

asbestos (chrysotile, actinolite, anthophyllite, tremolite)," UN2590, and "Asbestos," NA2212.

Section 173.218. Paragraph (a) introductory text is revised and paragraph (b) is removed. Paragraph (a) introductory text is editorially revised to reflect the relocation of the requirement previously contained in paragraph (b). In paragraph (b), the requirement for the maximum temperature at which fish meal or fish scrap may not be offered for transportation is revised from 49 °C (120 °F) to 35 °C (95 °F), or 5 °C (41 °F) above ambient temperature, whichever is higher, and relocated to Special Provision 155 (see § 172.102).

Section 173.220. We are adding a new paragraph to include additional requirements for certain engines and vehicles. Existing paragraph (e) is redesignated (f) and the new paragraph becomes paragraph (e). The new paragraph includes several additional requirements for internal combustion engines and vehicles equipped with certain devices when transported by aircraft or vessel. When engines are shipped separately, we are requiring that all fuel, coolant, hydraulic fluids or any other hazardous materials that meet the definition of a hazardous material, must be drained as far as practicable, must have disconnected fluid pipes sealed with leak-proof caps that are positively retained, and for transportation by aircraft, any installed theft-protection devices, radio communications equipment or navigational systems must be disabled.

We received several comments to the proposed new paragraph. UPS supports the revisions and believes the new paragraph will help eliminate confusion when offering or transporting engines. URS Corporation stated that the last sentence requiring certain equipment to be disabled should be omitted because it is not contained in the UN Recommendations. The commenter is correct that the requirement is not contained in the UN Recommendations, however, because it is contained in the ICAO Technical Instructions, we are revising the sentence to apply to air shipments only.

Lynden Incorporated, which represents several tug/barge operators, commented that the terminology "internal combustion engine" has become synonymous with the term "vehicle." Lynden Incorporated states that as proposed, paragraph (e) may lead to confusion with respect to which engines must be drained of fluids and must have disconnected fluid pipes sealed with leak-proof caps. Although the words "shipped separately" in the proposed text were intended to mean

that we are not referring to engines that are installed in a vehicle or machinery, we have decided to further revise the sentence by specifying that the paragraph pertains to engines that are not installed in vehicles or equipment.

Finally, COSTHA requested that paragraphs (a)(2) and (c) be aligned with new Special Provision 157 and the current Special Provision 134 by specifically referencing sodium and lithium batteries. We agree and are making the revisions accordingly.

Section 173.223. We are adding a new packaging section, § 173.223, for musk xylene. Prior to this amendment, the authorized packaging section for musk xylene, § 173.214, required approval by the Associate Administrator. We are adding a new section that is consistent with the UN packing instruction P409 assigned to musk xylene, so that approval by the Associate Administrator is no longer necessary.

Section 173.224. In paragraph (b)(4), the incorrect reference for bulk packaging authorizations, § 173.225(d), is corrected to read § 173.225(e). In the Self-Reactive Materials Table following paragraph (b)(7), five entries in Column (1) are revised and four new entries are added. The five revised entries appear first as "removes" and then "adds" in the regulatory text section of this rulemaking. For the entry "2,2'-Azodi(isobutyronitrile) as a water based paste," the misaligned column entries are corrected. A new Note 4 is added following the table for assignment to the new entry "2-Diazo-1Naphthol sulphonic acid ester mixture, Type D."

Section 173.225. We are amending the paragraph (b) Organic Peroxide Table, the Notes following the Table, and paragraphs ¶ (e)(3)(xii) and (e)(5). The amendments to the Organic Peroxide Table include the addition of bulk and IBC packaging authorizations for certain entries, the addition of several new entries and various corrections to certain entries.

Note 9 following the Table is revised by correcting the paragraph reference "(e)(3)(ii)" to read "(e)(3)(xii)." A new Note 27 is added for the new entry "Peroxyacetic acid, distilled, Type F, stabilized," UN3110. A new Note 28 is added to clarify that "Peroxyacetic acid" and "Peracetic acid" are synonymous.

Paragraph (e)(3)(xii) is revised to clarify that DOT Specification 57 portable tanks are not subject to any other requirements in paragraph (e).

We are also moving the approval provisions contained in the § 172.102(c)(4) Table 2, Special Provision IB52, to paragraph (e)(5). We believe this is a more appropriate

section for the approval provisions, which we are expanding to provide for the use of IBCs other than those indicated in the IB52 Table when approved by the Associate Administrator.

Section 173.244. We are revising paragraph (c) by adding a clarification that UN portable tanks are also authorized for use if a T code is specified in Column (7) of the HMT for the specific hazardous material.

Section 173.306. We are revising the paragraph heading in § 173.306(f) by adding the proper shipping name "Articles, pressurized, pneumatic or hydraulic containing *non-flammable gas*." The revision is based on the proper shipping name replacing the domestic entry "Accumulators, pressurized, pneumatic or hydraulic (*containing non-flammable gas*)," which was removed in HM-215D published on June 21, 2001. We received oral comments requesting the addition to the paragraph heading to clarify the intent of the paragraph.

We are also adding a new paragraph (j) to reference the exception for certain compressed gases in § 173.307.

Section 173.307. We are adding a new paragraph (a)(5) to except Division 2.2 gas aerosols with a capacity of not more than 50 ml and with a pressure not exceeding 970 kPa (141 psig) from the HMR.

Section 173.418. Consistent with the addition of Special Provision A56, which requires pyrophoric Class 7 (radioactive) materials to be shipped in Type B packages when transported by aircraft, we are amending § 173.418 to reflect this change.

Section 173.422. We are revising the certification statements in paragraphs (a)(2), (a)(3) and (a)(4) to reflect the updated proper shipping names and UN identification numbers currently authorized in the § 172.101 Table for excepted packages of radioactive materials.

Part 175

Section 175.10. We are adding a new sentence to paragraph (a)(4)(iv) to clarify that the paragraph (a)(4) passenger or crew member personal use exceptions apply to aircraft operators when transporting baggage that has been separated from a passenger or crew member before reaching its final destination, including transfer to another air carrier for delivery. The exceptions were included in the HMR to accommodate the needs of the traveling public to allow passengers and crew members to carry certain quantities and types of articles, such as medicines and toiletries, in checked and carry-on