



DEPARTMENT OF TRANSPORTATION  
 MATERIALS TRANSPORTATION BUREAU  
 WASHINGTON, D.C. 20590

58834

FOR FURTHER INFORMATION CONTACT:

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**SUPPLEMENTARY INFORMATION:** This is the twelfth notice published under Docket HM-139 since the first notice appeared in the FEDERAL REGISTER on September 13, 1976. It is apparent that some method is necessary to distinguish between the many different notices and amendments that will continue to appear under this docket number in the future. Consequently, in order to eliminate confusion and provide for easier reference, all notices and amendments published under HM-139 will be identified with a letter suffix. For example, this notice and any forthcoming amendments based on this notice will be identified as HM-139A. The next notice will be identified as HM-139B, and so on. Primary drafters of these proposals are Darrell L. Raines, and John C. Allen, Office of Hazardous Materials Regulation, and Evan Braude, Office of the Chief Counsel, Research and Special Programs Administration.

Each of the proposed amendments described in the following table is founded upon either: (1) actual shipping experience gained under an exemption, or (2) data and analysis supplied in the application. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations.

These proposals would not significantly affect the costs of regulatory enforcement, nor would additional costs be imposed on the private sector, consumers, or Federal, State or local governments, since these proposals would merely authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record of ship-

ments under the identified exemptions demonstrates that significant environmental impacts would not result from any of the proposals. Adoption of an amendment derived from an existing exemption would obviate the need for that exemption and effectively terminate it. Upon such termination, the holder of the exemption and parties thereto would be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event the exemption request would be denied and the applicant so notified. In the event the Bureau decides not to adopt any of these proposals each pertinent application would be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on proposed amendments may wish to address both the proposed amendment and the exemption application. Consideration of comments of the merits of including within an amendment modes of transportation other than those for which the exemption application requested is anticipated.

Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. The status of the exemption action is indicated in the column titled Identification Number where prefix "E" means an exemption has been issued. The suffix "No" means no applications for exemptions are pending, but the Bureau is taking action by this proposal; the suffix "X" means a renewal application is pending; the suffix "P" means one or more party status applications are pending; and the suffix "N" means a new application for exemption is pending.

[49 CFR Parts 172, 173, 178]

[Docket No. HM-139A Notice No. 78-14]

INDIVIDUAL EXEMPTIONS, CONVERSION TO REGULATIONS OF GENERAL APPLICABILITY

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

ACTION: Notice of Proposed Rule-making.

**SUMMARY:** The Materials Transportation Bureau is considering amending regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations. Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe.

**DATES:** Comments must be received on or before January 17, 1979.

**ADDRESS COMMENTS TO:** Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

Proposed Amendments of Hazardous Materials Regulations to Terminate Exemptions

Identification No.	Applicant Holder	Regulation Affected	Nature of Exemption or Application	Nature of Proposed Amendment
E-930-No	Callery Chemical Company	§ 172.101, 173.302(g)	Has authorized the shipment of diborane, a flammable compressed gas, in DOT Specification 3AA1800, 3AA2015 and 3AA2400 cylinders for more than 25 years. Cylinders are overpacked in DOT 15A wooden boxes with certain exceptions and the filling density of the cylinders may not exceed 7-percent diborane. Each cylinder must also bear the Poison Gas label in addition to the Flammable Gas label. (Modes 1, 2, 3).	To add a new entry to the Hazardous Materials Table in § 172.101 to read as follows:

o/w A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Labels(s) required (if not accepted)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
				(a) Exceptions	(b) Specific require- ments	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Pas- senger vessel	(c) Other requirements
	Diborane, ambient	Flamm- able gas	Flammable gas and Poison Gas	None	1/3,302	Forbidden	Forbidden	1	5	Separate from chlorine and materials bearing the oxidizer label.

*Proposed Amendments of Hazardous Materials Regulations to Terminate Exemptions--Continued*

Identification No.	Applicant Holder	Regulation Affected	Nature of Exemption or Application	Nature of Proposed Amendment
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To add paragraph (g) to § 173.302 to read as follows:

(g) *Diborane and diborane mixtures.*

Diborane and diborane mixtures must be shipped in Specification 3AA1800 (§ 178.37 of this subchapter), cylinders. The maximum filling density of the diborane shall not exceed 7-percent regardless of whether diborane or diborane mixed with a compatible gas is charged into the cylinder. Cylinders must have valves protected by metal caps. In addition, cylinders must be packed in Specification 15A (§ 178.168 of this subchapter), wooden boxes except for 3AA2400 cylinders equipped with only a single valve and protected by a neck ring, rupture disk, and steel protective cap. Consignees must notify shipper by wire upon receipt of the order.

(2) Specification MC 311 or MC 312 (§ 178.343 of this subchapter). Tank motor vehicles. Tanks must be insulated and equipped with a safety relief valves. If the valve incorporates a rupture disc it must have a maximum pressure of one and one-half times the design pressure of the tank. Tanks equipped with interior heater coils not permitted.

(3) Specification 105A300W (§ 179.100, 179.101 of this subchapter). Tank car. Tank car must be externally coiled and have a safety relief valve set at not more than 225 psig. Cars equipped with interior heater coils not permitted.

(4) Each tank car must be marked "Sulfur Trioxide" in accordance with the requirements of § 172.330 of this subchapter.

Proposed Amendments of Hazardous Materials Regulations to Terminate Exemptions—Continued

Identification No.	Applicant Holder	Regulation Affected	Nature of Exemption or Application	Nature of Proposed Amendment
E 6931-X	Allied Chemical Corporation.	§ 173.245 (a)(32).	Authorizes shipments of an ammonia solution consisting of 30 percent ammonia and 70 percent water in DOT 105A100W, 105A300W, or AAR-201A80W insulated aluminum tank cars. (Mode 2).	To revise paragraph (a)(32) to read: (32) Specification 103AW, 103A-ALW, 103ANW, 103BW, 103CW, 103EW, 105A100W, 105A200ALW, 105A300W, 111A100F2, 111A60ALW2, 111A80W2, 111A80W5, or AAR-201-A80W (§§ 179.100, 179.101, 179.200, 178.201 of this subchapter). Tank cars. Specification 105A200ALW tank cars authorized only for acetic anhydride. Specification 105A100W, 105A300W, and AAR-201A80W tank cars authorized only for ammonium hydroxide.
E 5847-No	Stauffer Chemical Company.	§ 172.101, 173.273.	Authorizes shipments of sulfur trioxide without an additive (unstabilized) in Specification MC 311 and MC 312 cargo tanks; 105A300W tank car tank, externally coiled, and having safety relief devices set at not more than 225 psig; and any DOT Specification cylinder as prescribed by 49 CFR Parts 100 to 199 for any compressed gas except acetylene under certain conditions. (Modes 1, 2, 4).	To delete the word stabilized after sulfur trioxide in § 172.101 (Hazardous Materials Table) and in the heading of § 173.273. Paragraph (b) of § 173.273 would be added to provide for sulfur trioxide, unstabilized to read: (b) Sulfur trioxide, unstabilized, must be packed in specification containers as follows: (1) Cylinders as prescribed for any compressed gas, except acetylene. Cylinders must be closed by metal plugs or valves. If valves are used, they must be protected by a valve protection cap, and each valve outlet must be capped or plugged. Cylinders must have a minimum service pressure of 400 psig and a maximum capacity of one gallon. Safety relief devices are not permitted. Cylinders must be overpacked in strong outside containers.
E 6070-No	Cities Service Company			
E 6083-No	Stauffer Chemical Company.			
E 6281-No	E. I. DuPont			
IE 7597-No	Riverside Chemical Co.; Drexel Chemical Co.; Southern Farmers Assn.; Helena Chemical Co.; Thompson-Hayward Chemical Co.; Valley Co-Op oil Mill; Staple Cotton Services Assn.; Valley Chemical Co.; Mallard Chemical Co.; Triangle Chemical Co.	§ 173.358(a)	Authorizes shipments of methyl parathion, organic phosphate compound and parathion, liquid in DOT Specification 17E steel drums of 55-gallon capacity having body and heads of 18-gauge minimum thickness and by private motor carrier only. (Mode 1).	To add paragraph (a)(15) to read: (15) Specification 17E (§ 178.116 of this subchapter). Steel drum (single-trip), which must be made of not less than 18-gauge body and heads. Authorized for methyl parathion, organic phosphate compound, and parathion only, and by private motor carrier only.
	Seedkem South, Inc.; MFC Services (AAL); Cotton States Chemical Co.; Southland Agricultural Chemicals; Hanshaw Manufacturing Co., Inc.; Woolfolk Chemical Works, Inc.; Apollo Enterprises, Inc.; United Seed Company; Cleveland Chemical Co.; Micro Chemical Co.	§ 173.359(a), 173.359(b).	Authorizes shipments of methyl parathion mixtures, organic phosphate compound mixtures, and parathion mixtures in DOT Specification 17E steel drums of 55-gallon capacity having body and heads of 18-gauge minimum thickness and by private motor carrier only. (Mode 1).	To add paragraph (a)(18) and (b)(13) to read: Specification 17E (§ 178.116) of this subchapter). Steel drum (single-trip), which must be made of not less than 18-gauge body and heads. Authorized for methyl parathion mixtures, organic phosphate compound mixtures, and parathion mixtures only, and by private motor carrier only.
E 7844-X	Mine Safety Appliances Company.	§ 173.202(a)	Authorizes the shipment of potassium, metal liquid alloy and sodium, metal liquid alloy in DOT Specification 4BW240 cylinders equipped with steel valve protection caps or collars, or must be packed in strong wooden boxes and secured therein to protect the valves. (Modes 1, 2, 3).	To add paragraph (3) to read: (3) Specification 4BW240 (§ 178.61 of this subchapter) cylinder. Each cylinder must be equipped with steel valve protection caps or collars, or be packed in strong wooden boxes and secured therein to protect the valves.
E 7870-No	Explogiochi, S.P.A. (U.S. Agent: Elihu H. Modlin).	§ 173.100(p)	Authorizes shipments of toy caps as prescribed in § 173.100(p) except that when the caps are blister packed the minimum thickness of the plastic may be 0.005 inches instead of 0.006 inches. (Modes 1, 3).	To amend paragraph (p) by changing the thickness of the noncombustible plastic blister package from a minimum 0.006 to a minimum 0.005 inch in thickness.

Identification No.	Applicant Holder	Regulation Affected	Nature of Exemption or Application	Nature of Proposed Amendment
E-7894-No	Weyerhaeuser Co., Erving Paper Mills.	§ 173.186	Authorizes shipments of waste paper, wet in wirebound bales. Paper must be free from oil or other foreign matter liable to cause spontaneous ignition during transportation. (Modes 1, 2).	To revise § 173.186 to read: Paper waste, wet, must be packed in hermetically sealed metal-lined wooden boxes or air-light metal containers except that paper waste, wet, free from oil or other foreign matter liable to cause spontaneous ignition may be shipped in tight bales.
E-7926-No	Great Lakes Chemical Corp.	§ 173.357(b)(2)	Authorizes shipments of a mixture containing not more than 45 percent by weight chloroacetylene, not less than 54 percent by weight of ethylene dibromide and not more than 500 PPM by weight of water. (Modes 1, 2, 3).	To revise paragraph (2) to read: (2) Specification 5A or 5B (§§ 178.81, 178.82 of this subchapter). Metal drums not exceeding 33-gallon capacity with welded seams. Specification 5B authorized only for chloroacetylene mixtures containing not over 45 percent chloroacetylene by weight. Removable head containers not authorized.
E-7935-No	Industrial Cylinder Company.	§ 178.37-5(a)	Authorizes shipments of any hazardous materials for which a DOT Specification 3AA cylinder is prescribed in a non-specification cylinder made to DOT Specification 3AA except that the low silicon content prescribed for 4130X steel designation is 0.15/0.35 instead of 0.20/0.35. (Modes 1, 2, 3, 4, 5).	To amend the silicon content for 4130X steel designation in § 178.37-5(a) to read 0.15/0.35.
E-8071-N	Elhyl Corp	§ 172.101, § 173.202, § 173.202(a).	Requested an exemption to ship sodium potassium alloy (liquid) in DOT Specification 51 portable tanks. (Modes 1, 2, 3).	To revise the entry in § 172.101 for Sodium potassium alloy by adding (solid) in italics; add a new entry for sodium potassium alloy (liquid) in § 172.101; revise the title of 173.202 and 173.202(a) and add paragraph (4) to read:

HAZARDOUS MATERIALS DESCRIPTIONS AND PROPER SHIPPING NAMES	HAZARD CLASS	LABELS(S) REQUIRED (IF NOT EXCEPTED)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		OTHER REQUIREMENTS
			(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	
Sodium potassium alloy (liquid)	Flammable solid	Flammable solid and Dangerous when wet	None	173.202	Forbidden	25 pounds	1,2	5	Under deck stowage must be readily accessible. Segregation same as for flammable solids labeled Dangerous When Wet.
Sodium potassium alloy (solid)	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	5	Under deck stowage must be readily accessible. Segregation same as for flammable solids labeled Dangerous When Wet.

Proposed Amendments of Hazardous Materials Regulations to Terminate Exemptions—Continued

Identification No.	Applicant Holder	Regulation Affected	Nature of Exemption or Application	Nature of Proposed Amendment
E- 8072-N	Mobay Chemical Corp	§ 173.377(b)(6)	Requested an exemption to ship organic phosphate compound mixtures in DOT Specification 2D paper bags not over 5-pound capacity and in 16-ounce polyvinyl alcohol film pouches. (Modes 1, 2, 3).	<p>§ 173.202 Sodium and potassium or Sodium potassium, metallic liquid alloy</p> <p>(a) Sodium and potassium or Sodium potassium, metallic liquid alloy must be packed in specification containers as follows:</p> <p>(4) Specification 51 (§ 178.245 of this subchapter). Portable tanks having a minimum design pressure of 175 pounds per square inch. Safety relief devices must communicate with the vapor space when tanks are fully loaded. Tank must be blanketed with dry nitrogen at a pressure not to exceed 15 psig at all times.</p> <p>To revise paragraph (b)(6) to read:</p> <p>(6) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with inside Specification 2D (§ 178.23 of this subchapter) paper bags not over 5-pound capacity each and having an additional foil liner. The mixtures may be further packed in water soluble 1/4 mil polyvinyl alcohol film pouches of not more than 16-ounce capacity each with not more than 5 pouches per specification bag. Completed package may not exceed 65 pounds gross weight and must meet the test requirements of paragraphs (d) and (e) of this section. Authorize only for mixtures in which the liquid is absorbed in concentrations no greater than 67 percent.</p>

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a) of App. A to Part 106).

The Materials Transportation Bureau has determined that this exemption will not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedure (43 FR 9582). A regulatory evaluation is available in the public docket.

Issued in Washington, D.C. December 1, 1978.

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Director, Office of Hazardous  
Materials Regulation, Materials  
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