

asbestos (*chrysotile*, *actinolite*, *anthophyllite*, *tremolite*)," UN2590, and "Asbestos," NA2212. The special provision provides an exception from the HMR for certain asbestos. Prior to this change, the exception was located in § 173.216(b) and excepted asbestos immersed or fixed in a natural or artificial binder material and asbestos contained in manufactured products. Before the development of the HM-215E NPRM, we received comments that § 173.216 was not an appropriate location for this exception because it is referenced in the non-bulk column of the HMT, leading readers to believe that the exception applies to non-bulk packagings only. To clarify that this exception applies to both non-bulk and bulk packagings, we are moving the exception from § 173.216(b) to new Special Provision 156.

- New Special Provision 157 is added to the entries "Vehicle, flammable gas powered," and "Vehicle, flammable liquid powered," each of which is assigned to UN3166. The new special provision specifies that the entries include hybrid electric vehicles powered by both internal combustion engines and wet, sodium or lithium batteries. NAAHAC agrees with the adoption of Special Provision 157, and requests that we clarify whether we are addressing all wet batteries. We do intend for the entries "Vehicle, flammable gas powered" and "Vehicle, flammable liquid powered," and Special Provision 157 to apply to all wet batteries. While we are not aware of any hybrid vehicles that utilize wet batteries as a source of propulsion power, we included the reference in order to provide flexibility to encompass all wet batteries contained in the vehicle.

- New Special Provision 159 is added to the entry "5-tert-Butyl-2,4,6-trinitro-m-xylene or Musk Xylene," UN2956. The special provision requires this material to be protected from direct sunshine and kept in a cool, well-ventilated place away from sources of heat.

- New Special Provision 160 is added to the entry "Air bag inflators, or Air bag modules, or Seat-belt pretensioner," UN3268, Class 9. The special provision includes the requirement that air bag inflators and modules must be tested in accordance with Test series 6 (c) of Part I of the UN Manual of Tests and Criteria, and also includes an exception from testing air bag modules that contain an inflator that has been previously approved for transportation. We received a comment from NAAHAC supporting adoption of this special provision.

- New Special Provision 161 is added to the entry "Air bag inflators, *pyrotechnic* or Air bag modules, *pyrotechnic* or Seat-belt pretensioners, *pyrotechnic*," UN0503, Division 1.4G. One commenter stated that the addition of this special provision poses an unnecessary burden for international shippers by requiring the use of the proper shipping name, "Articles, *pyrotechnic for technical purposes*," UN0431. Special Provision 161 applies only to domestic shipments. Shipments offered and transported in accordance with the provisions of §§ 171.11 and 171.12 are not subject to this special provision. The special provision specifies that the UN0503 entry may not be used for domestic shipments and that the more appropriate description is "Articles, *pyrotechnic for technical purposes*," UN0431. We believe that describing articles meeting the Class 1.4G criteria as air bags is misleading and may cause confusion for emergency responders. The wording "or seat belt pretensioners" was inadvertently omitted from the NPRM's regulatory text and is added in this final rule. Also, see § 172.102, HMT, which includes the amendment to remove the italicized word "pyrotechnic" from the UN0503 entry.

- New Special Provision 162 is added to eight new entries and two existing entries. The Special Provision authorizes the material to be transported under the provisions of Division 4.1, only if it is packed so that at no time during transport will the percentage of diluent fall below the percentage that is specified in the proper shipping name. The new entries are "4-Nitrophenylhydrazine, *with not less than 30% water, by mass*," UN3376; "Sodium dinitro-o-cresolate, wetted, *with not less than 10% water by mass*," UN3369; "Trinitrobenzene, wetted, *with not less than 10% water by mass*," UN3367; "Trinitrobenzoic acid, wetted, *with not less than 10% water by mass*," UN3368; "Trinitrochlorobenzene (picryl chloride), wetted, *with not less than 10% water by mass*," UN3365; "Trinitrophenol (picric acid), wetted, *with not less than 10% water by mass*," UN3364; "Trinitrotoluene (TNT), wetted, *with not less than 10% water by mass*," UN3366; and "Urea nitrate, wetted, *with not less than 10% water by mass*," UN3370. The two existing entries are "Barium azide, wetted *with not less than 50 percent water, by mass*," UN1571 and "Dipicryl sulfide, wetted *with not less than 10 percent water, by mass*," UN2852.

- New Special Provisions A54 and A55 are added to address certain requirements for the transportation of

lithium batteries by aircraft. Special Provision A54 provides for an approval provision that authorizes lithium batteries and lithium batteries contained in equipment or packed with equipment to exceed the quantity limits as specified in Column (9B) of the HMT when transported by cargo aircraft, if approved by the Associate Administrator. Based on a comment we received from the Portable Rechargeable Battery Association (PRBA) stating that we did not take into account large lithium batteries contained in equipment, we are increasing the quantity in the HMT for lithium batteries contained in equipment from 5 kg to 35 kg for consistency with the maximum quantity per package specified for lithium batteries packed with equipment. Additional comments submitted by PRBA are beyond the scope of this rulemaking. Special Provision A55 provides for an approval provision to authorize prototype batteries to be transported by cargo aircraft, if approved by the Associate Administrator. We are assigning Special Provisions A54 and A55 to the entries "Lithium battery," UN3090, "Lithium batteries, contained in equipment," UN3091 and "Lithium batteries packed with equipment," UN3091.

- New Special Provision A56 is added to address the air transport of radioactive material with subsidiary hazards of Division 4.2, PG I, and Divisions 2.1 or 2.3. Division 4.2, PG I subsidiary hazard materials are authorized for transportation by aircraft in Type B packagings only. Materials with a 2.1 subsidiary hazard are prohibited from transport aboard passenger aircraft. The special provision is in alignment with the ICAO Technical Instruction's Special Provision A78, with regard to radioactive materials with Division 2.1 subsidiary hazard but not the Division 4.2, PG I packaging requirement or the Division 2.3 subsidiary hazard approval provision. New Special Provision A56 includes Division 4.2, PG I because we believe it was inadvertently omitted in ICAO's Special Provision A78, and we understand that steps are being taken to address the matter with the ICAO Dangerous Goods Panel. See the § 172.101 HMT in the regulatory text of this rule for specific entries.

- Special Provision IB3 is revised by excepting "Ammonia solutions, *relative density between 0.880 and 0.957 at 15 degrees C in water, with more than 10 percent but not more than 35 percent ammonia*," UN2672 from the Special Provision's "Additional Requirement" that authorizes liquids with a vapor pressure less than or equal to 110 kPa