

II. Overview of Changes in this Final Rule

Amendments to the HMR in This final rule include, but are not limited to the following:

- Amendments to the Hazardous Materials Table (HMT) which add, revise or remove certain proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, bulk packaging requirements, passenger and cargo aircraft maximum quantity limitations and vessel stowage provisions.
- Amendments to the List of Marine Pollutants.
- Revisions and additions of special provisions. Included is the addition of a special provision for assignment to aerosol entries setting forth the criteria for classifying aerosols.
- Addition of a requirement to enter the subsidiary hazard class or subsidiary division number on shipping papers.
- Addition of a requirement to indicate the number and types of packagings on shipping papers.
- Addition of an alternative basic description sequence on shipping papers.
- Revision of marking requirements for limited quantities.
- Addition of an air eligibility marking requirement.
- Revision of requirements in § 173.27 for packagings intended for transportation by aircraft, including revision of requirements for use of absorbent material for such packagings.
- Revision to the classification of air bag modules, air bag inflators and seat-belt pretensioners from Division 2.2 to Class 9.
- Revision of the non-liquefied and liquefied compressed gases descriptions, and the addition of high pressure and low pressure liquefied gases categories.
- Revisions and additions to the Self-Reactive Materials Table.
- Revisions and additions to the Organic Peroxide Table.
- Revision of the net weight restrictions for explosives in freight containers exceeding 20 ft (6 m) in length.

III. Summary of Regulatory Changes by Section

Part 171

Section 171.6. We are revising the table in paragraph (b)(2) to incorporate a new information collection, OMB No. 2137-0613, "Subsidiary Hazard Class and Number/Type of Packagings," and the affected sections, §§ 172.202 and 172.203.

Section 171.7. We are adding Regulation 19 of an IMO standard titled

"International Convention for the Safety of Life at Sea," 1974, as amended, Chapter II-2. Regulation 19 is incorporated into a new paragraph (f) in § 176.63 to address hatchless container ship requirements.

Section 171.8. In the definition for "Large packaging," we are adding the words "Chapter 6.6" to let readers know the location in the UN Recommendations for the construction, testing and marking of such packagings.

Section 171.11. We are revising paragraphs (c), (d)(5) and (d)(17) to address certain limitations for the use of the ICAO Technical Instructions.

In paragraph (c), for hazardous materials being transported in accordance with the ICAO Technical Instructions, the restrictions for the use of the Instructions are revised to include hazardous materials that are forbidden by passenger and cargo aircraft, as designated in Columns (9A) and (9B) of the § 172.101 HMT. Prior to this revision, the paragraph restricted materials that are forbidden according to § 173.21 and Column (3) of the HMT only.

In paragraph (d)(5), we are removing the wording "except for Division 2.2" relating to shipping paper requirements for air bag inflators, air bag modules and seat-belt pretensioners. This amendment is consistent with the removal of the Division 2.2 air bag inflator, air bag module and seat-belt pretensioner entry in the HMT (see § 172.101).

Paragraph (d)(17) is revised to clarify the current requirement that, in addition to organic peroxides, self-reactive substances not specifically identified by name in § 173.224(b) also must be approved by the Associate Administrator in accordance with the requirements in § 173.124(a)(2)(iii).

Section 171.12. We are revising paragraphs (b)(3), (b)(19), and (b)(20).

In paragraph (b)(3), we are removing certain viscous flammable liquids as an example of a material designated as a hazardous material subject to the HMR, but not subject to the IMDG Code. The IMO removed the exception in Amendment 31 to the IMDG Code.

In paragraph (b)(19), we are removing the wording "except for Division 2.2" relating to shipping paper requirements for air bag inflators, air bag modules and seat-belt pretensioners. This revision is consistent with the removal of the Division 2.2 air bag inflator, air bag module and seat-belt pretensioner entry in the HMT (see § 172.101).

In paragraph (b)(20), we are clarifying the current requirement that, in addition to organic peroxides, self-reactive substances not specifically identified by name in § 173.224(b) must also be

approved by the Associate Administrator in accordance with the requirements in § 173.124(a)(2)(iii).

For the readers' information, recently adopted amendments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended, will require mandatory of the use of the IMDG Code effective January 1, 2004. This issue will be addressed under a separate rulemaking.

Section 171.12a. We are revising paragraph (b)(18) to clarify the existing requirement that, in addition to organic peroxides, self-reactive substances not specifically identified by name in § 173.224(b) also must be approved by the Associate Administrator in accordance with the requirements in § 173.124(a)(2)(iii).

Section 171.14. We are revising paragraphs (d), (d)(1), (d)(2), (d)(4), and (d)(5). We received several comments concerning the proposed transitional provisions. Several commenters requested that we implement an overall two-year transition period from the October 1, 2003 effective date, and several commenters requested an overall three-year transition period. In the NPRM, we proposed a mandatory compliance date of October 1, 2004.

While we do not agree that all amendments require an additional extended compliance date, we do agree that certain amendments warrant the additional time. We are, therefore, authorizing an October 1, 2007 mandatory compliance date for the new requirement in § 172.202(a)(5) to include the number and types of packagings on shipping papers. This requirement was identified by commenters as requiring additional time to offset any associated burden. Additionally, we are adopting an October 1, 2007 transition date for modifications to package markings that will change as a result of changes to certain proper shipping names. We are also adopting an October 1, 2005 compliance date for use of proper shipping names that did not identify specific isomers by numbers or letters preceding the chemical name. Finally, we are authorizing an October 1, 2005 mandatory compliance date for the requirement to include the subsidiary hazard class or division number on shipping papers.

We are revising paragraphs (d) and (d)(1) to authorize an October 1, 2004 implementation date for the amendments in this final rule.

We are revising paragraph (d)(2) to authorize certain intermixing of old and new requirements until October 1, 2004.

We are revising paragraph (d)(4) to allow until June 1, 2010, DOT