Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-32; Amendments Nos. 172-5, 173-27]

PART 172—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 171-179 OF THIS CHAPTER

PART 173—SHIPPERS

Change in Shipping Name and Removal of Authorization To Ship or Transport Dry Dimethylhexane Dihydroperoxide

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to change the shipping name of hydrazine [illegible]n and calcium hypochlorite by [illegible] descriptive wording in italics, a[illegible] specify that dry dimethylhexane dihydroperoxide may not be transported.

On August 20, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-32; Notice No. 69-24 (34 F.R. 13426) proposing to amend the regulations as indicated above.

Interested persons were afforded an opportunity to participate in this rule making, and all comments received have been carefully considered.

Concerning calcium hypochlorite, two commenters suggested that the use of the word "mixture" would be more appropriate than "compound" since the use of the broader terminology would cover several conditions of manufacture; i.e., either mixtures derived from the production processes or through actual physical mixing of components. The Board agrees with this suggestion, and a change is being made accordingly. A commenter also suggested that the entry be preceded by an asterisk to signify that the material may or may not be classed as a hazardous material. Since this would be a substantial change without public notice or comment thereon, it is not provided for in this rulemaking action.

Another commenter stated that removing the complete description from the shipping name (Roman type) might [illegible] problems to the shippers of cal[illegible]ypochlorite containing 39 percent or less of available chlorine and hydrazine solution containing more than 50 percent water. This same situation occurs for many other materials, such as hydrogen peroxide. However, shippers have a number of methods whereby they are able to declare certain materials as not being subject to the Hazardous Materials Regulations, such as the making of special notations on shipping papers.

Several commenters raised questions concerning the "wet" requirements in § 173.157. As stated in paragraph (a) of that section, all of the materials listed except cyclohexanone peroxide, must be "wet" with at least 30 percent water by weight.

In consideration of the foregoing, Parts 172 and 173 of Title 49, Code of Federal Regulations are amended as follows:

I. Part 172 is amended as follows:

In § 172.5(a) the Commodity List is amended as follows:

§ 172.5 List of explosives and other dangerous articles.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
* * *	* * *	* * *	* * *	* * *
Change				
Hydrazine solution (*containing 50 percent or less of water*).	Cor. L	No exemption, 173.276	White	5 pints.
Calcium hypochlorite mixtures (*dry, containing more than 39 percent available chlorine*).	Oxy. M	173.153, 173.217	Yellow	100 pounds.
Cancel				
Dimethylhexane dihydroperoxide	Oxy. M	No exemption, 173.157, 173.158.	do	25 pounds.
Add				
Dimethylhexane dihydroperoxide, dry.	Not accepted			
Dimethylhexane dihydroperoxide, wet.	Oxy. M	No exemption, 173.157	do	Do.
* * *	* * *	* * *	* * *	* * *

II. Part 173 is amended as follows:

(A) In Part 173, § 173.158 of the table of contents is amended to read as follows:

Sec.
173.158 Benzoyl peroxide, dry; chlorobenzoyl peroxide (para) dry; cyclohexanone peroxide, dry; lauroyl peroxide, dry; or succinic acid peroxide, dry.

(B) In § 173.158 the Heading, the introductory text of paragraph (a), and subparagraph (a)(2) are amended to read as follows:

§ 173.158 Benzoyl peroxide, dry; chlorobenzoyl peroxide (para) dry; cyclohexanone peroxide, dry; lauroyl peroxide, dry; or succinic acid peroxide, dry.

(a) Benzoyl peroxide, dry; chlorobenzoyl peroxide (para), dry; cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration, dry; lauroyl peroxide, dry; or succinic acid peroxide, dry; must be packed in specification packagings as follows:

* * * * *

(2) Spec. 21C (§ 178.224) fiber drums. Authorized only for lauroyl peroxide, dry. Authorized net weight not over 100 pounds in one drum.

* * * * *

This amendment is effective October 30, 1970. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835, title 18, U.S.C.; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430 and 1472(h))

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Board Member for the Federal Aviation Administration.

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