

by grounds legally sufficient to justify the relief sought.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

**List of Subjects in 40 CFR Part 180**

Administrative practice and procedures, Agricultural commodities, Pesticides and pests.

Dated: October 15, 1984.

Steven Schatzow,  
Director, Office of Pesticide Programs.

**PART 180—[AMENDED]**

Therefore, 40 CFR 180.378(b) is amended by adding and alphabetically inserting the commodity, to read as follows:

**§ 180.378 Permethrin; tolerances for residues.**

(b) \* \* \*

Commodity	Parts per million
Tomatoes	2

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**40 CFR Part 180**

(OPP-300091A; PH-FRL 2699-6)

**Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Diammonium Phosphate**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** This rule exempts diammonium phosphate from the requirement of a tolerance when used as a buffer or surfactant in pesticide formulations. This regulation was requested by the Rohm and Haas Co.

**EFFECTIVE DATE:** Effective on October 24, 1984.

**ADDRESS:** Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:**

By mail: N. Bhushan Mandava, Registration Support and Emergency Response Branch, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-557-7700.

**SUPPLEMENTARY INFORMATION:** EPA issued a proposed rule, published in the Federal Register of August 1, 1984 (49 FR 30751), which announced that Rohm and Haas Co. had requested that 40 CFR 180.1001(d) be amended by establishing an exemption from the requirement of a tolerance for diammonium phosphate as a buffer or surfactant in pesticide formulations applied to growing crops only.

Inert ingredients are ingredients that are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The pesticide is considered useful for the purpose for which the exemption is sought. It is concluded that the exemption from the requirement of a tolerance will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

**List of Subjects in 40 CFR Part 180**

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: October 5, 1984.

Steven Schatzow,  
Director, Office of Pesticide Programs.

**PART 180—[AMENDED]**

Therefore, 40 CFR 180.1001(d) is amended by adding and alphabetically inserting the inert ingredient as follows:

**§ 180.1001 Exemptions from the requirement of a tolerance.**

Inert Ingredients	Limits	Uses
Diammonium phosphate (CAS Reg. No. 7783-28-0)		Buffer, surfactant

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BILLING CODE 6560-50-M

**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs Administration**

**49 CFR Parts 173, 177, 178, and 179**

[Docket No. HM-115, Amdt. Nos. 173-180, 177-63, 178-82, 179-36]

**Cryogenic Liquids; Corrections and Revisions**

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

**ACTION:** Final rule; correction and revisions.

**SUMMARY:** This document makes additional corrections and clarifying revisions to a final rule published under Docket HM-115 which amended the Hazardous Materials Regulations (49 CFR Parts 171-179) by establishing requirements for the transportation of certain cryogenic liquids (48 FR 27674, June 16, 1983; 48 FR 50440, November 1, 1983, 49 FR 24306, June 12, 1984). This document corrects typographical errors, omissions, discrepancies, and provides answers to questions of general interest received by MTB with respect to those publications. Also, an alternate configuration for the pressure relief device system on cargo tanks used in atmospheric gas (except oxygen) and

helium service is authorized. The final rule under HM-115 carries an effective date of October 1, 1984.

**EFFECTIVE DATE:** October 1, 1984.

**FOR FURTHER INFORMATION CONTACT:**

Jose Pena (202) 755-4906 or Hattie Mitchell (202) 426-2075, Office of Hazardous Materials Regulation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday, except holidays.

**SUPPLEMENTARY INFORMATION:** This document corrects typographical errors, omissions, discrepancies, and provides answers to questions of general interest received by MTB with respect to those publications. Also, an alternate configuration for the pressure relief device system on cargo tanks used in atmospheric gas (except oxygen) and helium service is authorized.

Because the amendments adopted herein clarify and correct certain provisions of the final rule and impose no new regulatory burden on any person, notice and public procedure are unnecessary and these amendments may be made effective without the customary 30 day delay following publication.

MTB has determined that this rule, as promulgated, is not a "major rule" under terms of Executive Order 12291 or significant under DOT implementing procedures (44 FR 11034). A final regulatory evaluation and environmental assessment was not prepared as the amendments herein are not substantive changes to the final rule.

Based on limited information available concerning size and nature of entities likely to be affected by these amendments, I certify that these amendments will not have a significant economic impact on a substantial number of small entities.

The following is a section-by-section summary of the amendments.

**Section 173.10.** Paragraphs (a) and (e) are amended for consistency with § 174.204(a)(2) which extended applicability of the delivery requirements to flammable cryogenic liquids.

**Section 173.23.** Paragraph (e) is amended for consistency with § 178.57-20(a)(9) which, as amended in the June 12, 1984 document, requires a DOT 4L cylinder with an aluminum jacket to be marked "AL."

**Section 173.33.** In paragraph (b)(2), as amended in the June 12, 1984 document, the parenthetical expression in the first sentence is corrected by adding the word "plate" preceding the word "placed". The fourth sentence is

corrected by removing the word "of" and adding the word "or".

**Section 173.314.** In paragraph (c), the section reference is corrected to read "§ 173.10" in place of "§ 173.432".

**Section 173.316.** In paragraph (c)(2), as amended in the June 12, 1984 document, the table is corrected by reinstating an omitted filling density at "230 psig" and the design service temperature of oxygen is corrected to read "-320" in place of "-452".

**Section 173.318.** In paragraphs (b)(1)(i) and (b)(2)(i), MTB is authorizing use of an alternate pressure relief system on cargo tanks used in atmospheric gas (except oxygen) and helium service consisting of at least one pressure relief valve and, if needed, additional pressure relief valves or frangible discs with a combined relieving capacity sized for fire conditions. Present requirements provide that the primary pressure relief system must consist of one or more pressure relief valves. MTB believes that relaxation on the type of pressure relief devices authorized allows the industry greater flexibility in the selection of pressure relief devices and may remove certain operational restraints and reduce hardware costs without any reduction in the level of safety. MTB is making corresponding changes in paragraph (b)(2)(iii) to specify the minimum total capacity for the alternate pressure relief system, and in paragraph (b)(2)(iv) to allow the alternate system to have a liquid flow capacity equivalent to the liquid loading flow rate at a pressure not to exceed 150 percent of the tank design pressure in place of the present 120 percent limit.

In paragraph (e), the parameters for the temperature of a flammable cryogenic liquid in a cargo tank are relaxed to allow a setting that corresponds with the start of travel condition in place of the temperature at loading.

In paragraph (f)(3), the filling density entry for hydrogen at 17 psi is amended by removing "6.5" and adding "6.6". This higher filling density is presently authorized by exemption.

In paragraph (g), as amended in the June 12, 1984 document, MTB expanded the one-way-travel-time (OWTT) marking to include display of the pressures used when a tank is partially unloaded at one or more locations and the control of tank pressure is transferred from the pressure control valve to the pressure relief valve. However, MTB failed to provide an exception from these additional markings for tanks unloaded at one location. MTB is revising paragraph (g) to correct the oversight. Additionally, MTB has received several inquiries on

whether the use of an OWTT and the corresponding rated holding time based on loading conditions other than the liquefaction temperature are authorized. MTB takes the position that such OWTTs have always been authorized by § 173.318(e) and, therefore, no change is required to the final rule. Also see preamble discussion to § 177.840.

**Section 173.320.** The introductory text in paragraph (a) provides an exception from requirements of the subchapter for atmospheric gases and helium used in process systems, such as a refrigeration system, and during loading and unloading operations. Paragraph (a) is revised to clarify that this exception applies even though the pressure may exceed 25.3 psig under these conditions.

Section 172.330(a)(1) requires a tank car to be marked with the proper shipping name or authorized common name of the material contained in the tank car when required by Part 173 or 179. The exceptions specified in § 173.320 do not impose any requirement to mark a proper shipping name on a tank car. However, it does require tank cars to be marked with identification numbers in conformance with § 172.330(a)(2).

**Section 177.840.** Paragraph (i) is revised to clarify that the cargo tank may not be placed in transportation unless the pressure of the flammable cryogenic liquid lading is equal to or less than that used to determine the marked rated holding time in order to prevent premature venting.

**Section 178.338-9.** The printing of the formula in paragraph (c)(3)(i) is corrected.

**Section 178.338-16.** The first sentence in paragraph (a) is amended by removing the word "cargo" preceding the word "tank". This change is made for consistency with the definition of "tank" in § 178.338-1(b).

**Section 179.102.** In the June 12, 1984 document, MTB granted a petition for reconsideration by revising §§ 179.102-1(a)(6), 179.102-4(1) and 179.102-17(m) to remove the requirement that tank anchor-to-tank shell fillet welds must be examined by radiography. However, a requirement that the tank anchor-to-tank shell fillet welds must meet the acceptance standards of AAR specifications for Tank Cars, Appendix W, paragraph W11.06 was continued. It has been brought to MTB's attention that the referenced standard pertains to radiotaped welds and, therefore, is inappropriate. MTB agrees and has corrected the oversight.

**Section 179.400-8.** The printing of the formula in paragraph (c) is corrected.

**List of Subjects**

**49 CFR Part 173**

Gases, Hazardous materials transportation, Packaging and containers, Reporting and recordkeeping requirements.

**49 CFR Part 177**

Motor carriers, Hazardous materials transportation, Highway safety.

**49 CFR Part 178**

Hazardous materials transportation, Packaging and containers.

**49 CFR Part 179**

Hazardous materials transportation, Packaging and containers.

In consideration of the foregoing, Parts, 173, 177, 178 and 179 of Title 49 Code of Federal Regulations are amended as follows:

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

1. In § 173.10, paragraphs (a) and (e) are revised to read as follows:

**§ 173.10 Tank car shipments.**

(a) Tank cars containing any flammable gas (including a cryogenic liquid) or flammable liquid, except liquid road asphalt or tar, may not be offered for transportation unless originally consigned or subsequently reconsigned to parties having a private siding (see Note 1 of this section) or to parties using railroad siding facilities which have been equipped for piping the liquid from tank cars to permanent storage tanks of sufficient capacity to receive contents of car.

(e) Flammable liquids and flammable gases (including a cryogenic liquid) may not be loaded into tank cars on carrier property from tank trucks or drums.

2. In § 173.23, paragraph (e) is revised to read as follows:

**§ 173.23 Previously authorized packaging.**

(e) After October 1, 1984, cylinders manufactured for use under exemptions DOT E-6668 or E-8404 may be continued in use, and must be marked "DOT-4LXXXXYY" (XXX to be replaced by the service pressure, YY to be replaced by the letters "AL", if applicable) in compliance with Specification 4L (§ 178.57 of this subchapter) on or before January 1, 1986. The "DOT-4LXXXXYY" must appear in proximity to other required specification markings.

**§ 173.33 [Amended]**

3. In § 173.33, paragraph (b)(2) is

amended by revising the parenthetical expression in the first sentence to read "(or a plate placed adjacent to the specification plate)". The fourth sentence is revised by removing the word "of" and adding the word "or".

**§ 173.314 [Amended]**

4. In § 173.314, paragraph (c) is amended by changing the reference "§ 173.342" to "§ 173.10".

5. In § 173.316, the table in paragraph (c)(2) is amended by adding a filling density at "230 psig" and correcting the design service temperature of oxygen to read as follows:

**§ 173.316 Cryogenic liquids in cylinders.**

Pressure control valve setting (maximum start-to-discharge pressure, psig)	Maximum permitted filling density (percent by weight)				
	Argon	Nitrogen	Oxygen	Helium	Neon
230.....	119	89	98	12.5	85
Design service temperature (°F).....	-320	-320	-320	-452	-411

6. In § 173.318, paragraphs (b)(1)(i), (b)(2)(i), (b)(2)(iii), (b)(2)(iv), (e), the entry for 17 psig in the table in paragraph (f)(3) and paragraph (g) are revised, to read as follows:

**§ 173.318 Cryogenic liquids in cargo tanks.**

(b) \* \* \*  
(1) \* \* \*

(i) Except as otherwise provided in this paragraph, each tank must be protected by a primary system of one or more pressure relief valves and a secondary system of one or more frangible discs or pressure relief valves. For a tank in carbon monoxide service, the secondary system must be pressure relief valves. For a tank used in atmospheric gas (except oxygen) or helium service, an alternate pressure relief system consisting of at least one pressure relief valve is authorized. The discharge from any pressure relief system must be directed upward and unobstructed to the outside of the protective housing in such a manner as to prevent impingement of gas upon the jacket or any structural part of the vehicle. Pressure relief valves must be of the type that automatically open and close at a predetermined pressure.

(2) \* \* \*

(i) *Capacity of Pressure Relief Systems—(A) Tanks in oxygen or flammable cryogenic liquid service.* The primary system of pressure relief valves and the secondary system of relief devices must each have a flow capacity equal to or greater than that calculated by the applicable formula in paragraph 5.3.2 or paragraph 5.3.3 of CGA Pamphlet S-1.2.

(B) *Tanks in atmospheric gas (except oxygen) and helium, cryogenic liquid service.* The pressure relief system must have a flow capacity equal to or greater than that calculated by the applicable formula in paragraph 5.3.2 or paragraph 5.3.3 of CGA Pamphlet S-1.2.

(ii) \* \* \*

(iii) The alternate pressure relief system and secondary system of frangible discs or additional pressure relief valves must have the minimum total capacity specified in paragraph (b)(2)(i) of this section, at a pressure not exceeding 150 percent of the tank design pressure.

(iv) The primary system of pressure relief valves must have a liquid flow capacity rated at a pressure not exceeding 120 percent of the tank design pressure, that is equal to or exceeding the maximum rate at which the tank is to be filled. However, a rating pressure not exceeding 150 percent of the tank design pressure is authorized on a tank used in atmospheric gas (except oxygen) and helium, cryogenic liquid service when equipped with the alternate pressure relief system.

(e) *Temperature.* A flammable cryogenic liquid in a cargo tank at the start of travel must be at a temperature sufficiently cold that the pressure setting of the pressure control valve or the required pressure relief valve, whichever is lower, will not be reached in less time than the marked rated holding time for the cryogenic liquid (see §§ 173.33(d)(1)(ii) and 178.338-9(b) of this subchapter).

(f) \* \* \*  
(3) \* \* \*

**PRESSURE CONTROL VALVE SETTING OR RELIEF VALVE SETTING**

Maximum set-to-discharge pressure (psig)	Maximum permitted filling density (percent by weight)			
	Carbon monoxide	Ethylene	Hydrogen	Methane or natural gas
17.....	74.0		6.6	

(g) *One-way travel time; marking.* The jacket of a cargo tank to be used to transport a flammable cryogenic liquid must be marked on its right side near the front, in letters and numbers at least two inches high, "One-Way-Travel-Time — hrs.", with the blank filled in with a number indicating the one-way travel time (OWTT), in hours, of the cargo tank for the flammable cryogenic liquid to be transported. A cargo tank that is partially unloaded at one or more locations must have additional marking "One-Way-Travel-Time — hrs. — psig at — percent filling density," with the second blank filled in with the pressure existing after partial unloading and the third blank filled in with the set-to-discharge pressure of the control valve or pressure relief valve, and the fourth blank with the filling density following partial unloading. Multiple OWTT markings for different pressure levels are permitted.

\* \* \* \* \*

7. In § 173.320, the introductory text in paragraph (a) is revised by removing the parenthetical expression and, following the word "except" at the end of the introductory text, adding the words "as specified in paragraphs (a)(1) and (a)(2) of this section."; paragraph (a)(3) is added to read as follows:

**§ 173.320 Cryogenic liquids; exceptions.**

(a) \* \* \*

(3) The requirements of this subchapter do not apply to atmospheric gases and helium—

(i) During loading and unloading operations (pressure rises may exceed 25.3 psig); or

(ii) When used in operation of a

process system; such as a refrigeration system.

\* \* \* \* \*

**PART 177—CARRIAGE BY PUBLIC HIGHWAY**

8. In § 177.840, paragraph (i) is revised and paragraph (j)(3) is removed to read as follows:

**§ 177.840 Compressed gases, including cryogenic liquids.**

\* \* \* \* \*

(i) No person may transport a flammable cryogenic liquid in a cargo tank unless the pressure of the lading is equal to or less than that used to determine the marked rated holding time (MRHT) and the one-way travel time (OWTT), marked on the tank in conformance with § 173.318(g) of this subchapter, is equal to or greater than the elapsed time between the start and termination of travel. This prohibition does not apply if, prior to expiration of the OWTT, the tank is brought to full equilibration as specified in paragraph (j) of this section.

\* \* \* \* \*

**PART 178—SHIPPING CONTAINER SPECIFICATIONS**

9. In § 178.338-9, paragraphs (a), (b)(1), (b)(2) and the formula in paragraph (c)(3)(i) are revised to read as follows:

**§ 178.338-9 Holding time.**

\* \* \* \* \*

(c) \* \* \*

(3) \* \* \*

(i) \* \* \*

$$q = [n(\Delta h)(85 = t_1)] / [t_2 = t_1]$$

\* \* \* \* \*

**§ 178.338-16 [Amended]**

10. In § 178.338-16, the first sentence in paragraph (a) is revised by removing the word "cargo" preceding the word "tank".

**PART 179—SPECIFICATIONS FOR TANK CARS**

**§§ 179.102-1, 179.102-4 and 179.102-17 [Amended]**

11. Sections 179.102-1(a)(6), 179.102-4(l) and 179.102-17(m) are revised to read as follows:

"Tank anchor-to-tank shell fillets welds must be examined by a suitable nondestructive testing method to ensure that welds are free from cracks or other detrimental defects."

**§ 179.400-8 [Amended]**

12. In § 179.400-8, the formula in paragraph (c) is corrected to read as follows:

$$t = [PL(3 + \sqrt{L/R})] / (8SE)$$

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

*Note.*—The Materials Transportation Bureau has determined that this document (1) will not result in a "major rule" under the terms of Executive Order 12291, (2) is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), and (3) does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). The regulatory evaluation and environmental assessment is available for review in the docket.

Issued in Washington, D.C. October 1, 1984.

L.D. Santman,

Director, Materials Transportation Bureau.

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