

at 50 °C (1.1 bar at 122 °F), or 130 kPa at 55 °C (1.3 bar at 131 °F). New Special Provision IP8 is also added to the UN2672 entry.

- Special Provision IB52 (Table 2) is revised by adding additional packaging authorizations for certain entries and correcting various typographical errors. The entry “Dicumyl peroxide,” UN3110 is corrected by adding “2000” as the maximum quantity in liters. In addition, we are moving the approval provision for formulations not covered in Special Provision IB52 to § 173.225(e)(5). Section 173.225(e) currently contains an approval provision for portable tanks, and we believe this paragraph is a more appropriate location for the IB52 approval provision.

- New Special Provision IP8 (Table 3) is added to the existing entry “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 (see Special Provision IB3). We received a comment from the Industrial Packaging Alliance of North America supporting this addition. The special provision authorizes ammonia solutions to be transported in rigid or composite plastic intermediate bulk containers (IBCs) (31H1, 31H2 and 31HZ1), if the rigid plastic and composite IBCs have successfully passed, without leakage or permanent deformation, the hydrostatic test specified in § 178.814 at a test pressure that is not less than 1.5 times the vapor pressure of the contents at 55 °C (131 °F).

- New Special Provision N83 is added to the new entry “Urea nitrate, wetted, *with not less than 10% water by mass*,” UN3370. This special provision limits the quantity of this material to no more than 11.5 kg (25.4 lbs) per package.

- New Special Provision N84 is added to six new entries and one existing entry. The special provision limits the quantity per package to no more than 500 g (1.1 lbs.). The six new entries are: “Trinitrophenol (picric acid), wetted, *with not less than 10% water by mass*,” UN3364; Trinitrochlorobenzene (picryl chloride), wetted, *with not less than 10% water by mass*,” UN3365; “Trinitrotoluene (TNT), wetted *with not less than 10% water by mass*,” UN3366; “Trinitrobenzene, wetted, *with not less than 10% water by mass*,” UN3367; “Trinitrobenzoic acid, wetted, *with not less than 10% water by mass*,” UN3368; and Sodium Dinitro-o-cresolate, wetted, *with not less than 10% water by mass*,” UN3369. The existing entry is Dipicryl

sulfide, wetted *with not less than 10 percent water, by mass*,” UN2852.

- New Special Provision N85 is added to two existing entries, “Isosorbide dinitrate mixture *with not less than 60 percent lactose, mannose, starch or calcium hydrogen phosphate*,” UN2907 and “Pentaerythrit tetranitrate mixture, desensitized, solid, n.o.s. *with more than 10 percent but not more than 20 percent PETN, by mass*,” UN3344. The special provision prohibits the material from being transported in packagings conforming to the requirements of Part 178 of the HMR at the Packing Group I performance level. This action addresses over-confinement hazards associated with these materials by prohibiting the use of packagings meeting the Packing Group I performance criteria.

- Special Provision T23 is revised to correct typographical errors for the entries “tert-Butyl peroxyacetate, not more than 32% in diluent type B” and “tert-Butyl peroxypropylate, not more than 27% in diluent type B.” The word “tyupe” is corrected to read “type” and the control temperature, “-5 °C,” is corrected to read “+5 °C.”

- Special Provision TP3 is editorially revised for clarity.

Section 172.202. We are revising paragraphs (a)(2), (a)(5) and (b) as discussed below.

Requirement To Include the Subsidiary Hazard on Shipping Papers

In paragraph (a)(2), we are requiring the subsidiary hazard class(es) or subsidiary division number(s) to be entered in parentheses following the primary hazard class or division number on shipping papers. Prior to this amendment, the requirement only applied to transportation by vessel. As discussed in the NPRM, this amendment responds to four petitions for rulemaking, P-1363, P-1398, P-1402 and P-1418. One petitioner (P-1363) stated that the lack of such a requirement poses problems for motor carriers concerning segregation, separation and placarding requirements and poses a safety hazard. The petitioner pointed out that when the hazardous materials being transported include a subsidiary hazard such as “dangerous when wet” or a subsidiary hazard requiring more stringent requirements than the primary hazard, there is no indication of the subsidiary hazards on the shipping papers and no indication of the subsidiary risks on placards. The petitioner stated that when motor vehicles are being loaded at a dock, labels are not enough to alert hazardous materials employees loading the vehicles or emergency responders of

the subsidiary risks of materials contained in the vehicle.

Two petitions (P-1398 and P-1402) were specific to Division 4.3 materials. The petitioners requested that we require the shipping paper to contain the words “dangerous when wet” following the basic description for hazardous materials classed as Division 4.3 or having a Division 4.3 subsidiary hazard. The petitioners stated that the additional information would aid emergency responders by more clearly identifying the hazard.

We agree with the petitioners and we are adding a requirement to identify all subsidiary risks of a hazardous material on the shipping paper.

We do not agree with the petitioner’s (P-1363) suggestion to provide an exception from the revised requirement to include the subsidiary hazard on shipping papers when the subsidiary hazard is identified in the proper shipping name (for example, “Flammable liquid, toxic, n.o.s.”). This suggested approach is inconsistent with the UN Recommendations and would result in the addition of a domestic exception that would not enhance hazard communication.

Some commenters supported the requirement to indicate the subsidiary hazard in the basic shipping description; however, other commenters asked that we provide a delayed implementation date in order to minimize associated costs resulting from changes that will need to be made to computer generated shipping forms. One commenter estimates that adding subsidiary hazard information to shipping papers will necessitate modifications to 80,000 active data profiles and case-by-case updates to possibly 200,000 additional data profiles. Another commenter suggests that our cost estimates in the NPRM understate the actual costs that shippers will incur, stating that its costs to comply with the shipping paper revisions proposed in the NPRM will total about \$3,600,000. Other commenters agree that substantial time and resources, including modifications to systems and training programs, will be required to implement the new requirements. We agree that additional time is necessary and are extending the mandatory compliance date for this change until October 1, 2005 (See § 171.14). This date provides industry two years from the effective date of this final rule to implement the requirement and should help to reduce the implementation burden and costs of compliance with the change.