effect on September 30, 1995, or new requirements of this subchapter added or revised by the December 29, 1994, rule, without intermixing of communication elements. However, intermixing is permitted, during the applicable transition peried, for packaging, hazard communication, and handling provisions, as follows:
(i) If either shipping names or identification numbers are identical, a shipping paper may display the old shipping description even if the package is marked and labeled under the new shipping description;
(ii) If either shipping names or identification numbers are identical, a shipping paper may display the new shipping description even if the package is marked and labeled under the old shipping description; and
(iii) Either old or new placards may be used regardless of whether old or new shipping descriptions and package markings are used.
(C) Is marked "Inhalation Hazard", if appropriate, in accorrdance with
§172.313 of this subchapter or Special
Provision 13, as assigned in the
§172.101 Table; and
(D) Is not emptied and refilled on or after October 1, 1991.
(ii) Transitional placarding provisions. Until October 1, 2001, placards which conform to specifications for placards in effect on September 30, 1991, may be used in place of the placards specified in Subpart F of Part 172 of this subchapter, in accordance with the following table:

## Explosives A.

Explosives B.
Dangerous.
Blasting agents.
Dangerous.
Flammable gas.
Nonflammable gas.
Flammable.
Combustible.
Flammable solid.
Flammable solid
Oxidizer.
Organic peroxide.
Poison.
(none required).
Corrosive.
(none required).

## PART 172-HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

8. The authority citation for part 172 continues to read as follows:
Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.
9. In §172.101, paragraphs (c)(3), $(\mathrm{c})(13)$ and $(\mathrm{k})(1)$ through $(\mathrm{k})(5)$ are revised and, in paragraph ( g ), a new sentence is added as the last sentence to read as follows:
§ 172.101 Purpose and use of hazardous materials table.
(c) * * *
(3) The word "poison" or "poisonous" may be used interchangeably with the word "toxic" when only domestic transportation is involved. The abbreviation "n.o.i." or
"n.o.i.b.n." may be used interchangeably with."n.o.s.".
(13) Self-reactive materials and organic peroxides. A generic proper shipping name for a self-reactive material or an organic peroxide, as listed in Column 2 of the Table, must be selected based on the material's technical name and concentration, in accordance with the provisions of §§ 173.224 or 173.225 of this subchapter, respectively.
(g) * * * No label is required for a material classed as a combustible liquid or for a Class 3 material that is reclassed as a combustible liquid.
(k) * * *
(1) Stowage category " $A$ " means the material may be stowed "on deck" or "under deck" on a cargo vessel and on a passenger vessel.
(2) Stowage category "B" means-
(i) The material may be stowed "on deck" or "under deck" on a cargo vessel and on a passenger vessel carrying a number of passengers limited to not
more than the larger of 25 passengers, or one passenger per each three meters of overall vessel length; and
(ii) "On deck only" on passenger vessels in which the number of passengers specified in paragraph $(\mathrm{k})(2)(\mathrm{i})$ of this section is exceeded.
(3) Stowage category " $C$ " means the material must be stowed "on deck only" on a cargo vessel and on a passenger vessel.
(4) Stowage category "D" means the material must be stowed "on deck only" on a cargo vessel and on a passenger vessel carrying a number of passengers limited to not more than the larger of 25 passengers or one passenger per each three meters of overall vessel length, but the material is prohibited on passenger vessels in which the limiting number of passengers is exceeded.
(5) Stowage category " $E$ " means the material may be stowed "on deck" or "under deck" on a cargo vessel and on a passenger vessel carrying a number of passengers limited to not more than the larger of 25 passengers, or one passenger per each three meters of overall vessel length, but is prohibited from carriage
on passenger vessels in which the limiting number of passengers is exceeded.
§ 172.101 [Amended]
10. In addition, in $\$ 172.101$, the following changes are made:
a. In paragraph (c)(11) introductory text, the wording " $\$ \S 173.21,173.51$, $173.56(\mathrm{~d})$, or $173.56(\mathrm{e})(1)^{\prime \prime}$ is revised to read " $\$ \S 173.21,173.51,173.56(\mathrm{~d})$. 173.56(e)(1), 173.124(a)(2)(iii) or 173.128 (c)"; and the wording "hazard class and identification number," is revised to read "hazard class, identification number, and packing group,".
b. In paragraph (c)(12)(iii), the last sentence is removed.
11. In $\S 172.101$, the Hazardous Materials Table is revised to read as follows:
§ 172.101 Purpose and use of hazardous materials table.

BILING CODE 4910-60-P
§172.101 HAZARDOUS MATERIALS TABLE

§172.101 HAZARDOUS MATERIALS TABLE-Continued


§172.101 HAZARDOUS MATERIALS TABLE-Continued


Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67413

§172.101 HAZARDOUS MATERIALS TABLE-Continued





§172.101 Hazardous Materials Table-Continued


§172.101 Hazardous Materials Table-Continued




| 产 | 彦 | \％ | 込 |  |  |  | 8 |  | ¢ ${ }_{\text {N }}^{\text {¢ }}$ | 㐫 | $\frac{8}{8}$ |  | 5\％ | $\stackrel{\text { ¢ }}{\substack{3}}$ |  | 亳 | $\frac{9}{2}$ | $\stackrel{\text { ¢ }}{\text { ¿ }}$ |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| $\overline{5}$ | $\infty$ |  | 윽 |  |  |  | $\stackrel{\text { N̈ }}{ }$ |  | $\square^{\infty}$ | $\stackrel{3}{3}$ | $\stackrel{\square}{\sim}$ | $\infty \infty$ | $\infty$ | $\infty$ |  | $\stackrel{5}{2}$ | 5 | 5 |

67420 Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations


Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67421

§172.101 HAZARDOUS MATERIALS TABLE-Continued






67424 Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations


Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67425


§172.101 Hazardous Materials Table-Continued



67428 Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations



§172.101 HaZARDOUS MATERIALS TABLE-Continued



67432 Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations


Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67433

| 1.3-Dichloroacetone Dichloroacetyl chioride | 6.1 8 | UN2649 <br> UN1765 | II | POISON CORROSIVE $\qquad$ $\qquad$ | $A 3, A 6, A 7, B 2 \text {, }$ | $\begin{array}{r} \text { None } \\ 154 \end{array}$ | $\begin{aligned} & 212 \\ & 202 \end{aligned}$ | $\begin{aligned} & 242 \\ & 242 \end{aligned}$ | $\begin{aligned} & 25 \mathrm{~kg} \text {........ } \\ & 1 \mathrm{~L} \text {.............. } \end{aligned}$ | $\begin{array}{\|l\|} 100 \mathrm{~kg} \\ 30 \mathrm{~L} \end{array} .$ | $\text { B } \quad \text {........ }$ | $\begin{aligned} & 12,40 \\ & 40 \end{aligned}$ |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Dichloroacetyl chioride |  |  |  |  | B6, N34, T8, T26. |  |  |  |  |  |  |  |
| Dichloroacetylene | Forbidden |  |  |  |  |  |  |  |  |  |  |  |
| Dichioroanilines, liquid | 6.1 | UN1590 | II | POISON | T14 .................... | None | 202 | 243 | 5 L ........... | 60 L .......... | A | 40 |
| Dichloroanilines, solid | 6.1 | UN1590 | III | POISON ............. | T14 ................... | None 153 | 212 203 | 242 | 25 kg .......... | $100 \mathrm{~kg} . . . . . .$. 220 L | A | 40 |
| o-Dichiorobenzene .. | 6.1 | UN1591 | III | KEEP AWAY FROM FOOD. | T7 ..................... | 153 | 203 | 241 | 60 L ........... | 220 L .......... | A ... |  |
| Dichlorobutene | 8 | NA2920 | 1 | CORROSIVE, FLAM- |  | None | 201 | 243 | 0.5 L .......... | 2.5 L .......... | C... | 12, 21, 25, |
| 2,2'-Dichlorodiethyl ether | 6.1 | UN1916 | II | POISON, FLAMMABLE | N33, N34, T8 .... | None | 202 | 243 | 5 L ............. | 60L .... | A ... |  |
|  |  |  |  | LIQUID. |  |  |  |  |  |  |  |  |
| Dichlorodiffuoromethane and difluoroethane azeotropic mixture with approximately 74 percent dichlonodifluoromethane. RS00 $\qquad$ | 2.2 | UN2602 |  | NONFLAMMABLE GAS |  | 306 | 304 | 314. | 75 kg | 150 kg ........ | A. |  |
|  |  |  |  |  |  |  |  | 315 |  |  |  |  |
| Dichlorodifluoromethane. | 2.2 | UN1028 |  | NONFLAMMABLE GAS |  | 306 | 304 | 314. | $75 \mathrm{~kg} . . . . . . . .$. | 150 kg ........ | A ... |  |
| Dichlorodimethyl ether, symmetrical | 6.1 | UN2249 | 1 | POISON | T25 | None | 201 | 243 | Forbidden ... | Forbidden ... | D .-. | 40 |
| 1,1-Dichloroethane ...................... | 1 | UN2362 | II | FLAMMABLE LIQUID .... | B101, 77 | 150 | 202 | 242 | 5 L ............. | 60 L ........... | B .... | 40 |
| 1,2-Dichloroethane, see Ethylene dichloride |  |  |  |  |  |  |  |  |  |  |  |  |
| Dichloroethyl sutfide | Forbidden |  |  |  |  |  |  |  |  |  |  |  |
| Dichloroethylene. | 3 | UN1150 | II | FLAMMABLE LIQUID .... | T14 ... | 150 | 202 | 242 | 5 L ........... | 150 kg ....... | A |  |
| Dichlorofluoromethane, R21 | 2.2 | UN1029 |  | NONFLAMMABLE GAS. |  | 306 | 304 | $\begin{gathered} 314, \\ 315 \end{gathered}$ | 75 kg ......... | 150 kg ........ | A .... |  |
| Dichloroisocyanuric acid, dry or Dichloroisocyanuric acid salts | 5.1 | UN2465 | II | OXIDIEER |  | 152 | 212 | 240 | $5 \mathrm{~kg} . . . . . . . .$. | 25 kg ......... | A ..... | 13 |
| Dichloroisopropyl ether .............. | 6.1 | UN2490 | II | POISON |  | None | 202 | 243 | $5 \mathrm{~L} . . . . . . . . . . .$. | 60 L .......... | B .... |  |
| Dichloromethane | 6.1 | UN1593 | III | KEEP AWAY FROM | N36, T13.. | 153 | 203 | 241 | 60 L ........... | 220 L ....... | A .... |  |
| Dichloropentanes | 3 | UN1152 | III | FLAMMABLE LIQUID | B1, T1 . | 150 | 203 | 242 | 60 L | 220 L |  |  |
| Dichlorophenyl isocyanates | 6.1 | UN2250 | II | POISON. |  | None | 212 | 242 | 25 kg ....... | $100 \mathrm{~kg} . . . . . .$. | A | 25, 40, 48 |
| Dichlorophenyltrichlorosilane ............................................................. | 8 | UN1766 | II | CORROSIVE ................ | A7, B2, B6, N34, T8. T26. | None | 202 | 242 | Forbidden ... | 30 L ......... | C.... |  |
| Dichloropropane, see Propylene dichloride |  |  |  |  |  |  |  |  |  |  |  |  |
| 1,3-Dichioropropanol-2 | 6.1 | UN2750 | 11 | POISON | T8 | None | 202 | 243 | 5 L .......... | $60 \mathrm{~L} . . . . . .$. | A... | 12, 40 |
| Dichloropropene and propylene dichloride mixture, see Propylene dichlo- |  |  |  |  |  |  |  |  |  |  |  |  |
| Dichloropropenes | 3 | UN2047 | 11 | FLAMMABLE LIQUID ..... | T8. | 150 | 202 | 242 | 5 L | 60 L. | B |  |
|  |  |  | III | FLAMMABLE LIQUID | B1, 78 | 150 | 203 | 242 | 60 L ....... | 220 L ..... | A ... |  |
| Dichlorosilane | 2.3 | UN2189 |  | POISON GAS, FLAM- | 2, B9, B14 | None | 304 | 314, 315 | Forbidden | Forbidden ... | D... | 17,40 |
|  |  |  |  | MABLE GAS, CORROSIVE. |  |  |  |  |  |  |  |  |
| Dichlorotetrafluoroethane, R114 | 2.2 | UN1958 |  | NONFLAMMABLE GAS |  | 306 | 304 | 314, | $75 \mathrm{~kg} . . . . . . . .$. | 150 kg ........ | A ...... |  |
| Dichlorovinylchloroarsine | Forbidden |  |  |  |  |  |  |  |  |  |  |  |
| Dicycloheptadiene, see 2,5-Norbornadie |  |  |  |  |  |  |  |  |  |  |  |  |
| Dicyclohexylamine ... | 8 | UN2565 | III | CORROSIVE .-......... | T8... | 154 | 203 | 241 | 5 L ............ | 60 L ........... | A ...... |  |
| Dicyclohexylarmonium | 4.1 | UN2687 | III | FLAMMABLE SOLID ..... |  | 153 150 | 213 | 240 | 25 kg ......... | 100 kg ........ | A ${ }_{\text {A }}$ A...... | 48 |
| Dicyclopentadiene | , | UN2048 | III | FLAMMABLE LQQUID .... | B1, T1 ................ | 150 152 | 203 213 | 242 | 25 Lkg ........... | $220 \mathrm{~L} . . . . . . . .$. | A |  |
| Didymium nitrate. | 5.1 | UN1465 | III | OXIDIZER .................... | A1 ...w.t.u............. | 152 None | 213 212 | 240 | 25 kg .......... | 100 kg ........... | A |  |
| Dieidrin | 6.1 | NA2761 | III | POISON ... |  | None 150 | 212 | 242 | 0.5 kg ......... | 200 $20 . . . . . . . . . . .$. | A | 40 |
| Diesel fuel | 3 | NA1993 | III | None ........................... | B1 .................. | 150 | 203 | 242 | 60 L .......... | 220 L ......... | A ....... |  |
| Diethanol Introsamine dinitrate | Fortidden |  |  |  |  |  |  |  |  |  |  |  |
| Diethoxymethane | 3 | UN2373 | II | FLAMMABLE UQUID ..... | 18 | 150 | $202$ | 242 | 5 L ............. | 60 L ........... | E |  |
| 3,3-Diethoxypropene | 3 | UN2374 | III | FLAMMABLE LIQUID .... | T1 | 150 150 | $202$ | 242 | 50 L........... | 602 . $20 . . . . . . .$. | B ....... |  |
| Diethyl carbonate. | 3 | UN2386 | III | FLAMMABLE LIQUID .... | B1, T1 ........ | 150 | 203 | 242 | $60 \mathrm{~L} . . . . . . . . .$. | 220 L ......... | A ...... |  |
| Diethyl cellosolve, see Ethylene glycol diethyl ether |  |  |  |  |  |  |  |  |  |  |  |  |
| Diethyl ether or Ethyl ether | 3 | UN115S | II | FLAMMABLE LQQUD ..... | T1 21 ................... | 150 150 | 201 | 242 | $5 \mathrm{~L} . . . . . . . . . . . . . . . . ~$ | 60 L ............. | E | 40 |
| Diethyl ketone ..... | Forbidden ${ }^{3}$ | UN1156 | II | FLAMMABLE LIQUID ..... | T1 ...................... | 150 | 202 | 242 | SL ............. | 60 L ............ | . |  |
|  | 6.1 | UN1594 | II | POISON ... | B101, T14.. | None | 202 | 243 | 5 L ............ | 60 L .......... | C ...... |  |
| Diethyl sulfide | 3 | UN2375 | 11 | FLAMMABLE LIQUID ..... | B101. 114 | None | 202 | 243 | 1 L ............ | 60 L ......... | E |  |
| Diethylamine | 3 | UN1154 | 11 | FLAMMABLE LIQUID, | B101, N34, T8 .. | None | 202 | 243 | 1 L .... | $5 \mathrm{~L} . . .$. | E ... | 40 |
| thylaminoethanol | 3 | UN2686 | III | FLAMMABLE LQUID ..... | B1, T1 | 150 | 203 | 242 | 60 L | 220 L | A ....... |  |
| Diethylaminopropylamine | 3 | UN2684 | III | FLAMMABLE LIQUID. | B1, T8 .............. | 150 | 203 | 242 | 5 L ............ | 60 L ........... | A .... |  |
|  |  |  |  | CORROSIVE. |  |  |  |  |  |  |  |  |
| N,N-Diethylaniline | 6.1 | UN2432 | III | KEEP AWAY FROM | T2 ......... | 153 | 203 | 241 | 60 L ........... | 220 L ......... | .... |  |
| Diethylbenzene | 3 | UN2049 | III | FLAMMABLE LIQUID ..... | B1, T1 | 150 | 203 | 242 | 60 L | 220 L ......... | A ... |  |
| Diethyldichiorosilane | 8 | UN1767 | II | CORROSIVE, FLAMMABLE LIOUID. | A7, B6, B100. N34, T8, T26. | None | 202 | 243 | Forbidden ... | 30 L .......... | C... | 40 |
| Diethylene glycol dinitrate | Forbidden |  |  |  |  |  |  |  |  |  |  |  |
| Diethyleneglycol dinitrate, desensitized with not less than 25 percent nonvolatile water-insoluble phlegmatizer, by mass <br> Diethylenetriamine $\qquad$ | 1.10 8 | UN0075 | II | EXPLOSIVE 1.1D CORROSIVE $\qquad$ $\qquad$ | , 1 | $\begin{array}{r} \text { None } \\ 154 \end{array}$ | $\begin{array}{r} 62 \\ 202 \end{array}$ | $\begin{array}{r} \text { None } \\ 242 \end{array}$ | Forbidden ... 1 L $\qquad$ | Forbidden ... $30 \mathrm{~L}$ $\qquad$ | B | $\begin{aligned} & 1 \mathrm{E}, 4 \mathrm{E}, 211 \\ & 40 \end{aligned}$ |

§172.101 Hazardous Materials Table-Continued




§172.101 Hazardous Materials Table-Continued


Federal Register / Vol. 59, No, 249 / Thursday, December 29, 1994 / Rules and Regulations 67437

§172.101 HAZARDOUS MATERIALS TABLE-Continued


Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67439



Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67441


67442 Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations
§172.101 HAZARDOUS MATERIALS TABLE-Continued


Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67443

§172.101 HAZARDOUS MATERIALS TABLE-Continued


§172.101 HaZardous Materials Table-Continued


Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67447


67448 Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations


Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67449


67450 Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations
§172.101 HaZARDOUS MATERIALS TABLE-Continued


Federal Register / Vol. 59, No. 249 / Thursday, December 29, $1994 /$ Rules and Regulations 67451

§172.101 Hazardous Materials Table-Continued

Federal Register / Vol, 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67453


67454 Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations
§172.101 Hazardous Materials Table-Continued


Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67455

§172.101 Hazardous Materials Table-Continued

| Hazardous materials descriptions and proper shipping names | Hazard class or Division <br> (3) | Identification Numbers <br> (4) | Packing group <br> (5) | Label(s) required (if not excepted) <br> (6) | Special provisions <br> (7) | (8) <br> Packaging authorizations (\$173.") |  |  | (9) Quantity limitations |  | (10) <br> Vessel stowage requirements |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  |  |  |  | Exceptions <br> (8A) | Nonbulk packaging <br> (8B) | Bulk packaging <br> (8C) | Passenger aircraft or railcar <br> (9A) | Cargo aircraft only <br> (9B) | Vessef stowage (10A) | Other stowage provisions (10B) |
| Natural gases (with high methane content), see Methane, etc. (UN 1971, UN 1972)$\qquad$ Neohexane, see Hexanes$\qquad$ |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | 2.2 | UN1065 |  | NONFLAMMABLE GAS |  | 306 | 302 | 302 | $75 \mathrm{~kg} . . . . . . . .$. | $150 \mathrm{~kg} . . . . . .$. | A ...... |  |
|  | 2.2 | UN1913 |  | NONFLAMMABLE GAS |  | 320 | 316 | None | 50 kg .......... | 500 kg ........ | B ....... |  |
|  | 6.1 | UN1259 | 1 | POISON, FLAMMABLE |  | None | 198 | None | Forbidden ... | Forbidden ... | D ...... | 18,40 |
|  |  |  |  | LIQUID. |  |  |  |  |  |  |  |  |
| Nickel Cyanide ........................................................................................... | 6.1 | UN1653 | III | POISON | N74, N75 ............ | None | 212 | 242 | 25 kg ......... | $100 \mathrm{~kg} . . . . . .$. | A ...... | 26 |
|  | 5.1 5.1 | UN2725 | IIII | OXIDIZER .................... | A1 .................... | 152 152 | 213 213 | 240 | 25 kg 25 kg ............ | $\begin{aligned} & 100 \mathrm{~kg} . . . . . . . \\ & 100 \mathrm{~kg} . . . . . . . \end{aligned}$ | A | 56,58 |
| Nickel picrate .................................................................................................................................................. | Forbidden |  |  | OXIDIZER ...................... |  | 162 |  |  |  |  |  |  |
| Nicotine .- | 6.1 | UN1654 | 11 | POISON ..................... |  | None | 202 | 243 | 5 L ............ | 60 L ........... | A ...... |  |
|  | 6.1 | UN3144 | 1 | POISON | A4, T42 | None | 201 | 243 | 1 L ............. | 30 L ........... | B | 40 |
|  |  |  | II | POISON ............. |  | None | 202 | 243 | 5 L ............ | ${ }^{620 \mathrm{~L}}$. ........... | B |  |
|  |  |  | iii | KEEP AWAY FROM FOOD. | T7 .................... | 153 | 203 | 241 | 60 L ........... | 220 L ......... | B ....... |  |
| Nicotine compounds, solid, n.o.s, or Nicotine preparations, solid, n.o.s. ..... | 6.1 | UN1655 | 1 | POISON |  | None | 211 | 242 | 5 kg ........... | $50 \mathrm{~kg} . . . . . . . .$. | B ...... |  |
|  |  |  | 11 | POISON. |  | None | 212 | 242 | $25 \mathrm{~kg} . . . . . . .$. | 100 kg ........ | A |  |
|  |  |  | III | KEEP AWAY FROM |  | 153 | 213 | 240 | 100 kg ........ | 200 kg ........ | A ...... |  |
|  | 6.1 | UN1656 | II | POISON |  | None | 202 | 243 | 5 L ............ | 60 L .......... | A ...... |  |
| Nicotine hydrochioride or Nicotine hydrochioride solution Nicotine salicylate $\qquad$ $\qquad$ | 6.1 | UN1657 | 11 | POISON ........................ |  | None | 212 | 242 | $25 \mathrm{~kg} . . . . . . . .$. | 100 kg ........ | A ...... |  |
| Nicotine sulfate, solid ....................................................................... | 6.1 | UN1658 | 11 | POISON ...................... |  | None | 212 | 242 | 25 kg ......... | 100 kg ....... | A |  |
| Nicotine sulfate, solution ...........................................-...................... | 6.1 | UN1658 | II | POISON ...................... | T14... | None | 202 | 243 | 5 L ............. | 60 L ........... | A ....... |  |
| Nicotine tartrale <br> Nitraled paper (unstable) $\qquad$ $\qquad$ | 6.1 | UN1659 | 11 | POISON |  | None | 212 | 242 | 25 kg .......... | 100 kg ....... | A ....... |  |
| Nitrates, inorganic, aqueous solution, n.o.s. | Forbidden 5.1 | UN3218 | II | OXIDIZER |  | 152 | 202 | 242 | $1 \mathrm{~L} . . . . . . . . . . .$. | 5 L ............. | B ....... | 46 |
|  |  |  | III | OXIDIZER |  | 152 | 203 | 241 | 2.5 L .......... | 30 L ........... | B ...... | 46 |
|  | 5.1 | UN1477 | II | OXIDIZER |  | 152 | 212 | 240 | 5 kg ........... | 25 kg ......... | A ...... | 46 |
|  |  |  | III | OXIDIZER |  | 152 | 213 | 240 | 25 kg .......... | 100 kg ....... | A ...... | 46 |
| Nitrates of diazonlum compounds$\qquad$ Nitrating acid mixtures, spent with more than 50 percent nitric acid$\qquad$ Nitrating acid mixtures spent with not more than 50 percent nitric acid$\qquad$ | 8 | UN1826 | 1 | CORROSIVE, OXIDIZER | T12, 127 | None | 158 | 243 | Forbidden ... | 2.5 L .......... | D ...... | 40,66 |
|  | 8 | UN1826 | II | CORROSIVE ................ | $\mathrm{B2}, \mathrm{~B} 100, \mathrm{~T} 12$, T 27. | None | 158 | 242 | Forbidden ... | 30 L ........... | D ....... |  |
| Nitrating acid mixtures with more than 50 percent nitric acid Nitrating acid mixtures with not more than 50 percent nitric acid$\qquad$$\qquad$ Nifric acid other than red fuming, with more than 70 percent nitric acid ..... | 8 | UN1796 | 1 | CORROSIVE, OXIDIZER | T12, $727 \ldots$ | None | 158 | 243 | Forbidden ... | 2.5 L .......... | D ...... | 40,66 |
|  | 8 | UN1796 | II | CORROSIVE ............... | B2, T12, T27 | None | 158 | 242 | Forbidden ... | 30 L .......... | D ...... |  |
|  | 8 | UN2031 | 1 | CORROSIVE ................ | B12, B47, B53, T9, 127. | None | 158 | 243 | Forbidden ... | 2.5 L .......... | D ...... | 44, 66, 89, $90,110,111$ |
| Nitric acid other than red tuming, with not more than 70 percent nitric acid | 8 | UN2031 | 11 | CORROSIVE ................ | B2, B12, B47. | None | 158 | 242 | Forbidden ... | $30 \mathrm{~L} . . . . . . . . .$. | D ...... | $44,66,89 \text {, }$ |
| Nitric acid, red fuming ......................................................................... | 8 | UN2032 | 1 | CORROSIVE, OXI- | 2, B9, B32, 874, | None | 227 | 244 | Forbidden ... | Forbidden ... | D ... | 40, 66, 74. |
| Nitric oxide | 2.3 | UN1660 |  | OIZER, POISON. | T38, T43, T45, 1, 25, B12, B37, | None | 337 | None | Forbidden | Forbidden ... |  | $\begin{aligned} & 89,90 \\ & 40,89,90 \end{aligned}$ |
|  |  |  |  | DIZER, CORROSIVE. | B46, B50, B60, B77. |  |  |  |  |  |  |  |
| Nitric oxide and dinitrogen tetroxide mixtures or Nitric oxide and nitrogen dioxide mixtures$\qquad$ | 2.3 | UN1975 |  | POISON GAS, OXI- | 1, 25, B7, 89, | None | 337 | None | Forbidden ... | Forbidden :-. | D ...... | 40, 89, 90 |
|  |  |  |  | DIZER, CORROSIVE. | B12, B14, B45. B46, B61, B66, B67, B77. |  |  |  |  |  |  |  |
| Nitries, flammable, toxic, n.o.s. ....................................................... | 3 | UN3273 | 1 | FLAMMABLE LIQUID. |  | None | 201 | 243 | Forbidden ... | 30 L | E ...... | 40,52 |
|  |  |  | 11 | FLAMMABLE LIOUID, | 14 | None | 202 | 243 |  | 60 L ........... | B ... | 40,52 |
| Nitries, toxic, flammable, n.0.s. ........................................................... |  |  |  | POISON. |  |  |  |  |  |  |  |  |
|  | 6.1 | UN3275 | 1 | POISON, FLAMMABLE |  | None | 201 | 243 | 1 L ............. | 30 L ............ | B ....... | 40 |
|  |  |  | 11 | POISON, FLAMMABLE | T14 | None | 202 | 243 |  |  |  | 40 |
|  |  |  |  | LIQUID. |  |  |  |  |  |  |  |  |
|  | 6.1 | UN3276 | 1 | POISON. |  | None | 201 | 243 | 1 L ............ | 30 L ........... | B |  |
|  |  |  | II | POISON ..................... | T14 .................. | None | 202 | 243 | 5 L ............. | 60 L ........... | B ....... |  |
|  |  |  | III | KEEP AWAY FROM | 17 ................ | 153 | 203 | 241 | 60 L ........... | 220 L .......... | A ....... |  |

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Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67457

§172.101 HAZARDOUS MATERIALS TABLE-Continued


§172.101 HAZARDOUS MATERIALS TABLE-Continued


Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67461


67462 Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations


§172.101 HAZARDOUS MATERIALS TABLE-Continued



67466 Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations


Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67467

§172.101 HAZARDOUS MATERIALS TABLE-Continued


§172.101 Hazardous Materials Table-Continued


§172.101 HAZARDOUS MATERIALS TABLE-Continued


Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67473






Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67475


67476 Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations






Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67479

§172.101 HaZARDOUS MATERIALS TABLE-Continued

| Symebolschen | Hazardous materials descriptions and proper shipping names | Hazard class or $\mathrm{Di}-$ vision <br> (3) | Identification Num. bers | Packing group | Label(s) required (if not excepted) <br> (6) | Special provisions | $\qquad$ |  |  | (9) Quantity limitations |  | (10) <br> Vessel stowage requirements |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  |  |  |  |  | Exceptions <br> (8A) | Nonbulk paokaging (8B) | Bulk packaging (8C) | Passenger aircraft or railcar <br> (9A) | Cargo aircraft only <br> (9B) | Vessel stowage (10A) | Other stowage provisions (10B) |
|  | Triethylamine | 3 | UN1296 | 11 | FLAMMABLE LIQUID, CORROSIVE | B101, T8 ............. | None | 202 | 243 | 1 L ............ | 5 L ............. | B ...... | 40 |
|  | Triethylenetetramine | 8 | UN2259 | 1 | CORROSIVE, ............... | B2, T8 ............... | 154 | 202 | 242 | 1L............. | 30 L ........... | B ...... |  |
|  | Trifuoroacetic acid ...................................................................... | 8 | UN2699 | 1 | CORROSIVE ................, | $A 3, A 6, A 7, B 4$, | None | 201 | 243 | 0.5 L .........., | $2.5 \mathrm{~L} . . . . . . . .$ | B ...... | $12,40$ |
|  | Trifuoroacetyl chloride | 2.3 | UN3057 |  | POISON GAS ................ | 2, 25, B9, $314 . . .$. | None | 304 | 314, | Forbidden .-. | Forbidden ... | D ......, | 40 |
|  | Trifuorochloroethylene, inhibited, R1113 | 2.3 | UN1082 |  | POISON GAS ............... | 3, 25, 814 ........... | None | 304 | 314, | Forbidden ... | 150 kg ........ | B ...... | 40 |
|  | Trifluoroethane, compressed, R143 | 2.1 | UN2035 |  | FLAMMABLE GAS ........, |  | 306 | 304 | 314 | Forbidden ... | 150 kg ........ | B ...... | 40 |
|  | Tuflueromethane | 2.2 | UN1984 |  | NONFLAMMABLE GAS , |  | 306 | 304 | $\begin{aligned} & 314, \\ & 315 \end{aligned}$ | $75 \mathrm{~kg} . . . . . . . . . .$. | 150 kg ........ | A ...... |  |
| D | Trifuoromethane and ehlorotrifluoromethane mixture (constant boilling mixu ture) (R-509). See Refrigerant gases, n.0.s. $\qquad$ |  |  |  |  |  |  |  |  |  |  |  |  |
|  | Trifuoromethane. refrigerated liquid ................................................... | 2.2 | UN3138 |  | NONFLAMMABLE GAS, |  | 306 | None | 314, 315 | 50 kg .......... | 500 kg ........ | D ....... |  |
|  | 2-Trifuoromethylaniline | 6.1 | UN2942 | III | KEEP AWAY RROM |  | 153 | 203 | 241 | 60 L ........... | 220 L . | A ....... |  |
|  | 3-Trifuoromethylaniline | 6.1 | UN2948 | 11 | POISON ...................... | T14.. | None | 202 | 243 | 54............. | 60 L ........... | A ........ | 40 |
|  | Triformoxime trinitrate ....................................................................................................................................... | Orbidden | UN2324 | 1 II | FLAMMABLE LIQUID .... | B1, 77, T30 .......... | 150 | 203 | 242 | 60 L | 220L ......... | A |  |
|  | Trisocyanatoiscoyanurate of isophoronedilsceyanate, solution, with 70 per- |  |  |  |  |  |  |  |  |  |  |  |  |
| D | Trimethoxysilane |  |  | III | FLAMMABLE LIQUID ..... | B1, T8, T31....... | 150 | 203 | 242 | 60 L .......... | 220 L ........ | A |  |
|  |  | 6.1 | Na9269 | 1 | POIBON, FLAMMABLE LIQUID. | 2, B9, B14, 832, <br> B74, T38, T43. | None | 227 | 244 | Forbidden ... | Forbidden ... | E....... | 40 |
|  | Timethyl borate | 3 | UN2416 | 11 | FLAMMABLE LIQUID .... | T14. | 150 | 202 | 242 | $5 \mathrm{~L} . . . . . . . . . . .$. | 60L ........... | B ...... |  |
|  | Trimethyl phosphite | 3 | UN2329 | III | FLAMMABLE LIQUID ..... | B1, T1 ..... | 150 | 203 | 242 | 60 L ........... | 220 L .......... | A ....... |  |
|  |  | 6.1 | UN2438 | 1 | POISON, CORROSIVE, | 2, A3, A6, A7, 83, | None | 227 | 244 | Forbiddon -.. | Forbidden ... | D ....an | 25,40 |
|  |  |  |  |  | FLAMMABLE LIQUID. | B9, B14, B32, B74, N34, T38, T43, T45. |  |  |  |  |  |  |  |
|  | Trimethylamine, anhydrous | 2.1 | UN1083 |  | FLAMMABLE GAS ........ |  | 306 | 304 | 314. | Forbidden ... | 150 kg ........ | B ....... | 40 |
|  | Trimethylamine, aqueous solutions with not more than 50 percent |  |  |  |  | - |  |  |  |  |  |  |  |
|  | trimethylamine by mass .............................................................. | 3 | UN1297 | 1 | FLAMMABLE LIQUID. | T42 ................... | None | 201 | 243 | 0.5 L .......... | 25 L ........ | D ....... | 40, 41 |
|  |  |  |  | 11 | FLAMMMABLE UQUID. | B1, T14 ............. | None | 202 | 243 | 15 | 5 | B ... | 40, 41 |
|  |  |  |  |  | CORROSIVE. |  |  |  |  |  |  |  |  |
|  |  |  |  |  | CORROSIVE, |  | 150 | 20 |  |  |  |  |  |
|  | 1,3,5-Trimethylbenzene | 3 | UN2325 | III | FLAMMABLE LIQUID. | B1, T1 | None | 203 | 242 | 60 L ........... | 220 L .......... | A ...... |  |
|  | Trimethylchiorosilane .. | , | UN1298 | 11 | FLAMMABLE LIQUID. CORROSIVE. | A3, A7, B77, N34, T14, T26. | None | 202 | 243 | 1 L ............. | 51............ | E ...... | 40 |
|  | Trimethylcyclohexylamine | 8 | UN2326 | III | CORROSIVE ................. | T2 .................... | 154 | 203 | 241 | 5 L ............. | 60 L ........... | A ...... |  |
|  | Trimethylene glycol dipenchiorate | Forbidden 6.1 | UN2328 | 111 |  |  | 153 | 203 | 241 | 60 L | 220 L | B |  |
|  | Trimethyinexamethyiene dirs $\alpha$ |  |  |  | FOOD. |  |  |  |  |  | 20L | A |  |
|  | Trimethylhexamethylenediamines | 8 | UN2327 | III | CORROSIVE ................ | 77 | 154 | 203 | 241 | 5 L ........... | 60 L ............ | A .... |  |
|  | Trimethylol nitromethane trinitrate <br> Trinitro-meta-cresol | Forbidden | UN0216 | 11 | EXPLOSIVE 1.10............... |  | None | 62 | None | Forbidden.... | Forbidden ... | B ....... | 1E, 5E |
|  | 2,4,6-Tinitro-1,3-diauobenzene ........................................................ | Forbidden | (1......... |  |  | ...ex.u. |  |  |  | ............ | .............. | .......... |  |
|  | 2,4,6-Tinitro-1,3,5-triazido benzene (dy) | Forbidden | ............ |  | …….......................... | .................. |  |  |  | ........ | ........ | ......... |  |
|  | Trinifroacetic acid. | Forbidden | .......... |  | . | .... |  |  |  | .................. | .................. | .......... |  |
|  | Trinitroacetonitrile | Forbidden | ........... |  |  | .................... |  |  |  | ................... | .................. | .......... |  |
|  | Trinitroamine cobalt ........ | Forbiden | UNO153 | 11 | Explosive 1,10 | ........................... | None |  | None |  | Forbidden ... | B |  |
|  | Trinitroanisole ....... | 1,10 | UN0213 | II | EXPLOSIVE 1,10... | ....................... | None | 62 | None | Forbidden ... | Forbidden | B | 1E, 5E |
|  | Trinitrobenzene, dry or wetted with | 1.10 | UNO214 | 11 | EXPLOSIVE 1.10.. | ............................. | None | 62 | None | Forbidden | Forbidden | B | 1E, 5E |


§172.101 Hazardous Materials Table-Continued


Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67483


67484 Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations

12. In Appendix B to $\S 172.101$, two notes are added to the notes preceding the List of Marine Pollutants to read as follows:

## Appendix B to $\$ 172.101$-List of Marine Pollutants

*     *         *             *                 * 

4. If a material not listed in this appendix meets the criteria for a marine pollutant, as provided in the General Introduction of the IMDG Code, Guidelines for the Identification of Harmful Substances in Packaged Form, the material may be transported as a marine pollutant in accordance with the applicable requirements of this subchapter.
5. If approved by the Associate

Administrator for Hazardous Materials Safety, a material listed in this appendix which does not meet the criteria for a marine pollutant, as provided in the General Introduction of the IMDG Code, Guidelines for the Identification of Harmful Substances in Packaged Form, is excepted from the requirements of this subchapter as a marine pollutant.

## 13. In addition, in Appendix B to

§172.101, the List of Marine Pollutants is amended by removing the entry "Ammonium arsenate" and adding the following entries to the List of Marine Pollutants in appropriate alphabetical order to read as follows:

Appendix B to § 172.101-List of Marine Pollutants

| S.M.P.-(1) Marine pollutant-(2) |
| :--- | :--- |
| [ADD:] |

## Acetal.

Alkyl (C12-C14) dimethylamine.
Alkyl (C7-C9) nitrates.
n-Amylbenzene.
Benomyl.
Bromoacetone.
1-Butanethiol.
n-Butyl butyrate.
Carbendazim.
Chloroacetone, stabilized.
2-Chloro-6-nitrotoluene. alpha-Chioropropylene.
Copper arsentate.
Copper chloride (solution).
Copper metal powder.
Cupric suliate.
PP
............. 1,5,9-Cyclododecatriene. Decyloxytetrahydrothiophene dioxide.
PP $\qquad$ Diethylbenzenes (mixed isomers).
Diisopropylnaphthalene.
Dimethyl glyoxal (butanedione).
Dimethyl sulphide.
4,4'-Diaminodiphenyimethane.

14. In §172.102, in paragraph (c)(1), Special Provisions 25 and 41 are removed, Special Provisions 16 and 23 are revised, and Special Provisions 24, $26,32,34$ through $37,39,40,43$ through 52, and 54 are added; in paragraph (c)(2), Special Provision A33 is removed; and in paragraph (c)(3) Special Provisions B53 and B110 are revised to read as follows:

## §172.102 Special provisions.

(c) * * *
16. This description applies to smokeless powder and other solid propellants that are used as powder for small arms and have been classed as Division 1.3 and 4.1 in accordance with \$173.56 of this subchapter.
23. This material may be transported under the provisions of Division 4.1
only if it is so packed that the percentage of diluent will not fall below that stated in the shipping description at any time during transport.
24. Alcoholic beverages containing more than 70 percent alcohol by volume must be transported as materials in Packing Group II. Alcoholic beverages containing more than 24 percent but not more than 70 percent alcohol by volume must be transported as materials in Packing Group III.
26. This entry does not include ammonium permanganate, the transport of which is prohibited except when approved by the Associate Administrator for Hazardous Materials Safety.
32. These beads are made from polystyrene, poly(methyl methacrylate) or other polymeric material.
34. The commercial grade of calcium nitrate fertilizer, when consisting mainly of a double salt (calcium nitrate and ammonium nitrate) containing not more than 10 percent ammonium nitrate and at least 12 percent water of crystallization, is not subject to the requirements of this subchapter.
35. Antimony sulphides and oxides which do not contain more than 0.5 percent of arsenic calculated on the total mass are not subject to the requirements of this subchapter.
36. The maximum net quantity per package is 5 liters ( 1 gallon) or 5 kg ( 11 pounds).
37. Unless it can be demonstrated by testing that the sensitivity of the substance in its frozen state is no greater than in its liquid state, the substance must remain liquid during normal transport conditions. It must not freeze at temperatures above $-15^{\circ} \mathrm{C}\left(5^{\circ} \mathrm{F}\right)$.
39. This substance may be carried under provisions other than those of Class 1 only if it is so packed that the percentage of water will not fall below that stated at any time during transport. When phlegmatized with water and inorganic inert material, the content of urea nitrate must not exceed 75 percent by mass and the mixture should not be capable of being detonated by test 1 (a)(i) or test 1 (a) (ii) in the UN
Recommendations Tests and Criteria. 40. Polyester resin kits consist of two components: a base material (Class 3, Packing Group II or III) and an activator (organic peroxide), each separately packed in an inner packaging. The organic peroxide must be type D, E, or F , not requiring temperature control, and be limited to a quantity of 125 ml
( 4.22 ounces) per inner packaging if liquid, and 500 g ( 1 pound) if solid. The components may be placed in the same outer packaging provided they will not interact dangerously in the event of leakage. Packing group will be II or III, according to the criteria for Class 3, applied to the base material.
43. The nitrogen content of the nitrocellulose must not exceed 11.5 percent. Each single filter sheet must be packed between sheets of glazed paper. The portion of glazed paper between the filter sheets must not be less than 65 percent, by mass. The membrane filters/ paper arrangement must not be liable to propagate a detonation as tested by one of the tests described in the UN Recommendations, Tests and Criteria, Part I, Test series 1 (a).
44. The formulation must be prepared so that it remains homogeneous and does not separate during transport. Formulations with low nitrocellulose contents and neither showing dangerous properties when tested for their ability to detonate, deflagrate or explode when heated under defined confinement by the appropriate test methods and criteria in the UN Recommendations, Tests and Criteria, nor being a flammable solid when tested in accordance with Appendix E to Part 173 of this subchapter (chips, if necessary, crushed and sieved to a particle size of less than 1.25 mm ) are not subject to this subchapter.
45. Temperature should be maintained between $18^{\circ} \mathrm{C}\left(64.4^{\circ} \mathrm{F}\right)$ and $40^{\circ} \mathrm{C}\left(104^{\circ} \mathrm{F}\right)$. Tanks containing solidified methacrylic acid must not be reheated during transport.
46. This material must be packed in accordance with packing method OP6B (see § 173.225 of this subchapter). During transport, it must be protected from direct sunshine and stored (or kept) in a cool and well-ventilated place, away from all sources of heat.
47. Mixtures of solids which are not subject to this subchapter and flammable liquids may be transported under this entry without first applying the classification criteria of Division 4.1, provided there is no free liquid visible at the time the material is loaded or at the time the packaging or transport unit is closed. Each packaging must correspond to a design type that has passed a leakproofness test at the Packing Group II level.
48. Mixtures of solids which are not subject to this subchapter and toxic liquids may be transported under this entry without first applying the classification criteria of Division 6.1, provided there is no free liquid visible
at the time the material is loaded or at the time the packaging or transport unit is closed. Each packaging must correspond to a design type that has passed a leakproofness test at the Packing Group II level. This entry may not be used for solids containing a Packing Group I liquid.
49. Mixtures of solids which are not subject to this subchapter and corrosive liquids may be transported under this entry without first applying the classification criteria of Class 8, provided there is no free liquid visible at the time the material is loaded or at the time the packaging or transport unit is closed. Each packaging must correspond to a design type that has passed a leakproofness test at the Packing Group II level.
50. Cases, cartridge, empty with primer which are made of metallic or plastic casings and meeting the classification criteria of Division 1.4 are not regulated for domestic
transportation.
51. This description applies to items previously described as "Toy propellant devices, Class $C^{\prime \prime}$ and includes reloadable kits.
52. Ammonium nitrate fertilizers may not meet the definition and criteria of Class 1 (explosive) material (see § 173.150 of this subchapter).
54. Maneb or maneb preparations not meeting the definition of Division 4.3 or any other hazard class are not subject to the requirements of this subchapter when transported by motor vehicle, rail car, or aircraft.
(c) * * *
$(3) * * *$
(3) *

B53 Except for IBCs, packagings must be made of either aluminum or steel.

B110 This material also may be packaged in IBCs authorized in $\S 173.242(\mathrm{~d})$ of this subchapter.
15. In $\S 172.203$, the list of shipping names in paragraph $(\mathrm{k})(3)$ is revised and new paragraphs (1)(3) and (0) are added to read as follows:

## §172.203 Additional description requirements.

## (k) * * * <br> (3) * * *

Alcoholates solution, n.o.s., in alcohol
Alcohols, toxic, n.o.s.
Aldehydes, toxic, n.o.s.
Alkali metal alcoholates, self-heating, corrosive, n.o.s.

Alkaline earth metal alcoholates, n.o.s.
Amines, flammable, corrosive, n.o.s. or Polyamines, flammable, corrosive, n.o.s.
Amines, liquid, corrosive, flammable, n.o.s. or Polyamines, liquid, corrosive, flammable, n.o.s.
Amines, liquid, corrosive, n.o.s. or
Polyamines, liquid, corrosive, n.o.s.
Amines, solid, corrosive, n.o.s. or
Polyamines, solid, corrosive, n.o.s.
Articles, explosive, n.o.s.
Caustic alkali liquids, n.o.s.
Charges, propelling
Chloroformates, toxic, corrosive, n.o.s.
Combustible liquid, n.o.s.
Components, explosive train, n.o.s.
Compounds, cleaning liquid, corrosive, flammable, toxic
Compounds, tree or weed killing, liquid, flammable, corrosive, toxic
Compressed or Liquefied gases, flammable, n.o.s.

Compressed or Liquefied gases, n.o.s.
Compressed or Liquefied gases, oxidizing, n.o.s.

Compressed or Liquefied gases, toxic, flammable, n.o.s.
Compressed or Liquefied gases, toxic, n.o.s.
Contrivances, water-activated
Corrosive, liquid, acidic, inorganic or organic, n.o.s.
Corrosive, liquid, basic, inorganic or organic, n.o.s.

Corrosive liquids, flammable, n.o.s.
Corrosive liquids, n.o.s.
Corrosive liquids, oxidizing, n.o.s.
Corrosive liquids, toxic, n.o.s.
Corrosive liquids, water-reactive, n.o.s.
Corrosive, solid, acidic, inorganic or organic, n.o.s.

Corrosive, solid, basic, inorganic or organic, n.o.s.

Corrosive solids, flammable, n.o.s.
Corrosive solids, n.o.s.
Corrosive solids, oxidizing, n.o.s.
Corrosive solids, self-heating, n.o.s.
Corrosive solids, toxic, n.o.s.
Corrosive solids, water-reactive, n.o.s.
Disinfectants, liquid, corrosive, n.o.s.
Disinfectants, liquid, toxic, n.o.s.
Disinfectants, solids, toxic, n.o.s.
Dispersant gas, n.o.s.
Dyes, liquid, corrosive, n.o.s. or Dye intermediates, liquid, corrosive, n.o.s.
Dyes, liquid, toxic, n.o.s. or Dye intermediates, liquid, toxic, n.o.s.
Dyes, solid, corrosive, n.o.s. or Dye intermediates, solid, corrosive, n.o.s.
Dyes, solid, toxic, n.o.s. or Dye intermediates, solid, toxic, n.o.s.
Environmentally hazardous substances, liquid or solid, n.o.s.
Flammable gases, solid, corrosive, n.o.s.
Flammable liquids, corrosive, n.o.s.
Flammable liquids, n.o.s.
Flammable liquids, toxic, corrosive, n.o.s.
Flammable liquids, toxic, n.o.s.
Flammable solids, corrosive, organic or inorganic, n.o.s.
Flammable solids, organic, molten, n.o.s.
Flammable solids, organic or inorganic, n.o.s.
Flammable solids, toxic, organic or inorganic, n.o.s.

Halogenated irritating liquids, n.o.s.
Hazardous waste, liquid or solid, n.o.s.
Hydrocarbons, liquid, n.o.s.

Infectious substances, affecting animals
Infectious substances, affecting humans
Insecticide gases, n.o.s.
Insecticide gases, toxic, n.o.s.
Isocyanates, flammable, toxic, n.o.s. or Isocyanates solutions, flammable, toxic, n.o.s.

Isocyanates, toxic, flammable, n.o.s. or Isocyanates solutions, toxic, flammable, n.o.s.

Medicines, liquid, flammable, toxic, n.o.s.
Medicines, liquid, toxic, n.o.s.
Medicine, solid, toxic, n.o.s.
Metal powder, self-heating, n.o.s.
Metal salts of organic compounds, flammable, n.o.s.
Metallic substance, water-reactive, n.o.s.
Metallic substance, water-reactive, selfheating, n.o.s.
Nitriles, flammable, toxic, n.o.s.
Nitriles, toxic, flammable, n.o.s.
Nitriles, toxic, n.o.s.
Organic peroxide type B, liquid
Organic peroxide type B, liquid, temperature controlled
Organic peroxide type B, solid
Organic peroxide type B, solid, temperature controlled
Organic peroxide type C, liquid
Organic peroxide type C , liquid, temperature controlled
Organic peroxide type C, solid
Organic peroxide type C, solid, temperature controlled
Organic peroxide type D, liquid
Organic peroxide type $D$, liquid, temperature controlled
Organic peroxide type D, solid
Organic peroxide type D, solid, temperature controlled
Organic peroxide type E, liquid
Organic peroxide type E, liquid, temperature controlled
Organic peroxide type E, solid
Organic peroxide type E, solid, temperature controlled
Organic peroxide type F, liquid
Organic peroxide type F, liquid, temperature controlled
Organic peroxide type F, solid
Organic peroxide type F , solid, temperature controlled
Organometallic compound, toxic, n.o.s.
Organometallic compound dispersion, waterreactive, flammable, n.o.s.
Organometallic compound solution, waterreactive, flammable, n.o.s.
Other regulated substances, liquid, n.o.s.
Other regulated substances, solid, n.o.s.
Oxidizing liquid, corrosive, n.o.s.
Oxidizing liquid, n.o.s.
Oxidizing liquid, toxic, n.o.s.
Oxidizing solid, corrosive, n.o.s.
Oxidizing solid, flammable, n.o.s.
Oxidizing solid, n.o.s.
Oxidizing solid, self-heating, n.o.s.
Oxidizing solid, toxic, n.o.s.
Oxidizing solid, water-reactive, n.o.s.
Pesticides, liquid, flammable, toxic, n.o.s.
Pesticides, liquid, toxic, flammable, n.o.s.
Pesticides, liquid, toxic, n.o.s.
Pesticides, solid, toxic, n.o.s.

Propellant, liquid
Propellant, solid
Pyrophoric liquids, organic or inorganic, n.o.s.

Pyrophoric metals, n.o.s, or Pyrophoric alloys, n.o.s.
Pyrophoric organometallic compound, n.o.s.
Pyrophoric solids, organic or inorganic, n.o.s.
Refrigerant gases, n.o.s.
Samples, explosive (other than initiating explosives)
Self-heating liquid, corrosive, inorganic, n.o.s.

Self-heating liquid, corrosive, organic, n.o.s.
Self-heating liquid, inorganic, n.o.s.
Self-heating liquid, organic, n.o.s.
Self-heating liquid, toxic, inorganic, n.o.s.
Self-heating liquid, toxic, organic, n.o.s.
Self-heating solid, corrosive, inorganic, n.o.s.
Self-heating solid, corrosive, organic, n.o.s.
Self-heating solid, organic or inorganic, n.o.s.
Self-heating solid, oxidizing, n.o.s.
Self-heating solid, toxic, organic or inorganic, n.o.s.

Self-reactive liquid type B
Self-reactive liquid type B, temperature controlled
Self-reactive liquid type C
Self-reactive liquid type C, temperature controlled
Self-reactive liquid type D
Self-reactive liquid type D, temperature controlled
Self-reactive liquid type E
Self-reactive liquid type E, temperature controlled
Self-reactive liquid type $F$
Self-reactive liquid type F , temperature controlled
Self-reactive solid type B
Self-reactive solid type B, temperature ${ }^{*}$ controlled
Self-reactive solid type C
Self-reactive solid type C, temperature controlled
Self-reactive solid type D
Self-reactive solid type D, temperature controlled
Self-reactive solid type E
Self-reactive solid type E, temperature controlled
Self-reactive solid type $F$
Self-reactive solid type F, temperature controlled
Solids containing corrosive liquid, n.o.s.
Solids containing flammable liquid, n.o.s.
Solids containing toxic liquid, n.o.s.
Substances, explosive, n.o.s.
Substances, explosive, very insensitive '(substances, EVI), n.o.s.
Tear gas substances, liquid or solid, n.o.s.
Toxic liquids, corrosive, organic or inorganic, n.o.s.

Toxic liquids, flammable, organic or inorganic, n.o.s.
Toxic liquids, organic or inorganic, n.o.s.
Toxic liquids, oxidizing, n.o.s.
Toxic liquids, water-reactive, n.o.s.
Toxic solids, corrosive, organic or inorganic, n.o.s.

Toxic solids, flammable, organic or inorganic, n.o.s.

Toxic solids, organic or inorganic, n.o.s.
Toxic solids, oxidizing, n.o.s.
Toxic solids, self-heating, n.o.s.
Toxic solids, water-reactive, n.o.s.
Water-reactive, liquid, corrosive, n.o.s.
Water-reactive, liquid, n.o.s.
Water-reactive, liquid, toxic, n.o.s.
Water-reactive, solid, corrosive, n.o.s.
Water-reactive, solid, flammable, n.o.s.
Water-reactive, solid, n.o.s.
Water-reactive, solid, oxidizing, n.o.s.
Water-reactive, solid, self-heating, n.o.s.
Water-reactive, solid, toxic, n.o.s.
(1) * * *
(3) Except for transportation by vessel, marine pollutants subject to the provisions of 49 CFR 130.11 are excepted from the requirements of paragraph ( 1 ) of this section if a phrase indicating the material is an oil is placed in association with the basic description.
(o) Organic peroxides and selfreactive materials. The description on a shipping paper for a Division 4.1 (selfreactive) material or a Division 5.2 (organic peroxide) material must include the following additional information, as appropriate:
(1) If notification or competent authority approval is required, the shipping paper must contain a statement of approval of the classification and conditions of transport.
(2) For Division 4.1 (self-reactive) and Division 5.2 (organic peroxide) materials that require temperature control during transport, the control and emergency temperature must be included on the shipping paper.
(3) The word "SAMPLE" must be included in association with the basic description when a sample of a Division 4.1 (self-reactive) material (see § $173.224(\mathrm{c})(4)$ of this subchapter) or Division 5.2 (organic peroxide) material (see $\S 173.225(\mathrm{c})(4)$ of this subchapter) is offered for transportation or transported.

## §172.203 [Amended]

16. In addition, in § 172.203 , in paragraph $(\mathrm{m})(1)$, the wording "Poison" is revised to read "Poison or Toxic".

## § 172.204 [Amended]

17. In $\S 172.204$, in paragraph (a)(2), the following changes are made:
a. The wording "packed, marked and labeled," is revised to read "packed, marked and labeled/placarded,".
b. The wording "by [*]" and footnote

* at the end of paragraph (a)(2) are removed.

67488 Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations
$\$ 172.320$
[Amended]
18. In §172.320, in paragraph (b), the wording "or identifying information" is revised to read "or identifying
information, such as a product code".
19. In §172.325, in paragraph (c), the illustration at the end of the paragraph is revised to read as follows:
§172.325 Elevated temperature materials.
(c)

BILLING CODE 4910-60-P

20. In $\S 172.400$ a, new paragraphs (c) and (d) are added to read as follows:
§172.400a Exceptions from labeling
(c) Notwithstanding the provisions of §172.402(a), a subsidiary hazard label is not required on a package containing a Class 8 (corrosive) material which has a subsidiary hazard of Division 6.1 (poisonous) if the toxicity of the material is based solely on the corrosive destruction of tissue rather than systemic poisoning.
(d) For Division 6.1 Packing Group III materials, a POISON label may be used in place of a KEEP AWAY FROM FOOD label.
21. In $\S 172.402$, paragraph $(\mathrm{a})(1)$ is revised and new paragraphs ( f ) and (g) are added to read as follows:

## §172.402 Additional labeling requirements

(a) * * *
(1) Shall be labeled with primary and subsidiary hazard labels as specified in Column 6 of the $\S 172.101$ Table (unless excepted in paragraph (a)(2) of this section); and
(f) Division 2.2 materials. In addition to the label specified in Column 6 of the § 172.101 Table, each package of Division 2.2 material that also meets the definition for an oxidizing gas (see $\$ 171.8$ of this subchapter) must be labeled OXIDIZER.
(g) Division 2.3 materials. In addition to the label specified in Column 6 of the § 172.101 Table, each package of Division 2.3 material that also meets the definition for:
(1) Division 2.1, must be labeled Flammable Gas;
(2) Division 5.1, must be labeled Oxidizer; and
(3) Class 8, must be labeled Corrosive.

## § 172.402 [Amended]

22. In addition, in $\$ 172.402$, the following changes are made:
a. In paragraph (a)(2), in the text preceding the table, the wording "For other than Class 2 or Class 1 materials (for subsidiary labeling requirements for Class 1 materials see paragraph (e) of this section)" are revised to read "For other than Class 1 or Class 2 materials (for subsidiary labeling requirements for Class 1 or Class 2 materials see paragraph (e) or paragraphs ( f ) and ( g ), respectively, of this section)".
b. In the paragraph (a)(2) table, for the entry "III", the footnote reference " N " is removed and replaced with an " X " each place it appears, and footnote N is removed.
c. In the paragraph (a)(2) table, in the column " 8 ", for the entry "III", the
footnote reference $" * * *$ is removed and replaced with " X ", and footnote ** is removed and reserved.
d. In paragraph (a)(2), in the footnotes following the table, the footnote identified as "*" is revised to read "If the flash point of a material is at or above $38^{\circ} \mathrm{C}\left(100^{\circ} \mathrm{F}\right)$, required for transport by air or vessel only.".

## § 172.411 [Amended]

23. In $\S 172.411$, in the third sentence of paragraph (d), the wording "measuring at least $12.7 \mathrm{~mm}(0.5$ inches) in height" is removed.

24 . In $\S 172.416$, a new sentence is added as the last sentence of paragraph (b) to read as follows:

## §172.416 POISON GAS label

(b) * * * The words "TOXIC GAS" may be used in lieu of the words "POISON GAS".

25 . In $\S 172.430$, a new sentence is added as the last sentence of paragraph (b) to read as follows:

## §172.430 POISON label

(b) * * * The word "TOXIC" may be used in lieu of the word "POISON".
26. In $\$ 172.540$, a new sentence is added to the end of paragraph (b) to read as follows:

## §172.540 POISON GAS placard

(b) * * * The words "TOXIC GAS" may be used in lieu of the words "POISON GAS"

## §172.547 [Amended]

27. In §172.547, in paragraph (b), the wording " 25 mm ( 0.98 inches)" is removed and replaced with " 12 mm ( 0.5 inch)".
28. In $\S 172.554$, a new sentence is added to the end of paragraph (b) to read as follows:

## §172.554 POISON placard

(b) * * * The word "TOXIC" may be used in lieu of the word "POISON".

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

29. The authority citation for Part 173 continues to read as follows:
Authority: 49 App. U.S.C. 5101-5127; 49 CFR 1.53 .
30. In $\S 173.2 \mathrm{a}$, in the paragraph (b) table, two notes are added at the end of the table following the footnotes to read as follows:
§ 173.2a Classification of a material having more than one hazard
(b) * * *

## Precedence of Hazard Table

Note 1: The most stringent packing group assigned to a hazard of the material takes precedence over other packing groups; for example, a material meeting Class 3 PG II and Division 6.1 PG I (oral toxicity) is classified as Class 3 PG I.
Note 2: A material which meets the definition of Class 8 and has an inhalation toxicity by dusts and mists which meets criteria for Packing Group I specified in \$173.133(a)(i) must be classed as Division 6.1 if the oral or dermal toxicity meets criteria for Packing Group I or II. If the oral or dermal toxicity meets criteria for Packing Group III or less, the material must be classed as Class 8.

## §173.2a [Amended]

31. In addition, in the paragraph (b) table, the following changes are made:
a. At the intersection of the line entry
" 4.2 II " and the column entry " 8,1
liquid", the wording " $(3)$ " is revised to read " 8 ".
b. At the intersection of the line entry " 4.2 II" and the column entry " 8 , II liquid", the wording " $(3)$ " is revised to read " 4.2 ".
c. At the intersection of the line entry " 4.2 II" and the column entry " 8 , III liquid", the wording " $(3)$ " is revised to read " 4.2 ".
d. At the intersection of the line entry " 4.2 III" and the column entry " 8,1 liquid", the wording " $(3)$ " is revised to read " 8 ".
e. At the intersection of the line entry " 4.2 III" and the column entry " 8 , II liquid", the wording " $(3)$ " is revised to read " 8 ".
f. At the intersection of the line entry "4.2 III" and the column entry " 8 , III liquid", the wording " $(3)$ " is revised to read " 4.2 ".
32. In $\S 173.9$, a new paragraph (e) is added to read as follows:
§ 173.9 Cars, truck bodies, freight containers, or trailers containing lading which has been fumigated or treated with Class 3, Division 2.1, 2.3, or 6.1 materials
(e) See $\S 176.76$ (i) of this subchapter for requirements for fumigated transport units on vessels.

## §173.21 [Amended]

33. In $\S 173.21$, in the first sentence of paragraph ( $f(2)$, the wording "Columns $4 a$ and $4 b$, " is revised to read "Columns 5 and 6,"
34. In $\S 173.22$, paragraphs (a)(2)(iii) and (a)(2)(iv) are redesignated as paragraphs (a)(2)(iv) and (a)(2)(v), respectively, a new paragraph (a)(2)(iii) is added, and paragraphs (a)(3)(i) and (a)(4) are revised, to read as follows:
§173.22 Shipper's responsibility
(a) * * *
(2) * * *
(iii) National or interrational regulations based on the UN Recommendations on the Transport of Dangerous Goods, as authorized in § $173.24(\mathrm{~d})(2)$;
(3) * * *
(i) Except for the marking on the bottom of a metal or plastic drum with a capacity over 100 liters which has been reconditioned, remanufactured or otherwise converted, the manufacturer's certification, specification, approval, or exemption marking (see $\$ \S 178.2$ and 179.1 of this subchapter); or
(4) For a DOT specification or UN standard packaging subject to the requirements of part 178 of this subchapter, a person shall perform all functions necessary to bring that package into compliance with part 178 of this subchapter, as identified by the packaging manufacturer or subsequent distributor, in accordance with $\$ 178.2$ of this subchapter.
35. In § 173.24, paragraph (d) is revised to read as follows:
§173.24 General requirements for packagings and packages.
(d) Specification packagings and UN standard packagings manufactured outside the U.S.-(1) Specification
packagings. A specification packaging, including a UN standard packaging manufactured in the United States, must conform in all details to the applicable specification or standard in part 178 or part 179 of this subchapter.
(2) UN standard packagings manufactured outside the United States. A UN standard packaging manufactured outside the United States, in accordance with national or international regulations based on the UN Recommendations on the Transport of Dangerous Goods, may be imported and used as an authorized packaging under the provisions of paragraph (c)(1) of this section, subject to the following conditions and limitations:
(i) The packaging fully conforms to applicable provisions in the UN Recommendations on the Transport of Dangerous Goods and the requirements of this subpart, including reuse provisions;
(ii) The packaging is capable of passing the prescribed tests in part 178 of this subchapter applicable to that standard; and
(iii) The competent authority of the country of manufacture provides reciprocal treatment for UN standard packagings manufactured in the U.S.

## §173.24 [Amended]

36. In addition, in $\S 173.24$, the following changes are made:
a. In paragraph (c)(1), the wording "(including U.N. standard packagings)" is revised to read "(including U.N. standard packagings manufactured in the United States)".
b. In paragraph (e)(4)(ii), the wording "flammable or poisonous gases;" is revised to read "flammable, poisonous, or asphyxiant gases;".
37. In $\S 173.25$, paragraph (a) introductory text is revised and a new paragraph (b) is added to read as follows:

## §173.25 Authorized packages and overpacks.

(a) Authorized packages containing hazardous materials may be offered for transportation in an overpack as defined in $\$ 171.8$ of this subchapter, if all of the following conditions are met:
(b) Shrink-wrapped or stretchwrapped trays may be used as outer packagings for inner packagings prepared in accordance with the limited quantity provisions or consumer commodity provisions of this subchapter, provided that the complete package is capable of meeting performance standards at the Packing Group III performance level. Each package may not exceed 20 kg ( 44 lbs ) gross weight.
38. In § 173.28, paragraph (b)(4) is revised and new paragraphs $(b)(7)$ and (c)(4) are added to read as follows:
$\$ 173.28$ Reuse, reconditioning and
remanufacture of packagings. remanufacture of packagings.
(b) $\star \star$ *
(4) Metal and plastic drums and jerricans used as single packagings or the outer packagings of composite packagings are authorized for reuse only when they are marked in a permanent manner (e.g., embossed) in millimeters with the nominal (for metal packagings) or minimum (for plastic packagings) thickness of the packaging material, as required by $\S 178.503(\mathrm{a})(9)$ of this subchapter, and conform to the following minimum thickness criteria:

${ }^{1}$ Metal drums or jerricans constructed with a minimum thickness of $0.80 \mathrm{~mm}(0.03 \mathrm{inch})$ body and $1.10 \mathrm{~mm}(0.043$ inch ) heads are authorized.
(7) Notwithstanding the provisions of paragraph (b)(2) of this section, a packaging otherwise authorized for reuse may be reused without being subjected to the leakproofness test with air provided the packaging:
(i) Is refilled with a material compatible with the previous lading;
(ii) Is offered for transportation or transported by a private carrier, contract carrier, or by a common carrier in a transport vehicle or freight container used exclusively for such service,
within a distribution chain controlled by the offeror; and
(iii) Is constructed of -
(A) stainless steel, monel or nickel with a thickness not less than one and one-half times the minimum thickness prescribed in paragraph (b)(4) of this section;
(B) plastic, provided the packaging is not refilled for reuse on a date more than five years from the date of manufacture marked on the packaging in accordance with $\$ 178.503(\mathrm{a})(6)$ of this subchapter; or
(C) another material or thickness, if approved by the Associate Administrator for Hazardous Materials Safety for reuse without retesting in accordance with the provisions of this paragraph.
(c) * **
(4) The markings applied by the recionditioner may be different from those applied by the manufacturer at the time of original manufacture, but may not identify a greater performance capability than that for which the original design type had been tested (for example, the reconditioner may mark a drum which was originally marked as $1 \mathrm{~A} 1 / \mathrm{Y} 1.8$ as $1 \mathrm{~A} 1 / \mathrm{Y} 1.2$ or $1 \mathrm{~A} 1 / \mathrm{Z} 2.0$ ).

## § 173.28 [Amended]

39. In addition, in $\S 173.28$, the following changes are made:
a. In paragraph (c)(1)(i), the wording "any coatings" is revised to read "any external coatings".
b. In paragraph (c)(3), in the first sentence, the reference " $\$ 178.503(\mathrm{c})$ " is revised to read " $\S 178.503$ (c) and (d)".

## §173.33 [Amended]

40. In $\S 173.33$, in paragraph (c)(5), the wording "Division 6.1 " is revised to read "Division 6.1, Packing Group I or II'.

## §173.52 [Amended]

41. In $\$ 173.52$, in paragraph (b), Table 1 , the following changes are made:
a. In the second entry, the wording
"Some articles, such as detonators for blasting, detonator assemblies for blasting and primers, cap-type, are included, even though they do not contain primary explosives." is added at the end of the entry following the wording "features.".
b. In the fifth and sixth entries, the wording ", gel" is added immediately following the wording "flammable
liquid" and immediately preceding the wording "or hypergolic liquid".
42. In § 173.59, the following definitions are added in appropriate alphabetical order to read as follows:

## §173.59 Descriptions of terms for

 explosivesCharges, propelling for cannon. Articles consisting of a propellant charge in any physical form, with or without a casing, for use in a cannon.

Propellant, liquid. Substances consisting of a deflagrating liquid explosive, used for propulsion.
Propellant, solid. Substances consisting of a deflagrating solid explosive, used for propulsion.

## §173.59 [Amended]

43. In addition, in $\S 173.59$, the following changes are made:
a. For the description "Charges, propelling", the wording "or for reducing drag for projectiles" is added immediately following "in cannon".
b. For the description "Powder, smokeless", in the first sentence, the word "generally" is removed, and the wording "and charges propelling for cannon" is added at the end of the last sentence, immediately following the wording "charges, propelling".
c. For the description "Propellants", the wording "or for reducing the drag of projectiles" is added at the end of the sentence immediately following the word "propulsion".
44. In § 173.60, paragraph (b)(15) is added to read as follows:
§173.60 General packaging requirements for explosives

## (b) * * *

(15) Plastic packagings must not be liable to generate or accumulate sufficient static electricity that a discharge could cause the packaged explosive to ignite or the packaged article to function.
45. In $\S 173.62$, paragraph (a) is revised, a new third sentence is added
after the second sentence in paragraph (b), the Explosives Table in paragraph (b) is amended by adding or removing entries in appropriate alpha-numerical sequence, and the Table of Packing Methods in paragraph (c) and paragraph (d) are revised to read as follows:

## §173.62 Specific packaging requirements

(a) Except as provided in paragraph (e) of this section, when the § 172.101 Table specifies that an explosive must be packaged in accordance with this section, only non-bulk packagings which conform to the provisions of paragraphs (b), (c), and (d) of this section, and the applicable requirements in $\$ \S 173.60$ and 173.61 may be used, unless otherwise approved by the Associate Administrator for Hazardous Materials Safety. (b) * * * However, the packing method authorized under $\mathrm{E}-103$ may be used in place of the packing method listed in the Explosives Table. * * *

## Explosives Table

| Identification No. | Packing methods |
| :---: | :---: |
| [Remove]: |  |
| UN0075 | US001. |
| UN0143 | US001. |
| UN0273 | E-158(a), (b), (c). |
| UN0274 ....... | E-158(a). (b), (c). |
| NA0273 ....... | $\mathrm{E}-22(\mathrm{a})$, (b), (c). |
| NA0274 ........ | E-22(a), (b), (c). |
| [Add]: |  |
| UN0075 ....... | E-159. |
| UN0143 ........ | E-159. |
| UN0491 ....... | E-158. |
| UN0492 ........ | E-151. |
| UN0493 ........ | E-151. |
| UN0494 ....... | US006. |
| UN0495 ........ | E-159. |
| UN0496 ........ | E-13. |
| UN0497 ....... | E-159. |
| UN0498 ........ | E-22. |
| UN0499 ....... | E-22. |
| NA0276 ........ | E-114. |
| NA0323 ........ | E-114. |
| NA0337 ........ | E-134. |

(c) * * *

Table of Packing Methods

| Packing method (1) | Inner packaging (2) | Outer packaging (3) | Particular packaging exception/requirement (4) |
| :---: | :---: | :---: | :---: |
| $\mathrm{E}-1(\mathrm{a}) \ldots \ldots \ldots$ | Not necessary | Bags: <br> Paper, multiwall, water resistant (5M2) <br> Textile, sift-proof (5L2) <br> Textile, water resistant (5L3) <br> Plastic, woven, sift-proof (5H2) <br> Plastic, woven, water resistant ( 5 H 3 ) <br> Plastic, film $(5 \mathrm{H} 4)$. |  |

Table of Packing Methods-Continued

| Packing method (1) | Inner packaging (2) | Outer packaging (3) | Particular packaging exception/requirement (4) |
| :---: | :---: | :---: | :---: |
| E-1(b) ......... | Bags: Paper, Kraft Plastic Sheets: Plastic | Barrels: <br> Wood, removable head (2C2) <br> Boxes: <br> Wood, ordinary (4C1) <br> Plywood (4D) <br> Reconstituted wood (4F) <br> Drums: <br> Steel, removable head (1A2). |  |
| E-2 ............. | Receptacles: <br> Metal <br> Paper <br> Plastic <br> Sheets: <br> Plastic <br> Bags: <br> Paper, multiwall, water resistant Woven plastics | Barrels: <br> Wood, removable head (2C2) <br> Boxes: <br> Fiberboard (4G) <br> Wood, ordinary (4C1) <br> Plywood (4D) <br> Reconstituted wood (4F) <br> Drums: <br> Fiber (1G) <br> Steel, removable head (1A2) <br> Note: Removable head plastic drums ( 1 H 2 ) are authorized for UN 0219 | 1 for all entries; 2 for all entries except UN 0402. |
| E-3 | Bags: <br> Plastic <br> Rubber <br> Textile Rubberized textile Intermediate: | Barrels: <br> Wood, removable head (2C2) <br> Drums: <br> Plastic, removable head ( 1 H 2 ) <br> Steel, removable head (1A2) | 3, 4, D1. |
|  | Bags: Plastic Rubber Textile Rubberized textile Barrels: Wood <br> Receptacles: Plastic |  |  |
| E-4(a) ......... | Receptacles: <br> Fiberboard <br> Metal <br> Paper <br> Plastic <br> Rubberized textile | Barrels: <br> Wood, removable head (2C2) <br> Boxes: <br> Steel (4A) <br> Fiberboard (4G) <br> Natural wood, ordinary (4C1) <br> Wood, sift-proof (4C2) <br> Plywood (4D) <br> Reconstituted wood (4F) |  |
| E-4(b) ......... | Optional | Drums: <br> Aluminum, removable head (1B2) <br> Fiber (1G) <br> Steel, removable head (1A2) <br> Note: steel drums (1A2) must be dust tight |  |
| E-5 ............. | Bags: <br> Plastic <br> Sheets: <br> Paper, kraft <br> Paper, waxed | Boxes: <br> Fiberboard (4G) <br> Wood, sift-proof (4C2) <br> Plywood (4D) <br> Reconstituted wood (4F) |  |
| E-6(a)(i) | For wetted explosives: Bags: Plastic Rubberized, textile | Barrels: <br> Wood, removable head (2C2) <br> Boxes: <br> Fiberboard (4G) <br> Wood, ordinary ( 4 C 1 ) <br> Plywood (4D) <br> Reconstituted wood (4F) <br> Drums: <br> Steel, removable head (1A2) <br> Fiber (1G) |  |

Table of Packing Methods-Continued


Table of Packing Methods-Continued


Table of Packing Methods-Continued

| Packing method (1) | Inner packaging (2) | Outer packaging (3) | Particular packaging excep tion/requirement (4) |
| :---: | :---: | :---: | :---: |
| E-19(a) ........ | Not necessary | Drums: <br> Aluminum, removable head (182) <br> Steel, removable head (1A2) <br> Plastic, removable head ( 1 H 2 ) | 7. |
| E-19(b) ........ | Bags: Plastic Sheets: Plastic | Barrels: Wood, removable head (2C2) |  |
|  |  | Boxes: <br> Wood, ordinary (4C1) <br> Plywood (4D) <br> Reconstituted wood (4F) |  |
|  |  | Drums: <br> Fiber (1G) |  |
| E-20 ........... | Receptacles: Metal Plastic Wood Fiberboard | Boxes: <br> Fiberboard (4G) <br> Wood, ordinary (4C1) <br> Plywood (4D) <br> Reconstituted wood (4F) <br> Steel (4A) <br> Aluminum (4B) <br> Plastics, solid (4H2) <br> Drums: <br> Fiber (1G) | 55. |
| E-21 ........... | Boxes: Fiberboard Cans: Metal | Boxes: <br> Wood, sitt-proof (4C2) <br> Plywood (4D) <br> Reconstituted wood (4F) | 2. |
|  |  |  |  |
|  | Receptacles: Waterproof paper Plastic |  |  |
|  | Note: Plastic used must not be liable to generate static electricity by contained substances |  |  |
| E-22(a) ........ | Bags: Paper, kraft Plastic Textile Rubberized textile | Barrels: <br> Wood, removable head (2C2) <br> Boxes: <br> Fiberboard (4G) <br> Wood, ordinary (4C1) <br> Wood, sift-proof (4C2) <br> Plywood (4D) <br> Reconstituted wood (4F) <br> Steel (4A) <br> Drùms: <br> Fiber (1G) <br> Plywood (1D) | 11 for UN 0411. |
|  |  |  |  |
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|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| E-22(b) | Receptacles: Fiberboard Metal Plastic | Boxes: <br> Fiberboard (4G) <br> Wood, ordinary (4C1) <br> Wood, sift-proof (4C2) <br> Plywood (4D) <br> Reconstituted wood (4F) | 10. |
|  |  |  |  |
|  |  |  |  |
| E-22(c) ........ | Not necessary | Drums: <br> Steel, removable head (1A2) <br> Fiber (1G) <br> Plywood (1D) <br> Jerricans: <br> Steel (3A1) <br> Steel, removable head (3A2) | 8, 9, 10. |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| E-24(a) ........ | Bags: Rubber Rubberized textile Plastic | Boxes: <br> Fiberboard (4G) |  |
| E-24(b) ....... | Bags: <br> Rubber <br> Rubberized textile <br> Plastic <br> Intermediate: <br> Bags: <br> Rubber <br> Rubberized textile <br> Plastic | Drums: <br> Steel, removable head (IA2) with coating other than lead |  |
|  |  |  |  |
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|  |  |  |  |
|  |  |  |  |

Federal Register $/$ Vol, 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67497
Table of Pagking Methods-Continued


TABLE OF PACKing Methods-Continued


Table of Packing Methods-Continued

| Packing method (1) | Inner packaging (2) | Outer packaging (3) | Particular packaging exception/requirement (4) |
| :---: | :---: | :---: | :---: |
| E-119 ....... | Not necessary | Boxes: <br> Wood, ordinary (4C1) <br> Wood, sift-proof (4C2) <br> Plywood (4D) <br> Reconstituted wood (4F) <br> Steel (4A) <br> Aluminum (4B) <br> Fiberboard (4G) <br> Plastics, solid (4H2) <br> Drums: <br> Steel, removable head (1A2) <br> Aluminum, removable head (1B2) <br> Note: Packaging 4 Cl is authorized for cased charges only. |  |
| E-120 | Tubes: <br> Fiberboard <br> Other materials <br> Note: Dividing partitions in the outer packaging may be used in place of inner packagings. | Boxes: <br> Fiberboard (4G) <br> Wood, ordinary (4C1) <br> Plywood (4D) <br> Reconstituted wood (4F) | 30,31 |
| E-121 | Not necessary | Boxes: <br> Fiberboard (4G1) <br> Wood, ordinary (4C1) <br> Plywood (4D) <br> Reconstituted wood (4F) <br> Steel (4A) <br> Aluminum (4B) <br> Drums: <br> Steel, removable head (1A2) <br> Aluminum (182) | 32, 57 |
| E-122 E-123 | Boxes: <br> Metal <br> Plastic <br> Wood <br> Fiberboard | Boxes: <br> Fiberboard (4G) <br> Wood, ordinary (4C1) <br> Plywood (4D) <br> Reconstituted wood (4F) <br> Steel (4A) <br> Aluminum (4B) |  |
| E-123 E-124 | Receptacles: <br> Fiberboard <br> Metal <br> Plastics <br> Note: Dividing partitions in the outer packaging may be used in place of inner packagings. | Boxes: <br> Wood, ordinary (4C1), with metal liner <br> Plywood (4D) <br> Reconstituted wood (4F) <br> Steel (4A) <br> Aluminum (4B) <br> Expanded plastics (4H1) | 35, 49. |
| E-124 | Reels Receptacles: Metal | Boxes: <br> Fiberboard (4G) <br> Wood, ordinary (4C1) <br> Plywood (4D) <br> Reconstituted wood (4F) <br> Aluminum (4B) <br> Steel (4A) <br> Drums: <br> Steel, removable head (1A2) <br> Aluminum (iB2) <br> Fiber (1G) | 33. |
| E-125 | Bags: <br> Plastic <br> Sheets: <br> Paper, Kraft <br> Plastic <br> Note: Reels may be used in place of inner packagings | Boxes: <br> Fiberboard (4G) <br> Wood, ordinary (4C1) <br> Plywood (4D) <br> Reconstituted wood (4F) <br> Steel (4A) <br> Aluminum (4B) <br> Drums: <br> Steel, removable head (1A2) <br> Aluminum (1B2) | 34. |

Table of Packing Methods-Continued


Table of Packing Methods-Continued


Table of Packing Methods-Continued


Table of Packing Methods-Continued


Table of Packing Methods-Continued

| Packing method (1) | Inner packaging (2) | Outer packaging (3) | Particular packaging exception/requirement (4) |
| :---: | :---: | :---: | :---: |
| E-159(a) ..... | Receptacles: <br> Plastics <br> Intermediate: <br> Bags <br> Plastic, in metal cans | Boxes: <br> Natural wood, ordinary (4C1) <br> Plywood (4D) <br> Reconstituted wood (4F) <br> Note: DOT Spec. MC-200, motor vehicle container may be used as the outer packaging | 58. |
| E-159(b) ..... | Receptacles: Plastics Intermediate: Drums Metal | Drums: <br> Steel, removable head (1A2) <br> Aluminum, removable head (1B2) <br> Note: DOT Spec. MC-200, motor vehicle container may be used as the outer packaging | 59. |
| US002 | Receptacles: Fiberboard Metal Paper | Boxes: <br> Fiberboard (4G) <br> Wood, ordinary (4C1) <br> Plywood (4D) <br> Reconstituted wood (4F) <br> Steel (4A) <br> Aluminum (4B) | D2, D3. |
| US003 | Receptacles: <br> Fiberboard <br> Metal <br> Plastic <br> Intermediate: <br> Boxes: <br> Fiberboard <br> Wood <br> Sheets: <br> Paper, Kraft <br> Plastic | Boxes: <br> Fiberboard (4G) <br> Wood, ordinary (4C1) <br> Plywood (4D) <br> Reconstituted wood (4F) <br> Steel (4A) <br> Aluminum (4B) | D2, D3, D4, D10. |
| US004 | Receptacles: Fiberboard Metal Paper | Boxes: <br> Fiberboard (4G) <br> Wood, ordinary (4C1) <br> Plywood (4D) <br> Reconstituted wood (4F) <br> Steel (4A) <br> Aluminum (4B) | D2, D5, D6, D7, D8. |
| US00 | Boxes: <br> Fiberboard <br> Metal <br> Plastic <br> Wood <br> Note: Metal clips or dividing partitions in the outer packaging may be used in place of inner packagings | Boxes: <br> Fiberboard (4G) <br> Wood, ordinary (4C1) <br> Plywood (4D) <br> Reconstituted wood (4F) <br> Steel (4A) <br> Aluminum (4R) <br> Drums: <br> Steel, removable head (1A2) | 13. |

[^2]Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67505
(d) Table of particular packaging requirements or exceptions.

## Number

 identify-ing
packag-
ing re-
quire-
ment or
excep-
tion
$1 . . . . . . . .$.

2
3 ...........
$4 . . . . . . .$.

7 $\qquad$ Metal drums used for powder paste must be so constructed paste must be so constructed
that explosion is not possible by reason of increase in internal pressure from internal or external causes.
8 $\qquad$ The inside of drums and jerricans must be galvanized, painted or otherwise protected. Bare sfeel may not come into contact with smokeless powder.

The inner packagings must be separated from the outer packaging by a gap of not less than 25 mm (1 inch) of cushioning material, e.g., sawdust, wood, wool.
Metal inner packagings must be padded with cushioning material.
$\qquad$ The conical cavities of the shaped charges must face inward in pairs or groups to minimize the shaped charge (jetting) effect in the event of accidental initiation. The ends of the articles must be sealed or the use of bags, plastics, as inner packaging is mandatory.
Water soluble substances must be packed in waterproof receptacles.
Packages must be lead-free.
The barrels and drums must have a watertight seal.
The intermediate and outer packagings must be filled with water or an appropriate watersaturated material when the intermediate packaging is a rubber or rubberized textile bag.

Drums or jerricans of steel must be constructed without pockets or crevices in which smokeless powder could be trapped or nipped.
Metal receptacles must be so constructed that the risk of explosion, by reason of increase in internal pressure from internal or external causes, is reduced.
The inner packagings must be sealed.
Outer boxes of natural wood may be provided with a tin-plate liner having a sealed lid.
Open ends of inner packagings must be fitted with padded end caps or the outer packaging must be padded.
$\square$ The shaped charges must be packed so that contact between them is prevented. dat.

## Number

 identitying packaging re-quirement or exception33 .........
34 .........
$42 . .$.
$\qquad$
Explanation of packaging requirement or exception
35 .........

36 .........

38 .........

41 .........

43 .........

44 .........

45 ........ Tin-plate inner packagings must be
46 ........ sealed.
The sounding device must be wrapped individually in corrugated fiberboard sheets or inserted in fiberboard tubes.
Absorbent cushioning material must be inserted.
Large articles without propelling charge and without means of ignition or initiation may be carried unpacked.
Large articles without their means of initiation, or, with their means of initiation containing at least two effective protective features, may be carried unpackaged.
50 .........
Large articles without their means of ignition may be carried unpackaged.
53 .........
Bags, sift-proof (5H2) recommended only for flake or prilled TNT in the dry state and a maximum net mass of 30 kg ( 66 pounds).
55 .........
Not more than 50 g (1.8 ounces) of a substance may be packed in an inner packaging.
56 $\qquad$ must be sealed and tied fast.
The ends of the detonating cord must be sealed. Spaces must be filled with packing material.
Packagings must be sealed against the ingress of water.
The detonators must be cushioned to prevent significant movement and contact between them.
The detonating fuses must be separated from each other in the inner packaging.
The primers must be packed with shock-absorbent layers of felt, paper or plastic to prevent propagation within the outer packaging.
The outer plastic packagings must be reinforced with metal at corners and edge.
The signals must be separated to prevent contact with one another and kept apart from the bottom, walls, and lid of the outer packaging, e.g., by cushioning material.
Where the signals are contained in magazines for fitting into automatic units, the magazine may replace the inner packaging if adequate cushioning material is used. sealed.
$\square$

47 .........
48 .........

49 $\qquad$
$\square$


Fiberboard boxes ( 4 G ) are not au-

## Number

 identifying thorized outer packagings for UN0106 or UN0107.packag-quire-quire-exception

Explanation of packaging requirement or exception

58 ….....
Plastic receptacles must have taped screw cap closures and be of not more than 5 liters capacity each. Each receptacle must be contained within an intermediate packaging. Each plastic bag must be surrounded on all sides with at least 50 mm of non-combustible absorbent cushioning material: metal cans in the outer packaging must also be cushioned from each other in all directions. Net mass of propellent must be limited to 30 kg for each package.
59 ........
The intermediate drum must be surrounded on all sides with at least 50 mm of non-combustible absorbent cushioning material. A composite packaging consisting of a plastic receptacle in a metal drum may be used inslead of the inner and intermediate packagings. The net volume of propellent in each packaging must not exceed 120 liters.
Plastic bags may be used as inner packagings for model rocket motors.
D1 ........ The intermediate packaging must be entirely surrounded by wetted cushioning material within the outer packagina.

| Number <br> identify- <br> ing <br> packag- <br> ing re- <br> quire- <br> ment or <br> excep- <br> tion |
| :--- |
| D2 |

Quantity limitations for detonator assemblies with detonating cord are: (a) No more than 50 detonator assemblies may be packed in one inner packaging. (b) No
more than 500 detonator assemin one inner packaging. (b) No
more than 500 detonator assemblies may be packed in one outer packaging. one inner packaging. (ii) No
more than 500 detonators may. be packed in one outer packaging. (b) For detonators containing no more than 3 g of explosive (excluding ignition and delay charges): (i) No more than 100 detonators may be packed in one inner packaging. (ii) No more than 1000 detonators may be packed in one outer packaging. (c) There are no quantity limitations for detonators classed as 1.4 B or 1.4 S . The number of detonators that may be packed in each inner or outer (if inner packaging is not required) packaging is determined by: (i) The ability of that package to pass certain tests (see §173.57) that qualify the detonators to be classed as 1.4 B or 1.4 S ; or (ii) The gross weight limitations of the packaging used.
Inner packaging is not required for electric detonators when packed in pasteboard tubes, or when their leg wires are wound on spools with the caps either placed inside the spool or securely taped to the wire on the spool, so as to restrict freedom of movement of the caps and to protect them from impact forces. No more than 500 electric blasting caps may be contained in one outer packaging.
Intermediate packagings are required only for non-electric detonators that are blasting caps or delay connectors in metal tubes.
Detonators are not required to be attached to the safety fuse, metal-clad mild detonating cord, detonating cord, or shock tube.
Inner packagings are not required if the packing configuration restricts freedom of movement of the caps and protects them from impact forces.
Quantity limitations for all detonators are as follows unless specifically defined for each type of detonator: (a) For detonators containing no more than 10 g of explosive (excluding ignition and delay charges): (i) No more than 50 detonators may be packed in one inner packaging. (ii) No

| Number |
| :--- |
| identify- |
| ing |
| packag- |
| ing re- |
| quire- |
| ment or |
| excep- |
| tion |
| D8 |

Explanation of packaging requirement or exception

Sheets, waterproof, when used, must also be impervious to any liquid explosive ingredients of the substance.

## §173.62 [Amended]

$$
\text { 46. In addition, in } \S 173.62 \text {, in }
$$ paragraph ( e ), the phrase "January 1, $1988^{\prime \prime}$ is removed and replaced with the phrase "January 1, 1990" each place it: appears.

47. In $\S 173.115$, the heading and the introductory text of paragraph (b) are revised to read as follows:

## §173.115 Class 2, Divisions 2.1, 2.2, and 2.3-Definitions

(b) Division 2.2 (non-flammable, nonpoisonous compressed gasincluding compressed gas, liquefied gas, pressurized cryogenic gas, compressed gas in solution, asphyxiant gas and oxidizing gas). For the purpose of this subchapter, a non-flammable, nonpoisonous compressed gas (Division 2.2) means any material (or mixture) which-
48. Section 173.120 is amended by revising paragraph (a) and adding a sentence at the end of paragraph (b)(2) to read as follows:

## §173.120 Class 3-Definitions

(a) Flammable liquid. For the purpose of this subchapter, a flammable liquid (Class 3) means a liquid having a flash point of not more than $60.5^{\circ} \mathrm{C}\left(141^{\circ} \mathrm{F}\right)$, or any material in a liquid phase with a flash point at or above $37.8^{\circ} \mathrm{C}\left(100^{\circ} \mathrm{F}\right)$ that is intentionally heated and offered for transportation or transported at or above its flash point in a bulk packaging, with the following exceptions:
(1) Any liquid meeting one of the definitions specified in $\S 173.115$.
(2) Any mixture having one or more components with a flash point of $60.5^{\circ} \mathrm{C}$ $\left(141^{\circ} \mathrm{F}\right)$ or higher, that make up at least 99 percent of the total volume of the mixture, if the mixture is not offered for transportation or transported at or above its flash point.
(3) Any liquid with a flash point greater than $35^{\circ} \mathrm{C}\left(95^{\circ} \mathrm{F}\right)$ which does not sustain combustion. A procedure for determining if a material sustains combustion when heated under test conditions and exposed to an external source of flame is provided in Appendix H of this part.
(4) Any liquid with a flash point greater than $35^{\circ} \mathrm{C}\left(95^{\circ} \mathrm{F}\right)$ and with a fire point greater than $100^{\circ} \mathrm{C}\left(212^{\circ} \mathrm{F}\right)$ according to ISO 2592.
(5) Any liquid with a flash point greater than $35^{\circ} \mathrm{C}\left(95^{\circ} \mathrm{F}\right)$ which is in a water-miscible solution with a water content of more than 90 percent by mass.
(b) * * *
(2) * * * An elevated temperature material that meets the definition of a Class 3 material because it is intentionally heated and offered for transportation or transported at or above its flash point may not be reclassed as a combustible liquid.

## § 173.120 [Amended]

49. In addition, in $\S 173.120$, the following changes are made: a. In paragraph (c)(1)(i)(A), the wording "ASTM D56-79" is revised to read "ASTM D 56 ".
b. In paragraphs (c)(1)(i)(B) and (c)(1)(ii)(B), the wording "ASTM D3278-78" is revised to read "ASTM D 3278".
c. In paragraph $(\mathrm{c})(1)($ (ii) $(\mathrm{A})$, the wording "ASTM D93-80" is revised to read "ASTM D 93" each place it appears.
50 . Section 173.121 is amended by adding a parenthetical note at the end of paragraph (b)(1)(ii) before the semicolon and revising the paragraph (b)(1)(iv) table and paragraph (b)(2)(i) to read as follows:

> §173.121 Class 3-Assignment of packing group
(b) ***
(1) * **
(ii) * * * (Note: The mixture is not necessarily required to bear a POISON or CORROSIVE subsidiary risk label.);

* (iv) ***

| Flow time t in seconds | Jet di-ameter in mm | Flash point c.c. |
| :---: | :---: | :---: |
| 20<<60 .......... | 4 | above $17^{\circ} \mathrm{C}$ $\left(62.6^{\circ} \mathrm{F}\right) .$ |
| $60 \ll 100$ | 4 | above $10^{\circ} \mathrm{C}\left(50^{\circ} \mathrm{F}\right)$. |
| 20<t<32 .......... | 6 | above $5^{\circ} \mathrm{C}\left(41^{\circ} \mathrm{F}\right)$. |
| 32<t<44 .......... | 6 | $\begin{gathered} \text { above }-1^{\circ} \mathrm{C} \\ \left(31.2^{\circ} \mathrm{F}\right) . \end{gathered}$ |
| 44<<<100 ........ | 6 | above $-5^{\circ} \mathrm{C}$ |
| 100<t .............. | 6 | ( $23^{\circ} \mathrm{F}$ ). <br> $-5^{\circ} \mathrm{C}\left(23^{\circ} \mathrm{F}\right)$ and below. |

(2) * * *
(i) Viscosity test. The flow time in seconds is determined at $23^{\circ} \mathrm{C}\left(73.4^{\circ} \mathrm{F}\right)$ using the ISO standard cup with a 4 mm ( 0.16 inch) jet (ISO 2431:1984). Where the flow time exceeds 100 seconds, a further test is carried out using the ISO standard cup with a 6 mm ( 0.24 inch ) jet.
51. In $\S 173.124$, the section heading and paragraph (a)(2) are revised to read as follows:
\$173.124 Class 4, Divisions 4.1, 4.2 and 4.3-Definitions
(a) * * *

- (2) (i) Self-reactive materials are materials that are thermally unstable and that can undergo a strongly exothermic decomposition even without participation of oxygen (air). A material is excluded from this definition if any of the following applies:
(A) The material meets the definition of an explosive as prescribed in subpart C of this part, in which case it must be classed as an explosive;
(B) The material is forbidden from being offered for transportation according to $\$ 172.101$ of this subchapter or \$173.21;
(C) The material meets the definition of an oxidizer or organic peroxide as prescribed in subpart D of this part, in which case it must be so classed;
(D) The material meets one of the following conditions:
(1) Its heat of decomposition is less than $300 \mathrm{~J} / \mathrm{g}$; or
(2) Its self-accelerating decomposition temperature (SADT) is greater than $75^{\circ} \mathrm{C}$ ( $167^{\circ} \mathrm{F}$ ); or
(E) The Associate Administrator for Hazardous Materials Safety has determined that the material does not present a hazard which is associated with a Division 4.1 material.
(ii) Generic types. Division 4.1 selfreactive materials are assigned to a generic system consisting of seven types. A self-reactive substance identified by technical name in the SelfReactive Materials Table in $\S 173.224$ is assigned to a generic type in accordance with that Table. Self-reactive materials not identified in the Self-Reactive Materials Table in $\$ 173.224$ are assigned to generic types under the procedures of paragraph (a)(2)(fiii) of this section.
(A) Type A. Self-reactive material type A is a self-reactive material which, as packaged for transportation, can detonate or deflagrate rapidly. Transportation of type A self-reactive material is forbidden.
(B) Type B. Self-reactive material type B is a self-reactive material which, as packaged for transportation, neither detonates nor deflagrates rapidly, but is liable to undergo a thermal explosion in a package.
(C) Type C. Self-reactive material type C is a self-reactive material which, as packaged for transportation, neither detonates nor deflagrates rapidly and cannot undergo a thermal explosion.
(D) Type D. Self-reactive material type $D$ is a self-reactive material which(1) Detonates partially, does not deflagrate rapidly and shows no violent effect when heated under confinement;
(2) Does not detonate at all, deflagrates slowly and shows no violent effect when heated under confinement; or
(3) Does not detonate or deflagrate at all and shows a medium effect when heated under confinement.
(E) Type E. Self-reactive material type E is a self-reactive material which, in laboratory testing, neither detonates nor deflagrates at all and shows only a low or no effect when heated under confinement.
(F) Type F. Self-reactive material type F is a self-reactive material which, in laboratory testing, neither detonates in the cavitated state nor deflagrates at all and shows only a low or no effect when heated under confinement as well as low or no explosive power.
(G) Type G. Self-reactive material type G is a self-reactive material which, in laboratory testing, does not detonate in the cavitated state, will not deflagrate at all, shows no effect when heated under confinement, nor shows any explosive power. A type $G$ self-reactive material is not subject to the requirements of this subchapter for self-reactive material of Division 4.1 provided that it is thermally stable (self-accelerating decomposition temperature is $50^{\circ} \mathrm{C}$ ( $122{ }^{\circ} \mathrm{F}$ ) or higher for a 50 kg ( 110 pounds) package). A self-reactive material meeting all characteristics of type G except thermal stability is classed as a type F self-reactive, temperature control material.
(iii) Procedures for assigning a selfreactive material to a generic type. A self-reactive material must be assigned to a generic type based on-
(A) Its physical state (i.e. liquid or solid), in accordance with the definition of liquid and solid in $\$ 171.8$ of this subchapter;
(B) A determination as to its control temperature and emergency temperature, if any, under the provisions of § 173.21 (f);
(C) Performance of the self-reactive material under the test procedures specified in the UN Recommendations on the Transport of Dangerous Goods, Tests and Criteria and the provisions of paragraph (a)(2)(iii) of this section; and
(D) Except for a self-reactive material which is identified by technical name in the Self-Reactive Materials Table in $\$ 173.224$ (b) or a self-reactive material which may be shipped as a sample under the provisions of $\$ 173.224$, the self-reactive material is approved in writing by the Associate Administrator for Hazardous Materials Safety. The person requesting approval shall submit to the Associate Administrator for Hazardous Materials Safety the tentative
shipping description and generic type and-
(1) All relevant data concerning physical state, temperature controls, and tests results; or
(2) An approval issued for the selfreactive material by the competent authority of a foreign government.
(iv) Tests. The generic type for a selfreactive material must be determined using the testing protocol from Figure 14.2 (Flow Chart for Assigning SelfReactive Substances to Division 4.1) from the UN Recommendations on the Transport of Dangerous Goods. Tests and Criteria.

52. In $\S 173.128$, paragraph $(\mathrm{b})(7)$ is revised, paragraph (c)(4) is removed, paragraph (d) is redesignated as paragraph ( e ), and a new paragraph (d) is added to read as follows:
§173.128 Class 5, Division 5.2Definitions and types
(b)
(7) T $^{*}$
(7) Type G. Organic peroxide type G is an organic peroxide which will not detonate in a cavitated state, will not deflagrate at all, shows no effect when heated under confinement, and shows no explosive power. A type $G$ organic peroxide is not subject to the requirements of this subchapter for organic peroxides of Division 5.2 provided that it is thermally stable (selfaccelerating decomposition temperature is $50^{\circ} \mathrm{C}\left(122^{\circ} \mathrm{F}\right)$ or higher for a 50 kg ( 110 pounds) package). An organic peroxide meeting all characteristics of type G except thermal stability and requiring temperature control is classed as a type $F$, temperature control organic peroxide.
(d) Approvals. (1) An organic peroxide must be approved, in writing, by the Associate Administrator for Hazardous Materials Safety, before being offered for transportation or transported, including assignment of a generic type and shipping description, except for-
(i) An organic peroxide which is identified by technical name in the Organic Peroxides Table in $\$ 173.225$ (b);
(ii) A mixture of organic peroxides prepared according to $\$ 173.225(\mathrm{c})(5)$; or
(iii) An organic peroxide which may be shipped as a sample under the provisions of $\$ 173.225(\mathrm{c})$.
(2) A person applying for an approval must submit all relevant data concerning physical state, temperature controls, and tests results or an approval issued for the organic peroxide by the
competent authority of a foreign government.

## §173.128 [Amended]

53. In addition, in $\S 173.128$, the following changes are made:
a. In paragraph (a) introductory text, the word "apply" is revised to read "applies".
b. In paragraph ( c$)(2)$, the word "and" is added at the end of the paragraph, and in paragraph (c)(3), at the end of the paragraph, the wording "; and" is removed and replaced with a period.
54. In $\S 173.136$, paragraph (a) is revised to read as follows:

## §173.136 Class 8-Definitions

(a) For the purpose of this subchapter, "corrosive material" (Class 8) means a liquid or solid that causes full thickness destruction of human skin at the site of contact within a specified period of time. A liquid that has a severe corrosion rate on steel or aluminum based on the criteria in $\$ 173.137(\mathrm{c})(2)$ is also a corrosive material.
55. In § 173.137, the second sentence of the introductory text, and paragraphs (a), (b), and (c) are revised to read as follows:

## § 173.137 Class 8-Assignment of packing group

*     *         * When the § 172.101 Table provides more than one packing group for a Class 8 material, the packing group must be determined using data obtained from tests conducted in accordance with the 1992 OECD Guideline for Testing of Chemicals, Number 404 "Acute Dermal Irritation/Corrosion" as follows:
(a) Packing Group I. Materials that cause full thickness destruction of intact skin tissue within an observation period of up to 60 minutes starting after the exposure time of three minutes or less.
(b) Packing Group II. Materials that cause full thickness destruction of intact skin tissue within an observation period of up to 14 days starting after the exposure time of more than three minutes but not more than 60 mimutes.
(c) Packing Group III. Materials, other than those meeting Packing Group I or II criteria-
(1) That cause full thickness. destruction of intact skin tissue within an observation period of up to 14 days starting after the exposure time of more than 60 minutes but not more than 4 hours; or
(2) That do not cause full thickness destruction of intact skin tissue but exhibit a corrosion rate on steel or aluminum surfaces exceeding 6.25 mm ( 0.25 inch) a year at a test temperature
of $55^{\circ} \mathrm{C}\left(130^{\circ} \mathrm{F}\right)$. For the purpose of testing steel P3 (ISO 9328-1) or a similar type, and for testing aluminum, nonclad types 7075-T6 or AZ5GU-T6 should be used. An acceptable test is described in ASTM G 31-72
(Reapproved 1990).

56. In $\$ 173.150$, the section heading and paragraph (d) are revised to read as follows:

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

(d) Alcoholic beverages. An alcoholic beverage (wine and distilled spirits as defined in 27 CFR 4.10 and 5.11 ) is not subject to the requirements of this subchapter if it -
(1) Contains 24 percent or less alcohol by volume;
(2) Is in a packaging of five liters or less; or
(3) Is a Packing Group III alcoholic beverage in a packaging of 250 L ( 66 gallons) or less, unless transported by air.

## §173.150 [Amended]

57. In addition, in $\S 173.150$, the following changes are made:
a. In paragraph (a), the wording "another hazard class." is revised to read "another hazard class except Division 6.1, Packing Group III or Class 8, Packing Group III.".
b. In the introductory text of paragraph (b), the wording "flammable liquids (Class 3)" is revised to read "flammable liquids (Class 3) and combustible liquids".
c. In paragraph (b)(3), the wording "flammable liquids in Packing Group III," is revised to read "flammable liquids in Packing Group III and combustible liquids,".
58. In $\S 173.152$, paragraph (b) (3) is revised to read as follows:
§173.152 Exceptions for Division 5.1 (oxidizers) and Division 5.2 (organic peroxides)
(b) * * *
(3) For organic peroxides which do not require temperature control during transportation-
(i) For Type D, E, or F organic peroxides, inner packagings not over 125 ml ( 4.22 ounces) net capacity each for liquids or 500 g ( 17.64 ounces) net capacity for solids, packed in strong outer packagings.
(ii) For Type B or C organic peroxides, inner packagings not over $25 \mathrm{ml}(0.845$ ounces) net capacity each for liquids or 100 g ( 3.528 ounces) net capacity for
solids, packed in strong outer packagings.
59. In § 173.158, a new paragraph $(f)(3)$ is added to read as follow:

## §173.158 Nitric acid

(3) In combination packagings with $1 \mathrm{~A} 2,1 \mathrm{~B} 2,1 \mathrm{D}, 1 \mathrm{G}, 1 \mathrm{H} 2,3 \mathrm{H} 2,4 \mathrm{C} 1,4 \mathrm{C} 2$, $4 \mathrm{D}, 4 \mathrm{~F}$ or 4 G outer packagings and plastic inner packagings not over 2.5 L ( 0.66 gallon) capacity further individually overpacked in tightly closed metal packagings.
60. Section 173.164 is amended by redesignating paragraphs (b), (c) and (d) as paragraphs (c), (d) and (e) respectively, revising newly designated paragraph (c) introductory text and the last sentence of newly designated paragraph $(\mathrm{c})(1)$, and adding a new paragraph (b) to read as follows:
\$173.164 Mercury (metallic and articles containing mercury)
(b) Manufactured articles or apparatuses, each containing not more than 100 mg ( 0.0035 ounce) of mercury and packaged so that the quantity of mercury per package does not exceed 1 $g(0.035$ ounce $)$ are not subject to the requirements of this subchapter.
(c) Mamufactured articles or apparatuses containing not more than 100 mg ( 0.0035 ounce) mercury are excepted from the specification packaging requirements of this subchapter when packaged as follows:
(1) * * * Mercury switches and relays are excepted from these packaging requirements, if they are totally enclosed, leakproof and in sealed metal or plastic units.

## §173.164 [Amended]

61. In addition, in $\$ 173.164$, the following changes are made:
a. In paragraph (a)(1), in the first sentence, the wording "not more than 250 ml ( 8 oz ) capacity each" is revised to read "not more than $3.5 \mathrm{~kg}(7.7$ pounds) capacity each".
b. In paragraphs (a)(1) and (a)(2), the wording "or reconstituted wood ( 4 F ) boxes," is revised to read ", reconstituted wood (4F) or solid plastic ( 4 H 2 ) boxes," each place it appears.
c. In paragraph (a)(2), immediately following the wording "'quicksilver flasks'" the wording 'of not more than 3.5 kg ( 7.7 pounds) capacity each" is added.
62. Section 173.166 is amended by revising the section heading, adding a
new last sentence in paragraph (a), revising paragraph (b), the last sentence of paragraph (c) and paragraph $(\mathrm{d})(1)$ to read as follows:
§173.166 Air bag inflators, air bag modules, seat-belt pre-tensioners, and seat-belt modules
(a) * * * A seat-belt pre-tensioner contains similar hazardous materials and is used in the operation of a seatbelt restraining system in a motor vehicle. A seat-belt module is the seat belt pre-tensioner plus seat-belt hardware.
(b) Classification. An air bag inflator, air bag module, seat-belt pre-tensioner or seat-belt module may be classed as Class 9 only if it meets the following requirements-
(1) The manufacturer has submitted each design type air bag inflator or seatbelt pre-tensioner to the Bureau of Explosives (BOE) or the Bureau of Mines (BOM) for examination and testing. The submission must contain a detafled description of the inflator or pre-tensioner (or, if more than a single inflator or pre-tensioner is involved, the maximum parameters of each particular inflator or pre-tensioner design type for which approval is sought) and details on the complete package.
(2) Samples of the inflator or pretensioner, packaged as for transport, have been subjected to test series $6(\mathrm{c})$ of the UN Recommendations on the Transport of Dangerous Goods, Tests and Criteria, Second Edition, 1990 with no explosion of the device, no fragmentation of device casings, and no projection hazard or thermal effect which would significantly hinder firefighting or other emergency response efforts in the immediate vicinity.
(3) The manufacturer submits an application, including-
(i) The BOE or BOM test results and report recommending the shipping description and classification for each device or design type; or
(ii) An approved classification issued by the competent authority of a foreign government, to the Associate.
Administrator for Hazardous Materials Safety, and is notified in writing by the Associate Administrator that the device has been classed as Class 9 and approved for transportation.
(4) No approval applications are required for air bag or seat-belt modules containing an approved air bag inflator or seat-belt pre-tensioner.
(5) Air bag inflators or seat belt pretensioners previously reclassed from Class 1 to Division 4.1 under the terms of an exemption may be reclassed as. Class 9 materials without further testing.
(c) * * * A module must be identified with the same EX number or product code of the approved inflator or pre-tensioner.
(d) * * * (1) An air bag or seat-belt module that has been approved by the Associate Administrator for Hazardous Materials Safety and is installed in a motor vehicle or in completed vehicle components, such as steering columns or door panels, is not subject to the requirements of this subchapter.

## §173.166 [Amended]

63. In addition, in § 173.166, the following changes are made:
a. In paragraph (c), in the first and second sentences, the wording "or pretensioner" is added immediately following the wording "inflator" each place it appears.
b. In paragraph (d)(2), the wording "or seat-belt" is added immediately following the wording "air bag" and the wording "or pre-tensioner" is added immediately following the wording "inflator".
c. In paragraph ( f ), the wording "FLAMMABLE SOLID label" is revised to read "CLASS 9 label"

## §173.171 [Amended]

64. In § 173.171, in paragraph (a), the wording "Division 1.3 classification" is revised to read "Division 1.3 and Division 4.1 classification", and the reference "§ 173.56 " is revised to read "§§173.56 and 173.58",
65. In § 173.173, the section heading and paragraph (b) introductory text are revised to read as follows:

## §173.173 Paint, paint-related material, adhesives, ink and resins

(b) Paint, paint-related material, adhesives, ink and resins must be packaged as follows:
66. Section 173.185 is revised to read as follows:

## §173.185 Lithium cells and batteries

(a) Except as otherwise provided in this subpart, a lithium cell or battery is authorized for transportation only if it conforms to the provisions of this section.
(b) Exceptions. Cells and batteries are not subject to the requirements of this subchapter if they meet the following requirements:
(1) Each cell with a liquid cathode may contain no more than $0.5 \mathrm{~g}(0.02$ ounce) of lithium or lithium alloy, and each cell with a solid cathode may contain no more than 10 g ( 0.04 ounce $)$ lithium or lithium alloy:

67510 Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations
(2) Each battery with a liquid cathode may contain an aggregate quantity of no more than 1.0 g ( 0.04 ounce) lithium or lithium alloy, and each battery with a solid cathode may contain an aggregate quantity of no more than $2.0 \mathrm{~g}(0.07$ ounce) of lithium or lithium alloy;
(3) Each cell must be hermetically sealed;
(4) Cells and batteries must be separated so as to prevent short circuits and must be packed in strong packagings, except when installed in equipment; and
(5) If a liquid cathode battery contains more than 0.5 g ( 0.02 ounce) of lithium or lithium alloy or a solid cathode battery contains more than 1.0 g ( 0.04 ounce) lithium or lithium alloy, it may not contain a liquid or gas that is a hazardous material according to this subchapter unless the liquid or gas, if free, would be completely absorbed or neutralized by other materials in the battery.
(c) Cells and batteries also are not subject to this subchapter if they meet the following requirements:
(1) Each cell contains not more than 5 g ( 0.18 ounces) of lithium or lithium alloy;
(2) Each battery contains not more than 25 g ( 0.88 ounces) of lithium or lithium alloy;
(3) Each cell or battery is of the type proven to be non-dangerous by testing in accordance with tests in Part IV of the UN Recommendations on the Transport of Dangerous Goods, Tests and Criteria, such testing must be carried out on each type prior to the initial transport of that type; and
(4) Cells and batteries are designed or packed in such a way as to prevent short circuits under conditions normally encountered in transportation.
(d) Cells and batteries and equipment containing cells and batteries which were first transported prior to January 1, 1995, and were assigned to Class 9 on the basis of the requirements of this subchapter in effect on October 1, 1993, may continue to be transported in accordance with the applicable requirements in effect on October 1, 1993.
(e) Cells and batteries may be transported as items of Class 9 if they meet the requirements in paragraphs (e) (1) through (e)(9) of this section:
(1) Cells must not contain more than 12 g ( 0.42 ounce) of lithium or lithium alloy. When transported by passenger aircraft cells must not contain more than 3 g ( 0.11 ounces) of lithium or lithium alloy.
(2) Batteries must not contain more than 500 g ( 17.6 ounces) of lithium or lithium alloy. When transported by
passenger aircraft, batteries must not contain more than 125 g ( 4.4 ounces) of lithium or lithium alloy.
(3) Each cell and battery must be equipped with an effective means of preventing external short circuits.
(4) Each cell and battery must incorporate a safety venting device or be designed in a manner that will preclude a violent rupture under conditions normally incident to transportation.
(5) Batteries containing cells or series of cells connected in parallel must be equipped with diodes to prevent reverse current flow.
(6) Cells and batteries must be packed in strong inner packagings containing not more than 500 g ( 17.6 ounces) of lithium or lithium alloy. When transported by passenger aircraft, inner packagings must not contain more than 125 g ( 4.4 ounces) of lithium or lithium alloy.
(7) Cells and batteries must be packed in inner packagings in such a manner as to effectively prevent short circuits and to prevent movement which could lead to short circuits.
(8) Cells and batteries must be packaged in packagings conforming to the requirements of part 178 of this subchapter at the Packing Group II performance level:
(i) Inner packagings must be packed within a wooden box ( $4 \mathrm{C} 1,4 \mathrm{C} 2,4 \mathrm{D}$, or 4 F ), fiberboard box ( 4 G ), fiber drum (16), or metal drum (1A2 or 1B2);
(ii) Cells and batteries intended for air transportation must be packaged in metal drums (1A2 or 1B2) fitted with gas-tight gaskets; and
(iii) When the outer packaging is metal, the inner packagings must be separated from each other and from the outer packaging by at least 25 mm (1 inch) of non-combustible cushioning material.
(9) One of the following criteria must be met:
(i) Each cell or battery is of the type proven to meet the criteria of Class 9 by testing in accordance with tests in Part IV of the UN Recommendations on the Transport of Dangerous Goods, Tests and Criteria;
(ii) Ten cells and one battery of each type taken from production each week should be subjected to extreme temperature exposure and the short circuit test procedures in Part IV of the UN Recommendations on the Transport of Dangerous Goods, Tests and Criteria, or, equivalent tests approved by the Associate Administrator for Hazardous Materials Safety. There should be no evidence of distortion, leakage or internal heating in conducting the extreme temperature exposure test procedure. In conducting the short
circuit test procedure, if venting occurs, an open flame applied to venting fumes should not produce an explosive condition; or
(iii) Cells and batteries that are hermetically sealed are excepted from paragraphs (e)(8)(ii) and (e)(8)(iii) of this section if the cells and batteries are subjected to the altitude simulation, extreme temperature exposure, vibration, and shock tests described in the UN Recommendations on the Transport of Dangerous Goods, Tests and Criteria, or equivalent tests approved by the Associate Administrator for Hazardous Materials Safety, and show no visible evidence of out-gassing, leakage, loss of mass or distortion.
(10) Except as provided in paragraph (i) of this section, cells or batteries may not be offered for transportation or transported if any cell has been discharged to the extent that the open circuit voltage is less than two volts or is less than $2 / 3$ of the voltage of the fully charged cell, whichever is less.
(f) Equipment containing or packed with cells and batteries meeting the requirements of paragraph (b) or (c) of this section is excepted from all other requirements of this subchapter.
(g) Equipment containing or packed with cells and batteries may be transported as items of Class 9 if the batteries and cells meet all the requirements of paragraph (e) of this section and are packaged as follows:
(1) Equipment containing cells and batteries must be packed in a strong outer packaging that is waterproof or is made waterproof through the use of a liner. The equipment must be secured within the outer packaging and be packed as to effectively prevent movement, short circuits, and accidental operation during transport; and
(2) Cells and batteries packed with equipment must be packed in inner packagings conforming to paragraph (e)(9) of this section in such a manner as to effectively prevent movement and short circuits. Not more than 5 kg of cells and batteries may be packed with each item of equipment.
(h) Cells and batteries, for disposal, may be offered for transportation or transported to a permitted storage facility and disposal site by motor vehicle when they meet the following requirements:
(1) Cells must not contain more than $12 \mathrm{~g}(0.42$ ounce $)$ and batteries must not contain more than 500 g ( 17.6 ounces) of lithium or lithium alloy;
(2) Be equipped with an effective means of preventing external short circuits; and
(3) Be packed in a strong outer packaging conforming to the requirements of $\S \S 173.24$ and 173.24 a . The packaging need not conform to performance requirements of part 178 of this subchapter.
(i) Cells and batteries and equipment containing or packed with cells and batteries which do not comply with the provisions of this section may be transported only if they are approved by the Associate Administrator for Hazardous Materials Safety.
(j) For testing purposes, cells containing not more than 12 g ( 0.42 ounce) of lithium or lithium alloy and batteries contairing not more than 500 g ( 17.6 ounces) of lithium or lithium alloy may be offered for transportation or transported by highway only as items of Class 9. Packaging must conform with paragraphs (e)(8)(i) and (iii) of this section with not more than 100 cells per package.
67. Section 173.189 is added to read as follows:
§173.189 Batteries containing sodium or cells containing sodium
(a) Batteries and cells may not contain any hazardous material other than sodium, sulfur or polysulfides. Cells not forming a component of a completed battery may not be offered for transportation at a temperature at which any liquid sodium is present in the cell. Batteries may only be offered for transportation, or transported, at a temperature at which any liquid sodium present in the battery conforms to the conditions prescribed in paragraph (d) of this section.
(b) Cells must consist of hermetically sealed metal casings which fully enclose the hazardous materials and which are so constructed and closed as to prevent the release of the hazardous materials under normal conditions of transport. Cells must be placed in suitable outer packagings with sufficient cushioning material to prevent contact between cells and between cells and the internal surfaces of the outer packaging, and to ensure that no dangerous movement of the cells within the outer packaging occurs in transport. Cells must be packaged in 1A2, 1B2, 1D, 1G, 1H2, 4C, $4 \mathrm{D}, 4 \mathrm{~F}, 4 \mathrm{G}$ or 4 H 2 outer packagings which meet the requirements of part 178 of this subchapter at the Packing Group II performance level.
(c) Batteries must consist of cells secured within, and fully enclosed by a metal casing so constructed and closed as to prevent the release of the hazardous materials under normal conditions of transport. Batteries may be offered for transportation, and transported, unpacked or in protective
packagings that are not subject to the requirements of part 178 of this subchapter.
(d) Batteries containing any liquid sodium may not be offered for transportation, or transported, by aircraft. Batteries containing liquid sodium may be transported by motor vehicle, rail car or vessel under the following conditions:
(1) Batteries must be equipped with an effective means of preventing external short circuits, such as by providing complete electrical insulation of battery terminals or other external electrical comnectors. Battery terminals or other electrical connectors penetrating the heat insulation fitted in battery casings must be provided with thermal insulation sufficient to prevent the temperature of the exposed surfaces of such devices from exceeding $55^{\circ} \mathrm{C}$ ( $130^{\circ} \mathrm{F}$ ).
(2) No battery may be offered for transportation if the temperature at any point on the external surface of the battery exceeds $55^{\circ} \mathrm{C}\left(130^{\circ} \mathrm{F}\right)$.
(3) If any external source of heating is used during transportation to maintain sodium in batteries in a molten state, means must be provided to ensure that the internal temperature of the battery does not reach or exceed $400^{\circ} \mathrm{C}\left(752^{\circ} \mathrm{F}\right)$.
(4) When loaded in a transport vehicle or freight container:
(i) Batteries must be secured so as to prevent significant movement within the transport vehicle or freight container under conditions normally incident to transportation;
(ii) Adequate ventilation and/or separation between batteries must be provided to ensure that the temperature at any point on the external surface of the battery casing will not exceed $240^{\circ} \mathrm{C}$ ( $464^{\circ} \mathrm{F}$ ) during transportation; and
(iii) No other hazardous materials, with the exception of cells containing sodium, may be loaded in the same transport vehicle or freight container: Batteries must be separated from all other freight by a distance of not less than 0.5 meters ( 1.6 feet).
(e) Batteries containing sodium or cells containing sodium, when installed as part of a motor vehicle, are not subject to the requirements of this subchapter.

## § 173.196 [Amended]

68. In $\S 173.196$, in paragraph ( $f$ ), the wording "the primary receptacle and secondary packaging" is revised to read "the primary receptacle or secondary packaging".

## §173.211 [Amended]

69. In $\$ 173.211$, in paragraph (c), for the entry "Steel box with liner:", the
wording " 4 A 2 " is revised to read " 4 A "; and for the entry "Aluminum box with liner:" the wording " 4 B 2 " is revised to read " 4 B ".

## §173.212 [Amended]

70. In § 173.212, in paragraph (c), for the entry "Steel box:" the wording " 4 A 1 " is revised to read " 4 A "; for the entry "Steel box with liner:" the wording " 4 A 2 " is revised to read " 4 A "; for the entry "Aluminum box:" the wording " 4 B 1 " is revised to read " 4 B "; and for the entry "Aluminum box with" liner:" the wording " 4 B 2 " is revised to read " 4 B ".

## § 173.213 [Amended]

71. In § 173.213, in paragraph (c), for the entry "Steel box with liner:" the wording " 4 A 2 " is revised to read " 4 A "; for the entry "Steel box:" the wording " 4 A 1 " is revised to read " 4 A "; and for the entry "Aluminum box with liner:" the wording " 4 B 2 " is revised to read " 4 B ".
72. Section 173.224 is revised to read as follows:
§173.224 Packaging and control and emergency temperatures for self-reactive materials
(a) General. When the § 172.101 Table of this subchapter specifies that a Division 4.1 material be packaged in accordance with this section, only packagings which conform to the provisions of this section may be used. Each packaging must conform to the general packaging requirements of subpart B of this part and the applicable requirements of part 178 of this subchapter. Non-bulk packagings must meet Packing Group II performance levels. To avoid unnecessary confinement, metallic non-bulk paekagings meeting Paeking Group I are not authorized. Self-reactive materials which require temperature control are subject to the provisions of $\S 173.21(\mathrm{t})$. Packagings required to bear a Class 1 subsidiary label must conform to §§ 173.60 through 173.62.
(b) Self-Reactive Materials Table. The Self-Reactive Materials Table specifies, by technical name, those self-reactive materials that are authorized for transportation and not subject to the approval provisions of §173.124(a)(2)(vii). A self-reactive material identified by technical name in the following table is authorized for transportation only if it conforms to all applicable provisions of the table. The column headings of the Self-Reactive Materials Table are as follows:
(1) Technical name. Column 1 specifies the technical name.
(2) ID number. Column 2 specifies the identification number which is used to identify the proper shipping name in the § 172.101 Table.
(3) Concentration of self-reactive material. Column 3 specifies the concentration (percent) limitations, if any, in mixtures or solutions for the self-reactive material. Limitations are given as minimums, maximums, or a range, as appropriate. A range includes the lower and upper limits (i.e., "53$100^{\prime \prime}$ means from, and including, 53 percent to, and including 100 percent).
(4) Packing method. Column 4 specifies the highest packing method which is authorized for the self-reactive material. A packing method corresponding to a smaller package size may be used, but a packing method corresponding to a larger package size may not be used. The Table of Packing Methods in § 173.225 (d) defines the packing methods. Additional bulk packagings are authorized in paragraph (d) of this section for Type F selfreactive materials.
(5) Control temperature. Column 5 specifies the control temperature in ${ }^{\circ} \mathrm{C}$. Temperatures are specified only when temperature controls are required (see § $173.21(\mathrm{f})$ ).
(6) Emergency temperature, Column 6 specifies the emergency temperature in ${ }^{\circ} \mathrm{C}$. Temperatures are specified only when temperature controls are required (see § $173.21(\mathrm{f})$ ).
(7) Notes. Column 7 specifies other applicable provisions, as set forth in notes following the table.

Self-Reactive Materials Table

| Seli-reactive substance (1) | Identification number <br> (2) | Concentra-tion-(\%) <br> (3) | Packing method <br> (4) | Control temperature $-\left({ }^{\circ} \mathrm{C}\right)$ <br> (5) | Emergency tem-perature( ${ }^{\circ} \mathrm{C}$ ) <br> (6) | Notes (7) |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Azodicarbonamide formulation type B | 3232 | < 100 | OP5B |  |  |  |
| Azodicarbonamide formulation type C | 3234 | <100 | OP6A |  |  |  |
| Azodicarbonamide formulation type D | 3236 | $<100$ | OP7B |  |  |  |
| 2,2'-Azodi( 2,4 -dimethyl-4-methoxyvaleronitrile) | 3236 | 100 | OP7B | 5 | +5 |  |
| 2,2-Azodi(2,4-dimethyivaleronitrile) | 3236 | 100 | OP7B | $+10$ | +15 |  |
| 2,2'-Azodi(ethyl 2 -methylpropionate) | 3235 | 100 | OP7A | $+20$ | $+25$ |  |
| 1,1-Azodi(hexahydrobenzonitrile) | 3236 | 100 | OP7B |  |  |  |
| 2,21-Azodi(isobutyronitrile) | 3234 | 100 | OP6B | $+40$ | 45 |  |
| 2,2 ${ }^{1}$-Azodi (2-methylbutyronitrile) | 3236 | 100 | OP7B | +35 | +40 |  |
| Benzene-1,3-disulphohydrazide, as a paste | 3236 | 52 | OP7B |  |  |  |
| Benzene sulphohydrazide ............................................................. | 3236 | 100 | OP78 |  |  |  |
| 4-(Benzyl(ethyl)amino)-3-ethoxybenzenediazonium zinc chloride ....... | 3236 3236 | 100 | OP78 OP7B |  |  |  |
| 4-(Benzyl(methyl)amino)-3-ethoxybenzenediazonium zinc chloride ..... | 3236 3236 | 100 | OP7B OP7B | +40 | +45 |  |
| 2-Diazo-1-Naphthol-4-sulphochloride | 3222 | 100 | OP5B |  |  |  |
| 2-Diazo-1-Naphthol-5-sulphochloride | 3222 | 100 | OP5B |  |  |  |
| 2,5-Diethoxy-4-morpholino-benzenediazonium zinc chloride | 3236 | 67-100 | OP7B | +35 | +40 |  |
| 2,5-Diethoxy-4-morpholino-benzenediazonium zinc chloride ............ | 3236 | 66 | OP7B | +40 | +45 |  |
| 2,5-Diethoxy-4-morpholino-benzenediazonium tetrafluoroborate ......... | 3236 | 100 | OP7B | +30 | +35 |  |
| 2,5-Diethoxy-4-(phenylsulphonyl)benzenediazonium zinc chloride ...... | 3236 | 67 | OP7B | +40 | +45 |  |
| 2,5-Dimethoxy-4-(4-methylphenylsulphony)benzene-diazonium zinc chloride. | 3236 | 79 | OP7B | +40 | +45 |  |
| 4-Dimethylamino-6-(2-dimethylaminoethoxy)toluene-2-diazonium zinc chloride. | 3236 | 100 | OP7B | +40 | +45 |  |
| $\mathrm{N}, \mathrm{N}^{\prime}$-Dinitrosa-N, $\mathrm{N}^{\prime}$-dimethyl-terephthalamide, as a paste .................. | 3224 | 72 | OP6B |  |  |  |
| N, $N^{\prime}$ Dinitrosopentamethylenetetramine | 3224 | 82 | OP6B |  |  |  |
| Diphenyloxide-4,4-Disulphohydrazide | 3226 | 100 | OP7B |  |  |  |
| 4-Dipropylaminobenzenediazonium zinc chloride | 3226 | 100 | OP78 |  |  |  |
| 2-(N,N-Ethoxycarbonyiphenylamino)-3-methoxy-4-(N-methyl- N cyclohexylamino)benzenediazonium zinc chloride. | 3236 | 63-92 | OP7B | +40 | +45 |  |
| 2-(N,N-Ethoxycarbonylphenylamino)-3-methoxy-4-(N-methyl- N cyclohexylamino)benzenediazonium ziric chloride. | 3236 | 62 | OP7B | +35 | +40 |  |
| N -Formyl-2-(nitromethylene)-1,3-perhydrothiazine | 3236 | 100 | OP7B | +45 | +50 |  |
| 2-(2-Hydroxyethoxy)-1-(pyrrolidin-1-yl)benzene-4-diazonium zinc chloride. | 3236 | 100 | OP7B | +45 | +50 |  |
| 3-(2-Hydroxyethoxy)-4-(pyrrolidin-1-yl)benzenediazonium zinc chloride | 3236 | 100 | OP78 | +40 | +45 |  |
| 2-(N,N-Methylaminoethylcarbonyi)-4-(3,4-dimethyl-phenylsulphonyl)benzene-diazonium zinc chloride. | 3236 | 96 | OP7B | +45 | +50 |  |
| 4-Methylbenzenesulphonylhydrazide ..................... | 3226 | 100 | OP7B | $+40$ | +45 |  |
| 3-Methyl-4-(pyrrolidin-1-yl) benzenediazonium. |  |  |  |  |  |  |
| 4-Nitrosophenol ....................................... | 3236 | 100 | OP7B | +35 | +40 |  |
| Seli-reactive liquid, sample | 3223 |  | OP2A |  |  |  |
| Self-reactive liquid, sample, temperature control | 3233 |  | OP2A |  |  |  |
| Self-reactive solid, sample | 3224 |  | OP2B |  |  |  |
| Self-reactive solid, sample, temperature control | 3234 |  | OP2B |  |  |  |
| Sodium 2-diazo-1-naphthol-4-sulphonate ...................................... | 3226 | 100 | OP78 |  |  |  |
| Sodium 2-diazo-1-naphthol-5-sulphonate | 3226 | 100 | OP7B |  |  |  |
| Tetramine palladium (II) nitrate ..................................................... | 3234 | 100 | OP6B | +30 | +35 |  |

## Notes:

1. With a compatible diluent having a boiling point of not less than $150^{\circ} \mathrm{C}$.

Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67513
2. Samples may only be offered for transportation when all available data indicate that the sample is no more dangerous than a self-reactive substance type C, and the sample is packaged using packaging method OP2A for liquids or OP2B for solids, as appropriate, in quantities less than 10 kg per shipment, employing any necessary temperature controls.
(c) New self-reactive materials, formulations and samples. (1) Except as provided for samples in paragraph (c)(4) of this section, no person may offer, accept for transportation, or transport a self-reactive material which is not identified by technical name in the SelfReactive Materials Table of this section, or a formulation of one or more selfreactive materials which are identified by technical name in the table, unless the self-reactive material is assigned a generic type and shipping description and is approved by the Associate Administrator for Hazardous Materials Safety under the provisions of
§ 173.124 (a)(2)(vii).
(2) Except as provided by an approval issued under § $173.124(\mathrm{a})(2)$ (vii), intermediate bulk and bulk packagings are not authorized.
(3) Non-bulk packagings are authorized as specified in the Packing Method Table for Generic Types, as follows. Column 1 of the table specifies the generic type by identification number. Column 2 of the table specifies the generic proper shipping name from the $\S 172.101$ Table. Column 3 of the table specifies the series of packing methods authorized for use. The Table of Packing Methods in §173.225(d) defines the packing methods. The Packing Method Table for Generic Types is as follows:

## Packing Method Table fór Generic Types

| UN No. <br> (1) | Proper shipping name <br> (2) | Packing method <br> (3) |
| :---: | :---: | :---: |
| 3221 | Self-reactive liquid Type B. | OP1AOP5A. |
| 3222 | Self-reactive solid Type B. | OP1BOP5B. |
| 3223 | Self-reactive liquid Type C. | OP1AOP6A. |
| 3224 ....... | Self-reactive solid Type C. | OP1BOP6B. |
| 3225 ....... | Self-reactive liquid Type D. | OP1AOP7A. |
| 3226 ....... | Self-reactive solid | OP1B- |
|  | Type D. Self-reactive liquid | OP7B. OP1A- |
| 3227 ....... | Self-reactive liquid Type E. | $\begin{aligned} & \text { OP1A- } \\ & \text { OP8A. } \end{aligned}$ |

## Packing Method Table for Generic Types-Continued

| UN No. <br> (1) | Proper shipping name <br> (2) | Packing method <br> (3) |
| :---: | :---: | :---: |
| 3228 | Self-reactive solid Type E. | OP1BOP8B. |
| 3229 ....... | Self-reactive liquid Type F. | OP1AOP8A. |
| 3230 ....... | Self-reactive solid Type F. | $\begin{aligned} & \text { OP1B- } \\ & \text { OP8B. } \end{aligned}$ |
| 3231 ... | Self-reactive liquid Type B, temperature controlled. | OP1AOP5A. |
| 3232 | Self-reactive solid Type B, temperature controlled. | OP1BOP6B. |
| 3233 | Self-reactive liquid Type C, temperature controlled. | OP1AOP6A. |
| 3234. | Self-reactive solid Type C, temperature controlled. | $\begin{aligned} & \text { OP1B- } \\ & \text { OP7B. } \end{aligned}$ |
| 3235 | Self-reactive liquid Type D, temperature controlled. | OP1AOP7A. |
| 3236 | Self-reactive solid Type D, temperature controlled | OP1BOP8B. |
| 3237 | Seli-reactive liquid Type E, temperature controlled. | OP1AOP8A. |
| 3238 | Self-reactive solid Type E, temperature controlled. | OP1BOP8B. |
| 3239 | Sell-reactive liquid Type F, temperature controlled. | OP1AOP8A. |
| 3240 ....... | Self-reactive solid Type F, temperature controlled. | OP1B- OP8B. |

(4) Samples. Samples of new selfreactive materials or new formulations of self-reactive materials identified in the Self-Reactive Materials Table in paragraph (b) of this section, for which complete test data are not available, and
which are to be transported for further testing or evaluation, may be assigned an appropriate shipping description for Self-reactive materials Type C, packaged and offered for transportation under the following conditions:
(i) Data available to the person offering the material for transportation must indicate that the sample would pose a level of hazard no greater than that of a self-reactive material Type B and that the control temperature, if any, is sufficiently low to prevent any dangerous decomposition and sufficiently high to prevent any dangerous phase separation;
(ii) The sample must be packaged in accordance with packing method OP2A or OP2B, for a liquid or a solid, respectively;
(iii) Packages of the self-reactive material may be offered for transportation and transported in a quantity not to exceed 10 kg ( 22 pounds) per transport vehicle; and (iv) One of the following shipping descriptions must be assigned:
(A) Self-reactive, liquid, type C, 4.1, UN3223.
(B) Self-reactive, solid, type C, 4.1, UN3224.
(C) Self-reactive, liquid, type C, temperature controlled, 4.1, UN3233.
(D) Self-reactive, solid, type C, temperature controlled, 4.1, UN3234.
(d) Self-reactive substances of Type F may not be transported in bulk or intermediate bulk containers except as approved, in writing, by the Associate Administrator for Hazardous Materials Safety.
73. In $\S 173.225$, the fourth sentence of paragraph (a) and the Organic Peroxides Table in paragraph (b) are revised, a new paragraph (c)(5) is added, and paragraph $(\mathrm{e})(3)(\mathrm{ii})$ is revised to read as follows: $\S 173.225$ Packaging requirements and other provisions for organic peroxides.
(a) $\star * *$ To avoid unnecessary confinement, metallic non-bulk packagings meeting Packing Group I are not authorized. * * *
(b) * * *

BILLING CODE 4910-60-p

Organic Peroxides table

| Technical Name | 10 Number | Concentration (Mass \%) | Diluent (Mass \%) |  |  | Water (Mass \%) | Packing Method | Temperature $\left({ }^{\circ} \mathrm{C}\right)$ |  | Notes |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  | A | B | 1 |  |  | Control | Emergency |  |
| (1) | (2) | (3) | (4a) | (4b) | (4c) | (5) | (6) | (7a) | (7b) | (8) |
| Acetyl acetone peroxide .. | UN3105 | \$42 | $\geq 48$ |  |  | $\geq 8$ | OP7A |  |  |  |

ORGANIC PEROXIDES: TABLE-Continued:


Federal Register / Vol. 59, No. 249 / Thursday, December 29, 1994 / Rules and Regulations 67515
Organic Peroxides Table-Continued


## Organic Peroxides Table - Continued



## BILLING CODE 4910-60-F

## Notes:

1. For domestic shipments, OP8A is authorized.
2. Available oxygen must be $<4.7$ percent.
3. For concentrations $<80$ percent OP5B is allowed. For concentrations of at least 80 percent but $<85$ percent, OP4B is allowed. For concentrations of at least 85 percent, maximum package size is OP2B.
4. The diluent may be replaced by di-tert-butyl peroxide.
5. Available oxygen must be $\leq 9$ percent.
6. For domestic shipments, OP5 $A$ is authorized.
7. This material may be transported in intermediate bulk containers and bulk packagings under the provisions of $\$ 173.225(\mathrm{e}$ ).
8. Only non-metallic packagings are authorized.
9. For domestic shipments, this material may be transported in bulk packagings under the provisions of $\$ 173.225(\mathrm{e})(3)(\mathrm{c})(\mathrm{ii})$.
10. This material may be transported in intermediate bulk containers under the provisions of $\$ 173.225(\mathrm{e})$.
11. Up to 2000 kg per container authorized.
12. Samples may only be offered for transportation when all available data indicate that the sample is no more dangerous than an Organic Peroxide type C, and the sample is packaged using packaging method OP2A for liquids or OP2B for solids, as appropriate, in quantities less than 10 kg per shipment, employing any necessary temperature controls.
13. "Corrosive" subsidiary risk label is required.
14. This material may be transported in bulk packagings under the provisions of $\$ 173.225(\mathrm{e})$.
15. No "Corrosive" subsidiary risk label is required for concentrations below $80 \%$.
16. With $<6 \%$ di-tert-butyl peroxide.
17. With $<=8 \% 1$-isopropylhydroperoxy-4-isopropylhydroxybenzene.
18. Addition of water to this organic peroxide will decrease its thermal stability.
19. [Reserved]
20. Mixtures with hydrogen peroxide, water and acid(s).
21. With diluent type A, with or without water.
22. With $>36$ percent, by mass, ethylbenzene.
23. With $>19$ percent, by mass, methyl isobutyl ketone.
(c) * * *
(5) Mixtures, Mixtures of organic peroxides individually identified in the Organic Peroxides Table in paragraph (b) of this section may be classified as the same type of organic peroxide as that of the most dangerous component and be transported under the conditions for transportation given for this type. If the stable components form a thermally less stable mixture, the SADT of the mixture must be determined and the new control and emergency temperature derived under the provisions of
§ 173.21 (f).
(e) * * *
(3) * *
(3) * * *
(ii) Specification 57 metal portable tanks are authorized only for tert-butyl cumyl peroxide, di-(2-tert-butylperoxyisopropyl-benzene(s), dicumyl peroxide and mixtures of two or more of these peroxides.

## § 173.226 [Amended]

74. In §173.226(c)(1), in the entry for "Steel box", the wording "4A1 or 4A2" is removed and the wording " 4 A " is added in its place; and in the entry for "Aluminum box", the wording "4B1 and $4 \mathrm{~B} 2^{\prime \prime}$ is removed and the wording " 4 B " is added in its place.

## § 173.304 [Amended]

75. In $\$ 173.304$, in the paragraph (a) (2) table, for the entry "Carbon dioxide", in Column 3, "DOT-311800" is removed and replaced with "DOT3T1800".
76. In $\S 173.306$, a new paragraph $(\mathrm{a})(4)$ is added and paragraph (a)(3)(v) is revised to read as follows:
$\$ 173.306$ Limited quantities of compressed gases.
(a) * * *
(3) * * *
(v) Each container must be subjected to a test performed in a hot water bath; the temperature of the bath and the duration of the test must be such that the internal pressure reaches that which would be reached at $55^{\circ} \mathrm{C}\left(131^{\circ} \mathrm{F}\right)\left(50^{\circ} \mathrm{C}\right.$ $\left(122^{\circ} \mathrm{F}\right)$ if the liquid phase does not exceed $95 \%$ of the capacity of the container at $\left.50^{\circ} \mathrm{C}\left(122^{\circ} \mathrm{F}\right)\right)$. If the contents are sensitive to heat or if the containers are made of plastic material which softens at this test temperature, the temperature of the bath must be set at between $20^{\circ} \mathrm{C}\left(68^{\circ} \mathrm{F}\right)$ and $30^{\circ} \mathrm{C}\left(86^{\circ} \mathrm{F}\right)$ but, in addition, one container in 2,000 must be tested at the higher
temperature. No leakage or permanent deformation of a container may occur, except that a plastic container may be deformed through softening provided that it does not leak.
(4) Gas samples must be transported under the following conditions:
(i) A gas sample may only be transported as non-pressurized gas when its pressure corresponding to ambient atmospheric pressure in the container is not more than 105 kPa absolute ( 15.22 psia).
(ii) Non-pressurized gases, toxic (or toxic and flammable) must be packed in hermetically sealed glass or metal inner packagings of not more than one L ( 0.3 gallons) overpacked in a strong outer packaging.
(iii) Non-pressurized gases, flammable must be packed in hermetically-sealed glass or metal inner packagings of not more than 2.5 L ( 0.5 gallons) overpacked in a strong outer packaging.

## Appendix A to Part 173 [Removed and Reserved]

77. Appendix A to part 173 is removed and reserved.
78. In Appendix E to part 173, paragraph 2.b.(4) is redesignated as paragraph 2.b.(5) and a new paragraph 2.b.(4) is added to read as follows:

Appendix E to Part 173-Guidelines for the Classification and Packing Group Assignment of Class 4 Materials

[^3](4) A self-reactive material shall be regarded as possessing explosive properties when, in laboratory testing, its formulation is determined to be liable to detonate, deflagrate rapidly or show a violent effect when heated under confinement.

## Appendix E to Part 173 [Amended]

79. In addition, in Appendix E to part 173 , in paragraph 2.c.(3)(B), the wording "Powders of metals or metal alloys are classified when they can be ignited" is revised to read "Powders of metals or metal alloys are classified in Division 4.1 when they can be ignited".

## Appendix F to Part 173 [Amended]

80. In Appendix F to part 173, in paragraph 1., the phrase "Division 4.1" is removed and replaced with "Division 5.1". 81. Appendix H is added to part 173 to read as follows:

## Appendix H to Part 173-Method of Testing for Sustained Combustibility

## 1. Method

The method describes a procedure for determining if the material when heated under the test conditions and exposed to an external source of flame applied in a standard manner sustains combustion.

## 2. Principle of the method

A metal block with a concave depression (test portion well) is heated to a specified temperature. A specified volume of the material under test is transferred to the well, and its ability to sustain combustion is noted after application and subsequent removal of a standard flame under specified conditions.

## 3. Apparatus

A combustibility tester consisting of a block of aluminum alloy or other corrosionresistant metal of high thermal conductivity is used. The block has a concave well and a pocket drilled to take a thermometer. A small gas jet assembly on a swivel is attached to the block. The handle and gas inlet for the gas jet may be fitted at any convenient angle to the gas jet. A suitable apparatus is shown in Figure 5.1 of the UN Recommendations, and the essential dimensions are given in Figures 5.1 and 5.2 of the UN Recommendations. The following equipment is needed:
(a) Gauge, for checking that the height of the center of the gas jet above the top of the test portion well is 2.2 mm (see Figure 5.1):
(b) Thermometer, mercury in glass, for horizontal operation, with a sensitivity not. less than $1 \mathrm{~mm} /{ }^{\circ} \mathrm{C}$, or other measuring device of equivalent sensitivity permitting reading at $0.5^{\circ} \mathrm{C}$ intervals. When in position in the block, the thermometer bulb must be surrounded with thermally conducting thermoplastic compound;
(c) Hotplate, fitted with a temperaturecontrol device. (Other types of apparatus with suitable temperature-control facilities may be employed to heat the metal block):
(d) Stopwatch, or other suitable timing device;
(e) Syringe, capable of delivering 2 ml to an accuracy of $\pm 0.1 \mathrm{ml}$; and
(f) Fuel source, butane test fuel.

## 4. Sampling

The sample must be representative of the material to be tested and must be supplied and kept in a tightly closed container prior to test. Because of the possibility of loss of volatile constituents, the sample must receive only the minimum treatment necessary to ensure its homogeneity. After removing each test portion, the sample container must be immediately closed tightly to ensure that no volatile components escape from the container; if this closure is incomplete, an entirely new sample must be taken.

## 5. Procedure

Carry out the determination in triplicate.

WARNING-Do not carry out the test in a small confined area (for example a glove box) because of the hazard of explosions.
(a) It is essential that the apparatus be set up in a completely draft-free area (see warning) and in the absence of strong light to facilitate observation of flash, flame, etc.
(b) Place the metal block on the hotplate or heat the metal block by other suitable means so that its temperature, as indicated by the thermometer placed in the metal block, is maintained at the specified temperature within a tolerance of $\pm 1^{\circ} \mathrm{C}$. The test temperature is $60.5^{\circ} \mathrm{C}$ or $75^{\circ} \mathrm{C}$, (see (h)). Correct this temperature for the difference in barometric pressure from the standard atmospheric pressure ( 101.3 kPa ) by raising the test temperature for a higher pressure or lowering the test temperature for a lower pressure by $1.0^{\circ} \mathrm{C}$ for each 4 kPa difference. Ensure that the top of the metal block is exactly horizontal. Use the gauge to check that the jet is 2.2 mm above the top of the well when in the test position.
(c) Light the butane test fuel with the jet away from the test position (i.e. in the "off" position, away from the well). Adjust the size of the flame so that it is 8 mm to 9 mm high and approximately 5 mm wide.
(d) Using the syringe, take from the sample container at least 2 ml of the sample and rapidly transfer a fest portion of $2 \mathrm{ml} \pm 0.1 \mathrm{ml}$ to the well of the combustibility tester and immediately start the timing device.
(e) After a heating time of 60 seconds (s), by which time the test portion is deemed to have reached its equilibrium temperature, and if the test fluid has not ignited, swing the test flame into the test position over the edge of the pool of liquid. Maintain it in this position for 15 s and then return it to the "off" position while observing the behavior of the test portion. The test flame must remain lighted throughout the test:
(f) For each test observe and record:
(i) whether there is ignition and sustained combustion or flashing, or neither, of the test portion before the test flame is moved into the test position;
(ii) whether the test portion ignites while the test flame is in the test position, and, if so, how long combustion is sustained after the test flame is returned to the "off" position.
(g) If sustained combustion interpreted in accordance with paragraph 6 . of this appendix is not found, repeat the complete procedure with new test portions, but with a heating time of 30 s .
(h) If sustained combustion interpreted in accordance with paragraph 6. of this appendix is not found at a test temperature of $60.5^{\circ} \mathrm{C}\left(141^{\circ} \mathrm{F}\right)$, repeat the complete procedure with new test portions, but at a test temperature of $75^{\circ} \mathrm{C}\left(167^{\circ} \mathrm{F}\right)$.

## 6. Interpretation of observations

The material must be assessed either as not sustaining combustion or as sustaining combustion. Sustained combustion must be reported at either of the heating times if one of the following occurs with either of the test portions:
(a) When the test flame is in the "off" position, the test portion ignites and sustains combustion;
(b) The test portion ignites while the test flame is in the test position for 15 s , and sustains combustion for more than 15 s after the test flame has been returned to the "off" position.

Note to Paragraph 6. of this Appendix: Intermittent flashing may not be interpreted as sustained combustion. Normally, at the end of 15 s , the combustion has either clearly ceased or continues. In cases of doubt, the material must be deemed to sustain combustion.

## §§ 173.201, $173.202,173.203,173.211$, 173.212, 173.213 [Amended]

82. In addition to the amendments set forth above, part 173 is amended by removing the wording " 4 A 1 or 4 A 2 " and inserting in its place " 4 A " each place it appears; removing the wording "4B1 or 4B2" and inserting in its place "4B" each place it appears; and by removing the wording " 6 HH " and inserting in its place "6HH1" each place it appears in the following sections:
a. Section $173.201(b)$ and (c)
b. Section $173.202(\mathrm{~b})$ and (c)
c. Section $173.203(\mathrm{~b})$ and (c)
d. Section 173.211 (b) and (c)
e. Section $173.212(\mathrm{~b})$ and (c)
f. Section $173.213(\mathrm{~b})$ and (c)

## PART 175-CARRIAGE BY AIRCRAFT

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

Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.
84. In $\S 175.10$, paragraphs $(\mathrm{a})(4)$ introductory text and (a)(13) are revised, paragraph (a)(17) is removed and reserved, and a new paragraph $(\mathrm{a})(26)$ is added to read as follows:

## $\S 175.10$ Exceptions

> (a) * * *
(4) Non-radioactive medicinal and toilet articles (including aerosols) carried by a crew member or passenger in checked or carry-on baggage. Also aerosols in Division 2.2, with no subsidiary risk, for sporting or home use, when carried in checked baggage only, when:
(13) Carbon dioxide, solid (dry ice) when:
(i) In quantities not exceeding 2.3 kg ( 5.07 pounds) per package packed as prescribed by $\S 173.217$ of this subchapter and used as a refrigerant for the contents of the package. The package must be marked with the name of the contents being cooled, the net weight of the dry ice or an indication that the net weight is 2.3 kg ( 5.07 pounds) or less, and also marked "Carbon Dioxide, Solid" or "Dry Ice"; (ii) Intended for use in food and beverage service aboard aircraft; or
(iii) In quantities not exceeding 2 kg ( 4.4 pounds) per passenger when used to pack perishables in carry-on baggage provided the package permits the release of carbon dioxide gas.
(26) A small medical or clinical mercury thermometer for personal use, when carried in protective cases by passengers or crew members.

## §175.10 [Amended]

85. In addition, in $\$ 175.10$, in paragraph (a)(12) introductory text, the wording "environmental restoration or protection," is added immediately following "weather control," and immediately preceding "forest preservation".
86. In $\S 175.33$, a new sentence is added in paragraph (a)(1) introductory text after the first sentence to read as follows:
§175.33 Notification of pilot-incommand
(a) * * *
(1) * * * In the case of Class 1 material, the compatibility group letter also must be shown. * **

## §175.33 [Amended]

87. In addition, in $\S 175.33$, in paragraph $(a)(6)$, the word "and" at the end of the sentence is removed; and in paragraph (a)(7), the period at the end of the sentence is removed and replaced with "; and".

## PART 176-CARRIAGE BY VESSEL

88. The authority citation for part 176 continues to read as follows:
Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.
89. A new paragraph (c) is added in § 176.27 to read as follows:

## §176.27 Certificate

(c)(1) A person responsible for packing or loading a freight container or transport vehicle containing hazardous materials for transportation by a manned vessel in ocean or coastwise service, must provide the vessel operator, at the time the shipment is offered for transportation by vessel, with a signed container packing certificate stating, at a minimum, that-
(i) The freight container or transport unit is serviceable for the materials loaded therein, contains no incompatible goods, and is properly marked, labeled or placarded, as applicable; and
(ii) When the freight container or transport unit contains packages, those
packages have been inspected prior to loading, are properly marked, labeled or placarded, as applicable; are not damaged; and are properly secured.
(2) The certification may appear on a shipping paper or on a separate document as a statement such as "It is declared that the packing of the container has been carried out in accordance with the provisions of 49 CFR 176.27 (c)".
90. In $\S 176.76$, a new paragraph (i) is added to read as follows:
§176.76 Transport vehicles, freight containers, and portable tanks containing hazardous materials.
(i) A fumigated transport unit may only be transported on board a vessel subject to the following conditions and limitations:
(1) The fumigated transport unit may be placed on board a vessel only if at least 24 hours have elapsed since the unit was last fumigated;
(2) The fumigated transport unit is accompanied by a document showing the date of fumigation and the type and amount of fumigant used;
(3) Prior to loading, the master is informed of the intended placement of the fumigated transport unit on board the vessel and the information provided on the accompanying document;
(4) Equipment that is capable of detecting the fumigant and instructions for the equipment's use is provided on the vessel;
(5) The fumigated transport unit must be stowed at least five meters from any opening to accommodation spaces;
(6) Fumigated transport units may only be transported on deck on vessels carrying more than 25 passengers; and
(7) Fumigants may not be added to transport units while on board a vessel.

## PART 177-CARRIAGE BY PUBLIC HIGHWAY

91. The authority citation for part 177 continues to read as follows:

## Authority: 49 U.S.C. 5101-5127: 49 CFR

 1.53.
## § 177.841 [Amended]

92. In § 177.841 , in paragraph (e)(3), the wording "is separated as required in § $177.848(\mathrm{e})(3)$ for classes identified with the letter ' $O$ ' in the Segregation Table for Hazardous Materials." is revised to read "is separated in a manner that, in the event of leakage from packages under conditions normally incident to transportation, commingling of hazardous materials with foodstuffs, feed, or any other edible material would not occur.".

## PART 178-SPECIFICATIONS FOR PACKAGINGS

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

Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.
94. In $\S 178.2$, paragraph (a) is revised and paragraph $(\mathrm{e})$ is added to read as follows:
§178.2 Applicability and responsibility.
(a) Applicability. (1) The requirements of this part apply to packagings manufactured-
(i) To a DOT specification, regardless of country of manufacture; or
(ii) To a UN standard, for packagings manufactured within the United States. For UN standard packagings manufactured outside the United States, see § $173.24(\mathrm{~d})(2)$ of this subchapter. For UN standard packagings for which standards are not prescribed in this part, see §178.3(b).
(2) A manufacturer of a packaging subject to the requirements of this part is primarily responsible for compliance with the requirements of this part. However, any person who performs a function prescribed in this part shall perform that function in accordance with this part.
(e) Definitions. For the purpose of this part-
Manufacturer means the person whose name and address or symbol appears as part of the specification markings required by this part or, for a packaging marked with the symbol of an approval agency, the person on whose behalf the approval agency certifies the packaging.

Specification markings mean the packaging identification markings required by this part including, where applicable, the name and address or symbol of the packaging manufacturer or approval agency.
95. In §178.3, paragraph (a) introductory text, the first sentence of paragraph (a)(2) and paragraph (b) are revised, a sentence is added at the end of paragraph (a)(4), and a new paragraph (a)(5) is added, to read as follows:

## § 178.3 Marking of packagings.

(a) Each packaging represented as manufactured to a DOT specification or a UN standard must be marked with specification markings conforming to the applicable specification, and with the following:
(2) Unless otherwise specified in this part, with the name and address or symbol of the packaging manufacturer
or, where specifically authorized, the symbol of the approval agency certifying compliance with a UN standard.
(4) * * * For packagings having a capacity of 5 L ( 1 gallon) or 5 kg ( 11 pounds) or less, letters and numerals must be of an appropriate size.
(5) For packages with a gross mass of more than 30 kg ( 66 pounds), the markings or a duplicate thereof must appear on the top or on a side of the packaging,
(b) A UN standard packaging for which the UN standard is set forth in this part may be marked with the United Nations symbol and other specification markings only if it fully conforms to the requirements of this part. A UN standard packaging for which the UN standard is not set forth in this part may be marked with the United Nations symbol and other specification markings for that standard as provided in the ICAO Technical Instructions or Annex 1 of the IMDG Code subject to the following conditions:
(1) The U.S. manufacturer must establish that the packaging conforms to the applicable provisions of the ICAO Technical Instructions or Annex 1 of the IMDG Code, respectively.
(2) If an indication of the name of the manufacturer or other identification of the packaging as specified by the competent authority is required, the name and address or symbol of the manufacturer or the approval agency certifying compliance with the UN standard must be entered. Symbols, if used, must be registered with the Associate Administrator for Hazardous Materials Safety.
(3) The letters "USA" must be used to indicate the State authorizing the allocation of the specification marks if the packaging is manufactured in the United States.

## §178.502 [Amended]

96. In § 178.502, the following changes are made:
a. In the paragraph (a) introductory text, the word "types" is revised to read "kinds".
b. In the paragraph (a)(1) introductory text and the first sentence in paragraph (a)(3), the word "type" is revised to read "kind".
97. In $\S 178.503$, paragraph (d) is redesignated paragraph (e); new paragraphs (a)(11) and (d) are added; paragraph (a) introductory text, paragraphs (a)(9), (a)(10), and (c) are revised; and newly designated paragraph (e)(3) is amended by revising the illustration, to read as follows:
§178.503 Marking of packagings.
(a) A manufacturer must mark every packaging that is represented as manufactured to meet a UN standard with the marks specified in this section. The markings must be durable, legible and placed in a location and of such a size relative to the packaging as to be readily visible, as specified in $\$ 178.3(\mathrm{a})$. Except as otherwise provided in this section, every reusable packaging liable to undergo a reconditioning process which might obliterate the packaging marks must bear the marks specified in paragraphs (a)(1) through (a)(6) and (a)(9) of this section in a permanent form (e.g. embossed) able to withstand the reconditioning process. A marking may be applied in a single line or in multiple lines provided the correct sequence is used. As illustrated by the examples in paragraph (e) of this section, the following information must be presented in the correct sequence. Slash marks should be used to separate this information. A packaging conforming to a UN standard must be marked as follows:
(9) For metal or plastic drums or jerricans intended for reuse or reconditioning as single packagings or the outer packagings of a composite packaging, the thickness of the packaging material, expressed in millimeters (rounded to the nearest 0.1 mm ), as follows:
(i) Metal drums or jerricans must be marked with the nominal thickness of the metal used in the body. The marked nominal thickness must not exceed the minimum thickness of the steel used by more than the thickness tolerance stated in ISO Standard 3574. (See Appendix C of this part.) The unit of measure is not required to be marked. When the nominal thickness of either head of a metal drum is thinner than that of the
body, the nominal thickness of the top head, body, and bottom head must be marked (eg., "1.0-1.2-1.0" or "0.9-1.0$1.0^{\prime \prime}$ ).
(ii) Plastic drums or jerricans must be marked with the minimum thickness of the packaging material. Minimum thicknesses of plastic must be as determined in accordance with $\$ 173.28(\mathrm{~b})(4)$. The unit of measure is not required to be marked;
(10) In addition to the markings prescribed in paragraphs (a)(1) through (a)(9) of this section, every new metal drum having a capacity greater than 100 L must bear the marks described in paragraphs (a)(1) through (a)(6), ànd (a)(9)(i) of this section, in a permanent form, on the bottom. The markings on the top head or side of these packagings need not be permanent, and need not include the thickness mark described in paragraph (a)(9) of this section. This marking indicates a drum's characteristics at the time it was manufactured, and the information in paragraphs (a)(1) through (a)(6) of this section that is marked on the top head or side must be the same as the information in paragraphs $(\mathrm{a})(1)$ through (a)(6) of this section permanently marked by the original manufacturer on the bottom of the drum; and
(11) Rated capacity of the packaging expressed in liters may be marked.
(c) Marking of reconditioned packagings. (1) If a packaging is reconditioned, it shall be marked by the reconditioner near the marks required in paragraphs (a)(1) through (6) of this section with the following additional information:
(i) The name of the country in which the reconditioning was performed (in the United States, use the letters "USA");
(ii) The name and address or symbol of the reconditioner. Symbols, if used,
must be registered with the Associate Administrator for Hazardous Materials Safety;
(iii) The last two digits of the year of reconditioning;
(iv) The letter "R"; and
(v) For every packaging successfully passing a leakproofness test, the additional letter "L".
(2) When, after reconditioning, the markings required by paragraph (a) (1) through $(a)(5)$ of this section no longer appear on the top head or the side of the metal drum, the reconditioner must apply them in a durable form followed by the markings in paragraph (c)(1) of this section. These markings may identify a different performance capability than that for which the original design type had been tested and marked, but may not identify a greater performance capability. The markings applied in accordance with this paragraph may be different from those which are permanently marked on the bottom of a drum in accordance with paragraph (a)(10) of this section.
(d) Marking of remanufactured packagings. For remanufactured metal drums, if there is no change to the packaging type and no replacement or removal of integral structural components, the required markings need not be permanent (e.g., embossed). Every other remanufactured drum must bear the marks required in paragraphs (a)(1) through (a)(6) of this section in a permanent form (e.g., embossed) on the top head or side. If the metal thickness marking required in paragraph (a)(9)(i) of this section does not appear on the bottom of the drum, or if it is no longer valid, the remanufacturer also must mark this information in permanent form.
(e) * * *
(3) * * *

BILLING CODE $4910-60-p$

## §178.503 [Amended]

98. In addition, in § 178.503 , the reference " $\$ 178.503$ (a) (1) through (a)(10)" following the illustration in newly designated paragraph $(\mathrm{e})(2)$ is revised to read " $\$ 178.503(a)(1)$ through (a) (9)".

## §178.508 [Amended]

99. In $\$ 178.508$, in paragraph (b) $(2)$, the wording "plywood or plastic material" is revised to read "plywood, plastics, or other suitable material".
100. In § 178.512, paragraphs (a)(3) and $(a)(4)$ are removed and paragraphs (a)(1), (a)(2), and (b) (2) are revised to read as follows:
$\$ 178,512$ Standards for steel or aluminum boxes.
(a) * * *
(1) $4 A$ for a steel box; and
(2) $4 B$ for an aluminum box.
(b) * * *
(2) Boxes must be lined with
fiberboard or felt packing pieces or must have an inner liner or coating of suitable material in accordance with subpart C of part 173 of this subchapter. If a double seamed metal liner is used, steps must be taken to prevent the ingress of materials, particularly explosives, into the recesses of the seams.
101. In $\S 178.513$, paragraphs (b) (2) and (b)(3) are redesignated as paragraphs (b) $(3)$ and $(b)(4)$, respectively, and a new paragraph (b)(2) is added to read as follows:
§178.513 Standards for boxes of natural wood.
(b) * * *
(2) Fastenings must be resistant to vibration experienced under normal conditions of transportation, End grain nailing must be avoided whenever practicable. Joints which are likely to be highly stressed must be made using clenched or anmular ring nails or equivalent fastenings.

## § 178.516 [Amended]

102. In $\S 178.516$, the following changes are made:
a. In paragraph (b)(1), at the end of the second sentence, the wording "ISO International Standard 535-1976(E)" is revised to read "YSO International Standard 535".
b. In paragraph (b)(2), at the end of the first sentence, the wording "of wood." is revised to read "of wood or other suitable material."; and in the second sentence the wording "or other suitable
material" is added immediately following the word "battens".
c. Paragraphs (b)(4) and (b)(5) are redesignated as paragraphs (b)(5) and (b)(6), and paragraph (b)(3)(iii) is redesignated as paragraph (b) (a).

### 5178.521 [Amended]

103. In $\S 178.521$, in paragraph (b) $(2)$, in the penultimate sentence, the wording "water-resistant ply or barrier must also be placed" is revised to read "waterproof ply or barrier, such as double-tarred kraft paper, plasticscoated kraft paper, plastics film bonded to the inner surface of the bag, or one or more inner plastics liners, musi also be placed".
104. In $\S 178.522$, paragraphs (a)(10) and (b)(3)(viii) are revised, and paragraphs (a)(11) and (b) (3)(ix) are added to read as follows:
§178.522 Standards for composite packagings with inner piastic receptacles.

## (a) ***

(10) 6RH1 for a plastic roceptacle
within a protective plastic drum; and
(11) 6HH2 for a plastic receptacle
within a protective plastic box.
(b) ***
(3) * *
(viii) 6HH1: Protective packaging
must conform to the requirements for plastic drums, in § $178.509(\mathrm{~b})$.
(ix) 6 HH 2 : Protective packaging must conform to the requirements for plastic boxes, in \$178.517(b).

## § 178.522 [Amended]

105. In addition, in $\$ 178.522$, the
following changes are made:
a. In paragraph (a)(9), the word "and" at the end of the paragraph is removed.
b. In paragraph (b)(4), the wording "6HH" is revised to read "6HH1"; and the wording ", 6HH2" is added immediately following " 6 HG 2 ".
c. In paragraph (b)(5), the wording " 6 HH " is revised to read " 6 HH 1 ", and the wording ", 6 HH 2 " is added immediately following "6HG2".
106. In $\$ 178.601$, paragraph $(\mathrm{k})$ is redesignated as paragraph (1) and revised, a new paragraph $(\mathrm{k})$ is added, and paragraphs (b), (g)(2)(i), and (g)(2)(vi) are revised to read as follows:

## § 178.601 General requirements.

(b) Pesponsibility. It is the responsibility of the packaging manufacturer to assure that each package is capable of passing the prescribed tests. To the extent that a package assembly function, including final closure, is performed by the person who offers a hazardous material for
transportation, that person is responsible for performing the function in aecordance with $\$ \$ 173.22$ and 178.2 of this subchapter.

$$
\begin{aligned}
& (\mathrm{g}) * \star * \\
& (2) \star * * \\
& \text { (i) The outer packaging must have }
\end{aligned}
$$ been successfally tested in accordance with $\$ 178.603$ with fragile (e.g. glass) inner packagings containing fiquids at the Packing Group I drop height;

(vi) When the outer packaging is intended to contain inner packagings for liquids and is not leakproof, or is intended to contain inner packagings for solids and is not sift proof, a means of containing any liquid or solid contents in the event of leakage must be provided in the form of a leakproof liner, plastic bag, or other equally efficient means of containment. For packagings containing liquids, the absorbent material required in paragraph $(\mathrm{g})(2)(\mathrm{v})$ of this section must be placed inside the means of containing liquid contents; and
(k) Number of test samples. Provided the validity of the test results is not affected and with the approval of the Associate Administrator for Hazardous Materials Safety, several tests may be performed on one sample.
(1) Aecord retention. Following each design qualification test and each periodic retest on a packaging, a test report must be prepared. The test report must be maintained at each location where the packaging is manufactured and each location where the design qualification tests are conducted, for as long as the packaging is produced and for at least two years thereafter, and at each location where the periodic retests are conducted until such tests are successfully performed again and a new test report produced. In addition, a copy of the test report must be maintained by a person certifying compliance with this part. The test report must be made available to a user of a packeging or a representative of the Department upon request. The test report, at a minimum, must contain the following information:
(1) Name and address of test facility;
(2) Name and address of applicant (where appropriate);
(3) A unique test report identification;
(4) Date of the test report;
(5) Manufacturer of the packaging;
(6) Description of the packaging design type (e.g. dimensions, materials, closures, thickness, etc.), including methods of manufacture (e.g. blow molding) and which may include drawing(s) and/or photograph(s); (7) Maximum capacity;
(8) Characteristics of test contents, e.g. viscosity and relative density for liquids and particle size for solids;
(9) Test descriptions and results; and
(10) Signed with the name and title of signatory.

## §178.601 [Amended]

107. In addition, in $\S 178.601$, the following changes are made:
a. In paragraph (g)(2) introductory
text, the wording "Inner packagings" are revised to read "Articles or inner packagings".
b. In paragraph $(\mathrm{g})(5)(\mathrm{i})$, the reference
" $\S 178.602$ " is revised to read
"§178.603".
c. In paragraph $(\mathrm{g})(5)(\mathrm{ii})$, the reference
"§ 178.603 " is revised to read "§178.604".

## §178.602 [Amended]

108. In § 178.602 , in the second sentence of paragraph (c), the reference " $\$ 178.603(\mathrm{~d})(2)$ " is revised to read "§ $178.603(\mathrm{e})$ ".
109. In $\S 178.603$, in paragraph (a) introductory text, a sentence is added following the second sentence, the first sentence in paragraph (c) is revised, and paragraph (f)(1) is revised to read as follows:

## §178.603 Drop test.

(a) * * * Where more than one orientation is possible for a given drop test, the orientation most likely to result in failure of the packaging must be used.***
(c) * * * Testing of plastic drums, plastic jerricans, plastic boxes other than expanded polystyrene boxes, composite packagings (plastic material), and combination packagings with plastic inner packagings other than plastic bags intended to contain solids or articles must be carried out when the temperature of the test sample and its contents has been reduced to $-18^{\circ} \mathrm{C}(0$ ${ }^{\circ} \mathrm{F}$ ) or lower. * * *

## (f) * * *

(1) For packagings containing liquid, each packaging does not leak when equilibrium has been reached between the internal and external pressures, except for inner packagings of combination packagings when it is not necessary that the pressures be equalized;

## § 178.604 [Amended]

110. In § 178.604, in paragraph (d), in the second sentence, the wording "for a period of time sufficient to pressurize the interior of the packaging to the specified air pressure and to determine if there is leakage of air from the packaging" is revised to read ", for other than production testing, for a minimum time of five minutes".

## § 178.606 [Amended]

111. In $\S 178.606$, in paragraph (c)(1), at the end of the first sentence, the period is removed and replaced with a semicolon and the phrase "where the
contents of the test sample are nonhazardous liquids with specific gravities different from that of the liquid to be transported, the force must be calculated based on the specific gravity that will be marked on the packaging" is added immediately following the semicolon.
112. Appendix C is added to Part 178 to read as follows:
Appendix C to Part 178-Nominal and Minimum Thicknesses of Steel Drums and Jerricans
For each listed packaging capacity, the following table compares the ISO Standard 3574 nominal thickness with the corresponding ISO Standard 3574 minimum thickness.

| Maximum capacity (L) | ISO nominal (mm) | Corresponding ISO minimum ( mm ) |
| :---: | :---: | :---: |
| 20 ....................... | 0.7 | 0.63 |
| $30 . . . . . . . . . . . . . . . . . . . . . . ~$ | 0.8 | 0.73 |
| 40. | 0.8 | 0.73 |
| 60 | 1.0 | 0.92 |
| 120 ..................... | 1.0 | 0.92 |
| 220 ..................... | 1.0 | 0.92 |
| 450 .................... | 1.9 | 1.77 |

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Ana Sol Gutiérrez,
Deputy Administrator, Research and Special Programs Administration.
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[^0]:    Dated: December 22, 1994.

[^1]:    ${ }^{1}$ A copy of this list may be obtained by contacting Ms. Carol B. Epstein, Assistant General Counsel, at 619-6981, and the address is Room 700, U.S. Information Agency, 301 Fourth Street, SW., Washington, DC 20547.

[^2]:    ${ }^{1}$ A jet perforating gun, charged, oil well may be transported under the following conditions:
    a. Initiation devices carried on the same motor vehicle or offshore supply vessel must be segregated; each kind from every other kind, and from any gun, tool or other supplies. Initiation devices must be carried in a container having individual pockets for each such device or in a fully enclosed steel container lined with a non-sparking material. No more than two initiation devices per gun may be carried on the same motor vehicle.
    b. Each shaped charge affixed to the gun may not contain more than 112 g ( 4 ounces) of explosives.
    c. Each shaped charge if not completely enclosed in glass or metal, must be fully protected by a metal cover after installation in the gun.
    d. A jet perforating gun classed as 1.1 D or 1.4 D may be transported by highway by private or contract carriers engaged in oil well operations.

    1. A motor vehicle transporting a gun must have specially built racks or carrying cases designed and constructed so that the gun is securely held in place during transportation and is not subject to damage by contact, one to the other or any other article or material carried in the vehicle, and;
    2. The assembled gun packed on the vehicle may not extend beyond the body of the motor vehicle.
    e. A jet perforating gun classed as 1.4 D may be transported by a private offshore supply vessel only when the gun is carried in a motor vehicle as specified in paragraph (d) of this packing method or on offshore down-hole tool pallets provided that:
    3. All the conditions specified in paragraphs (a), (b), and (c) of this packing method are met;
    4. The total explosive contents do not exceed 9.1 kg ( 20 pounds) per pallet;
    5. Each cargo vessel compartment may contain up to 90.8 kg ( 200 pounds) of explosive content if the segregation requirements in §176.83(b)(3) of this subchapter are met; and
    6. When more than one vehicle or pallet is stowed "on deck" a minimum horizontal separation of 3 m ( 9.8 feet) must be provided.
[^3]:    2.***

