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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 930

[Docket No. FV03–930–5–IFR]

Tart Cherries Grown in the States of Michigan, et al.; Revision of Current Procedures for Handlers To Receive Exempt Use/Diversion Credit for New Product and New Market Development Activities

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule provides more specific criteria to help handlers take better advantage of exempt use/diversion credit activities in meeting volume regulation requirements, and to help the Cherry Industry Administrative Board (Board) better assess the validity of handler requests for such diversion credit. It also clarifies the current definitions of "new product development" and "new market development" activities eligible for diversion credit, includes "market expansion" activities in the definition of "new market development," and specifies what a handler has to do to become "involved" in an authorized activity to obtain diversion credit. This rule also specifies an industry-wide limit for market expansion activities totaling 10 million pounds per crop year. These changes were recommended by the Board, which locally administers the Federal marketing order for tart cherries grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. Finally, a conforming change to the rules and regulations is made to recognize that cherry juice and juice concentrate products marketed domestically now are eligible for diversion credit. Prior to a formal rulemaking amendment completed in 2002, only exports of such products earned diversion credits.

DATES: Effective date: June 23, 2004. Comments must be received by August 23, 2004.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; fax: (202) 720–8938, or e-mail: *moabdocket.clerk@usda.gov* or Internet: *http://www.regulations.gov*. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours or can be viewed at: *http://www.ams/usda.gov/fv/moab/html*.

FOR FURTHER INFORMATION CONTACT: Patricia A. Petrella or Kenneth G. Johnson, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, Suite 2A04, Unit 155, 4700 River Road, Riverdale, MD 20737, telephone: (301) 734–5243, or fax: (301) 734–5275; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, or fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, fax: (202) 720–8938, or e-mail: *Jay.Guerber@usda.gov*.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 930 (7 CFR part 930), regulating the handling of tart cherries grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule revises the current procedures for handlers to receive exempt use/diversion credit in meeting their volume regulation obligations as follows: (1) It provides more specific criteria to help handlers take better advantage of exempt use/diversion credit activities and to help the Board better assess the validity of handler requests for diversion credit; (2) It clarifies the current definitions of "new product development" and "new market development" activities eligible diversion credit, and adds "market expansion" to the definition of "new market development"; (3) It also specifies an industry-wide limit for market expansion activities totaling 10 million pounds per crop year. This limitation reflects the Board's concern that these activities should be developed gradually. The limitation would be allocated on a pro rata basis among the handlers who requested diversion credit for market expansion activities and were approved by the Board; and (4) Handlers requesting

diversion credit under these provisions would have to provide evidence to the Board that they have been actively involved in the development of the new product, new market, or market expansion activity, or have financially supported the development efforts. This is to assure that the handlers initiating such efforts are the ones who earn the resulting diversion credits.

Handler diversion is authorized under § 930.59 of the order and, when volume regulation is in effect, handlers may fulfill restricted percentage requirements by diverting cherries or cherry products rather than placing tart cherries in an inventory reserve. Volume regulation is intended to help the tart cherry industry stabilize supplies and prices in years of excess production. The volume regulation provisions of the order provide for a combination of processor owned inventory reserves and grower or handler diversion of excess tart cherries. Reserve cherries may be released for sale into commercial outlets when the current crop is not expected to fill demand. Under certain circumstances, such cherries may also be used for charity, experimental purposes, nonhuman use, and other approved purposes.

Section 930.59(b) of the order provides for the designation of allowable forms of handler diversion. These include: uses exempt under § 930.62; contribution to a Board approved food bank or other approved charitable organization; acquisition of grower diversion certificates that have been issued in accordance with § 930.58; or other uses, including diversion by destruction of the cherries at the handler's facilities. Section 930.62 provides that the Board, with the approval of the Secretary, may exempt from the provisions of §§ 930.41 (Assessments), 930.44 (Quality control), 930.51 (Issuance of volume regulations), 930.53 (Modification, suspension, or termination of regulations), and 930.55 through 930.57 (Reserve regulations) cherries which are diverted in accordance with § 930.59, which are used for new product and new market development, which are used for experimental purposes, or which are used for any other purpose designated by the Board, including cherries processed into products for markets for which less then 5 percent of the preceding 5-year average production of cherries were utilized.

When applying to the Board to receive exemptions for cherries or cherry products used for exempt purposes, the handler must detail the nature of the product or market, how it differs from the current, existing products and/or markets, and the estimated short and long term sales volume for the exemption. In addition, in order to obtain diversion credit for cherries used for exempt purposes, the application must also contain an agreement that the proposed exempt use diversion is to be carried out under the supervision of the Board, and that the cost of any such supervision that is needed is paid by the applicant. The fees for such USDA or Board supervision as previously stated, will be the current hourly rate of $41.00, which is subject to change, under USDA's inspection fee schedule (7 CFR 54.42).

The information which is provided allows the Board to assess the request for exemption and render a determination concerning its approval or disapproval. Any information received by the Board which is of a confidential and/or proprietary nature is protected from disclosure pursuant to § 930.73 of the order.

Each handler that is granted an exemption must submit to the Board an annual progress report, due May 1 of each year. The progress report shall include the results of the exemption activity (comparison of intended activity with actual activity) for the year in its entirety, the volume of exempted fruit, an analysis of the success of the exemption program, and such other information the Board may request.

For the purposes of regulation concerning exempt uses and diversion credit, assisting handlers in obtaining exempt use/diversion credit under § 930.162, and assisting the Board in properly administering these provisions, the terms "new product development", "new market development", "development of export markets", and "experimental purposes" are defined.

Currently, "new product development" is defined as the production or processing of new tart cherry products or foods or other products in which tart cherries or tart cherry products are incorporated which are not presently being produced on a commercial basis. New product development can also include the production or processing of a tart cherry product using a technique not presently being utilized commercially in the tart cherry industry. For example, a handler may ask for an exemption for a product such as ground meat in combination with raw tart cherries to form a leaner meat product. When a new product is commercially viable, which is defined as the time when total industry utilization for the product exceeds 2 percent of the 5-year average production of tart cherries, the product is no longer eligible for a new product development exemption and diversion credit.

"New market development" means the development of markets for cherry products which are not commercially established markets and which are not competitive with commercial outlets presently utilized by the tart cherry industry (including the development of new export markets). For example, a handler may seek to establish sales of cherry preserves to India or China, currently undeveloped markets. New markets become commercially established when the total industry utilization in the market exceeds 2 percent of the 5-year average production of tart cherries. When the new markets become commercially viable they are no longer eligible as an exempt use outlet or diversion credit.

"Development of export markets" is defined as the sale of cherries or cherry products, including the development of sales for new or different tart cherry products or the expansion of sales for existing tart cherry products, to countries other than Canada and Mexico. An example of development of sales for new or different tart cherry products could be a handler seeking to establish sales of dried cherries in Germany, which is primarily a hot pack market (canned tart cherries). No quantity limitations are specified for development of export markets. The Board did not want to put any constraints on handlers seeking to establish export markets. Moreover, the optimum supply formula which is used by the Board to calculate the desirable volume of tart cherries that should be available for sale does not apply to product that can be diverted or used in exempt outlets. Thus, the Board felt that handlers in meeting their restricted percentage obligations during volume regulation seasons, should be free to move exempted/diverted cherries to export markets without constraints.

"Experimental purposes" is defined as the use of cherries or cherry products in preliminary and/or developmental activities intended to result in new products, new applications and/or new markets for tart cherry products, such as a handler working with cereal companies to develop a cereal using dried cherries. Any exemption for experimental work must be limited in scope, duration, and volume based on information supplied by the applicant at the time a request for exemption is made. In no case, shall an individual exemption for experimental purposes last longer than 5 years or exceed 100,000 pounds raw product equivalent of tart cherries.

To improve the administration of the exempt use/diversion credit procedures, the Board believes that the current definitions of what constitutes new product development and new market development should be clarified, and that a new definition for market expansion should be included in the definition of "new market development" in § 930.162(b). It also recommended that an industry-wide limit for market expansion activities be established totaling 10 million pounds per crop year to be allocated pro rata among the approved handler applicants. Under the recommended procedures, handlers applying for exempt use/diversion credit would have to provide the Board evidence that they have been actively involved in the development of the new product, new market, or market expansion activities, or have financially supported the development efforts. A definition of the term "involvement" has been added to the provisions specifying these conditions in § 930.162(c)(5).

The Board believes that these changes will provide handlers better guidance in making marketing decisions and in earning exempt use/diversion credits, and help the Board in assessing handler applications and in determining when handlers have satisfactorily accomplished diversion and rightfully earned credits against their restricted percentage obligations during a crop year with volume regulation percentages. No changes were recommended in the definitions of the terms "development of export markets" or "experimental purposes".

These issues were discussed at the Board's January 2003 meeting, they were then reconsidered at an April 2003 meeting, and a final recommendation was reached at the Board's June 26, 2003, meeting.

There have been differences of opinion between industry members and the Board concerning the existing provisions. The Board developed the recommended changes to provide handlers with clearer and more detailed guidelines to help them better understand the procedures when applying for such credits, and to provide the Board members on the New Product/New Market (NPNM) subcommittee with more specific guidance on granting and denying applications for such diversion credits.

The Board believes that it is important to expand the demand for tart cherries to better keep supplies in line with market needs. To accomplish this, the Board thinks that the development of new markets and products and that the expansion of current markets for tart cherries and tart cherry products should be encouraged to the fullest extent possible. The changes to the exempt use/diversion credit procedures made by this rule are expected to help the tart cherry industry further the Board's objectives and help producers and handlers accordingly.

This rule specifies a revised definition for "new product development," "new market development," adds the concept of "market expansion" to the definition of "new market development," and adds a new condition of participation in obtaining exempt use/diversion credit for new product development, new market development, and market expansion referred to as "involvement".

As previously stated, "new product development" is currently defined as the production or processing of new tart cherry products or foods or other products in which tart cherries or tart cherry products are incorporated which are not presently being produced on a commercial basis. New product development can also include the production or processing of a tart cherry product using a technique not presently being utilized commercially in the tart cherry industry. Once total industry utilization for the product exceeds 2 percent of the 5-year average production of tart cherries, the product will no longer be eligible for a new product development exemption.

This action adds to the current definition of "new product development" the following clarification: (1) New product development can also include an end product of the processing of raw tart cherries created by handlers at pack time either for resale or for re-manufacturing which has not previously been manufactured by handlers in the industry (for example, dried tart cherries (dehydrated) were marketed as a new product after first undergoing processing as a five plus one product (25 pounds of cherries topped with 5 pounds of sugar)); or (2) a processed, value-added, item that includes tart cherry products as an ingredient which has never been marketed to consumers either by a handler within the industry or by a food manufacturer. For example, during the 2002–03 crop year, a new cookie with a tart cherry filling was sold in retail markets for the first time.

As previously mentioned, language within § 930.162(b)(1) provides a volume limit of 2 percent of the five year average of production of tart cherries. Once this total industry utilization for a new product exceeds this amount, the product is no longer considered under development and is not eligible for a new product development exemption and diversion credit. This limitation remains the same. However, an additional limitation recommended by the Board for new product and new market development is added to limit the duration of any diversion credit to three years from the first date of shipment of the new product. The Board believes that limiting the eligibility of the exemption for 3 years from the first date of shipment of the new product provides a handler time to adequately develop the market for the product. After 3 years, regardless whether markets have been developed for the new product or not, the product will no longer qualify for an exemption and diversion credit.

Adding such references and volume limitations to the current definition of "new product development" will clarify what new product activities can qualify for exempt use/diversion credit and how long such credit can be obtained by the handler once the Board approves the handler's application and sales and shipments of the product are made.

Under the order, "new market development" is defined as the development of markets for tart cherry products which are not commercially established markets and which are not competitive with commercial outlets presently utilized by the tart cherry industry (including the development of new export markets). For instance, a handler who developed a new market for tart cherries that is also an export market would get credit for either the new market development or development of the export market but could not get credit for both. A new market becomes commercially established, when total industry utilization in the market exceeds 2 percent of the five year average production of tart cherries, and is not eligible for exempt use/diversion credit.

This action also clarifies the current definition of "new market development" by adding to that definition a proviso that "new market development" should be a geographic area into which tart cherries or products derived from them have not previously been sold. Included within the revised "new market development" definition are "market expansion activities", which are defined as activities that incrementally expand the sale of either tart cherries or the products in which tart cherries are an ingredient. Such activities include, but are not limited to: (1) Expansions of the geographic areas in which products are marketed; (2) product line extensions; (3) significant improvements to or revisions of existing products; (4) packaging innovations; (5) segmentation of markets along

geographic, demographic, or other definable characteristics; and (6) product repositionings.

Examples of these activities follow: (1) Expansions of the geographic areas in which products are marketed would include shipping tart cherries to the Ukraine and then on to Uzbekistan; (2) product line extensions would include taking tart cherry pie and making it an apple-cherry-berry pie fill; (3) significant improvements to or revisions of existing products would include using non-sugar sweeteners or reduced sugar content to processed tart cherry products; (4) packaging innovations would include using square containers instead of round 2.5 pound poly bags; (5) an example of segmentation of markets along geographic, demographic, or other definable characteristics would include tart cherry juice concentrate marketed specifically to consumers who suffer with arthritis or gout; and (6) product repositionings would mean that retailers would move pie-fill out of the dessert category to be used as a topping. These examples are intended to provide guidance of potential marketing opportunities and not to limit the marketing creativity of the handlers in the tart cherry industry.

To earn new market development or new product development exempt use/diversion credits for cherries or cherry products a handler must demonstrate involvement in the activity for which credits are sought. To demonstrate involvement, for the purpose of earning market development or new product development diversion credits, the requesting handler must either (1) be or have been involved in development of the product or the market for which the credits are sought or (2) have had financial involvement in these processes. This involvement must be demonstrated and established to the satisfaction of the NPNM subcommittee by the handler requesting the diversion credits.

This action also makes a conforming change to § 930.162(a) to be consistent with a formal rulemaking order amendment completed in 2002. Language within § 930.162(a) states, in summary, that tart cherry juice and juice concentrate products are not eligible for exempt use/diversion credit in domestic markets but such products for export can receive exempt use/diversion credit. This language is no longer correct because juice and juice concentrate shipped into domestic markets can now receive exempt use/diversion credit as provided by the 2002 order amendment.

The Regulatory Flexibility Act and Effects on Small Businesses

The Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities and has prepared this initial regulatory flexibility analysis. The Regulatory Flexibility Act (RFA) allows AMS to certify that regulations do not have a significant economic impact on a substantial number of small entities. However, as a matter of general policy, AMS' Fruit and Vegetable Programs (Programs) no longer opts for such certification, but rather performs regulatory flexibility analyses for any rulemaking that would generate the interest of a significant number of small entities. Performing such analyses shifts the Programs' efforts from determining whether regulatory flexibility analyses are required to the consideration of regulatory options and economic or regulatory impacts.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 40 handlers of tart cherries who are subject to regulation under the order and approximately 900 producers of tart cherries in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts less than $5,000,000, and small agricultural producers are those whose annual receipts are less than $750,000. A majority of the tart cherry handlers and producers may be classified as small entities.

Pursuant to a unanimous recommendation of the Board, this rule specifies a revised definition for "new product development," "new market development," adds the concept of "market expansion" to the definition of "new market development," adds a new condition of handler participation in obtaining exempt use/diversion credit for new product development, new market development, and market expansion referred to as "involvement", and specifies an industry-wide limit on market expansion activities for exempt use/diversion credit.

The rule provides more specific criteria to help handlers take better advantage of exempt use/diversion credit activities and to help the Board better assess the validity of handler requests for diversion credit. It clarifies the current definitions of "new product development" and "new market development" activities eligible diversion credit, and adds "market expansion" to the definition of "new market development". It also specifies an industry-wide limit for market expansion activities totaling 10 million pounds per crop year. This limitation reflects the Board's concern that these activities should be developed gradually. The limitation would be allocated on a pro rata basis among the handlers who requested diversion credit for market expansion activities and were approved by the Board. Handlers requesting exempt use/diversion credit under these provisions would have to provide evidence to the Board that they have been actively involved in the development of the new product, new market, or market expansion activity, or have financially supported the development efforts. This is to assure that the handlers initiating such efforts are the ones earning the diversion credits.

With regard to alternatives, the Board discussed leaving the exempt use/diversion credit procedures unchanged. However, the Board determined that this course of action would not be satisfactory and recommended adding specific guidelines for consideration when reviewing handler applications for exempt use/diversion credit activities.

The principal demand for tart cherries is in the form of processed products. Tart cherries are dried, frozen, canned, juiced, and pureed. During the period 1998/99 through 2002/03, approximately 91 percent of the U.S. tart cherry crop, or 240.6 million pounds, was processed annually. Of the 240.6 million pounds of tart cherries processed, 55 percent was frozen, 30 percent was canned, and 15 percent was utilized for juice and other products.

Based on National Agricultural Statistics Service data, acreage in the United States devoted to tart cherry production has been trending downward. Bearing acreage has declined from a high of 50,050 acres in 1987/88 to 36,900 acres in 2002/03. This represents a 26 percent decrease in total bearing acres. Michigan leads the nation in tart cherry acreage with 70 percent of the total and produces about 75 percent of the U.S. tart cherry crop each year.

The 2003/04 crop is moderate in size at 222.1 million pounds. The largest crop occurred in 1995 with production in the regulated districts reaching a

record 395.6 million pounds. The price per pound received by tart cherry growers ranged from a low of 7.3 cents in 1987 to a high of 46.4 cents in 1991.

This action will not impose additional costs on handlers, regardless of size, because the changes are intended to clarify and improve the Board's current procedures on approving exempt use/diversion credit requests. The recommended changes are intended to assure that all exempt use/diversion credit requests are handled in a more consistent and equitable manner.

The Board's meetings were widely publicized throughout the tart cherry industry and all interested persons were invited to attend the meeting and participate in Board deliberations on all issues. Like all Board meetings, the January 23, April 24, and June 26, 2003, meetings were public meetings and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This action will impose no additional reporting or recordkeeping requirements on either small or large tart cherry handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

This rule invites comments on the revision of the current procedures for tart cherry handlers to receive exempt use/diversion credit for new product development, new market development, and market expansion activities under the Federal marketing order for tart cherries.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab/html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the Board's recommendation, and other information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 60 days after publication in the **Federal Register** because: (1) This rule revises current rules and regulations to provide clearer procedures for handlers and the Board to follow in making exempt use/diversion credit decisions; (2) volume regulations are in place for the 2003–04 season and this rule should be effective as soon as possible; (3) the Board recommended this change at a public meeting and interested parties had an opportunity to provide input; and (4) this rule provides a 60-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 930

Marketing agreements, Reporting and recordkeeping requirements, Tart cherries.

■ For the reasons set forth in the preamble, 7 CFR part 930 is amended as follows:

PART 930—TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN

■ 1. The authority citation for 7 CFR part 930 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 930.162 is amended by:
■ A. Revising paragraph (a);
■ B. Revising paragraphs (b)(1) and (b)(2); and
■ C. Adding a new paragraph (c)(5) to read as follows:

§ 930.162 Exemptions.

(a) *General.* Tart cherries which are used for the purpose of new product development, for new market development and market expansion, for the development of export markets, for experimental purposes, for export to countries other than Canada, and Mexico, or which are donated to charitable organizations may be granted an exemption by the Board and will be exempt from §§ 930.41, 930.44, 930.51, 930.53, and §§ 930.55 through 930.57, subject to the following terms and conditions. Any information received of a confidential and/or proprietary nature included in this application will be protected from disclosure pursuant to § 930.73 of the order.

(b) * * *

(1) *New product development.* This term includes the development of new tart cherry products or of foods or other products in which tart cherries or tart cherry products are incorporated which are not presently being produced on a commercial basis. New product development can also include the production or processing of a tart cherry product using a technique not presently being utilized commercially in the tart cherry industry; an end product of the processing of raw tart cherries done by the industry at pack time either for resale or for re-manufacturing which has not been manufactured previously by the industry; or a processed, value-added item that includes tart cherry products as an ingredient which has never been marketed to consumers either by a handler within the industry or by a food manufacturer. Once total industry utilization for a new product exceeds 2 percent of the five year average production of tart cherries, the product shall no longer be considered under development and not eligible for a new product development exemption. In addition, the maximum duration of any credit activity is three years from the first date of shipment.

(2) *New market development and market expansion.* This term includes the development of markets for tart cherry products which are not commercially established markets and which are not competitive with commercial outlets presently utilized by the tart cherry industry (including the development of new export markets): *Provided,* That these markets are a geographic area into which tart cherries or products derived from them have not previously been sold. The term "market expansion", includes activities that incrementally expand the sale of either tart cherries or the products in which tart cherries are an ingredient, such as, but not be limited to: Expansions of the geographic areas into which tart cherries or tart cherry products are marketed; product line extensions; significant improvements to or revisions of existing products; packaging innovations; segmentation of markets along geographic, demographic, or other definable characteristics; and product repositionings. There is an annual, industry-wide maximum diversion credit volume of ten million RPE pounds (Raw Product Equivalent pounds) of cherry products for all expansion activities which will be allocated pro rata among participating handlers.

* * * * *

(c) * * *

(5) To be eligible for new product, new market development and market expansion diversion exemptions, a handler must demonstrate involvement in the activity for which the exemptions are sought. The requesting handler must

either be or have been involved in development of the product, the market, or market expansion activities for which the exemptions are sought or have had financial involvement in the activities. This involvement must be demonstrated and established to the satisfaction of the Board by the handler requesting the exemptions.

Dated: June 16, 2004.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 04–14062 Filed 6–21–04; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1033

[Docket No. AO–361–A35; DA–01–04]

Milk in the Mideast Marketing Area: Order Amending the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule, with changes, an interim final rule concerning pooling provisions of the Mideast Federal milk order. More than the required number of producers in the Mideast marketing area have approved the issuance of the final order amendments. Conforming changes are made to clarify references to order provision paragraphs.

EFFECTIVE DATE: July 1, 2004.

FOR FURTHER INFORMATION CONTACT: Gino Tosi, Marketing Specialist, USDA/AMS/Dairy Programs, Order Formulation and Enforcement Branch, Stop 0231—Room 2971, 1400 Independence Avenue, SW., Washington, DC 20250–0231, (202) 690–1366, e-mail: *gino.tosi@usda.gov*.

SUPPLEMENTARY INFORMATION: This document adopts as a final rule, with changes, an interim final rule, concerning pooling provisions of the Mideast Federal milk order. Specifically, this final rule continues to amend the *Pool plant* provisions which: Eliminate automatic pool plant status for the 6-month period of March through August, eliminate milk shipments to a distributing plant regulated by another Federal milk order as pool-qualifying shipments under the Mideast order, eliminate the "split plant" feature, eliminate including diversions made by a pool supply plant located outside the marketing area to a second pool plant, and establish a "net shipments" provision for pool supply plants not operated by a cooperative. For the *Producer milk* provisions, this final rule continues amendments which: Seasonally adjust and increase the number of days that the milk of a producer needs to be delivered to a pool plant and establish year-round diversion limits, adjusted seasonally, for producer milk for handlers pooled under the Mideast order.

This administrative rule is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

This final rule have been reviewed under the Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may request modification or exemption from such order by filing with the Department of Agriculture (USDA) a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with the law. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Department would rule on the petition. The Act provides that the District Court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Department's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this rule will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a "small business" if it has an annual gross revenue of less than $750,000, and a dairy products manufacturer is a "small business" if it has fewer than 500 employees.

For the purposes of determining which dairy farms are "small businesses," the $750,000 per year criterion was used to establish a production guideline of 500,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most "small" dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

On the producer side, 10,756 of the 11,133 dairy farmers, or 97 percent, whose milk was pooled under the Mideast order at the time of the hearing (October 2001) would meet the definition of small businesses. On the processing side, 27 of the 58 milk plants associated with the Mideast order during October 2001 would qualify as small businesses, constituting 47 percent of the total. Based on these criteria, the vast majority of the producers and handlers would be considered as small businesses.

The adoption of the proposed pooling standards serve to revise established criteria that determine those producers, producer milk, and plants that have a reasonable association with, and are consistently serving the fluid needs of, the Mideast milk marketing area and are not associated with other marketwide pools concerning the same milk. Criteria for pooling are established on the basis of performance levels that are considered adequate to meet the Class I fluid needs and, by doing so, determine those that are eligible to share in the revenue that arises from the classified pricing of milk. Criteria for pooling are established without regard to the size of any dairy industry organization or entity. The criteria established are applied in an identical fashion to both large and small businesses and do not have any different economic impact on small entities as opposed to large entities. Therefore, the amendments will not have a significant economic impact on a substantial number of small entities.

A review of reporting requirements was completed under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). It was determined that these amendments would have no impact on reporting, recordkeeping, or other compliance requirements because they would remain identical to the current requirements. No new forms are proposed and no additional reporting requirements would be necessary.

This action does not require additional information collection that requires clearance by the Office of Management and Budget (OMB) beyond currently approved information collection. The primary sources of data used to complete the forms are routinely used in most business transactions. Forms require only a minimal amount of information which can be supplied without data processing equipment or a trained statistical staff. Thus, the information collection and reporting burden is relatively small. Requiring the same reports for all handlers does not significantly disadvantage any handler that is smaller than the industry average.

Prior documents in this proceeding:

Notice of Hearing: Issued September 21, 2001; published September 28, 2001 (66 FR 49571).

Tentative Final Decision: Issued June 4, 2002; published June 11, 2002 (67 FR 39871).

Interim Final Rule: Issued July 22, 2002; published July 26, 2002 (67 FR 48743).

Final Decision: Issued April 5, 2004; published April 12, 2004 (69 FR 19291).

Findings and Determinations

A conforming change is made to section 1033.13(d)(7) to clarify that the delivery day requirements that may be increased by the market administrator are specified in paragraphs (d)(2) and (d)(3) of this section and that the diversion percentages are specified in paragraph (d)(4) of this section.

The findings and determinations hereinafter set forth supplement those that were made when the Mideast order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to the Mideast order:

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Mideast marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof it is found that:

(1) The Mideast order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The Mideast order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional Findings.* It is necessary in the public interest to make these amendments to the Mideast order effective July 1, 2004. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the aforesaid marketing area.

The amendments to these order are known to handlers. The final decision containing the proposed amendments to these orders was issued on April 5, 2004 (69 FR 19291).

The changes that result from these amendments will not require extensive preparation or substantial alteration in the method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making these order amendments effective July 1, 2004. It would be contrary to the public interest to delay the effective date of these amendments for 30 days after their publication in the **Federal Register**. (sec. 553(D), Administrative Procedure Act, 5 U.S.C. 551–559.)

(C) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the specified marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending the Mideast order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order(s) as hereby amended;

(3) The issuance of the order amending the Mideast order is favored by at least two-thirds of the producers who were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1033

Milk marketing orders.

Order Relative to Handling

■ *It is therefore ordered*, that on and after the effective date hereof, the handling of milk in the Mideast marketing area shall be in conormity to and in compliance with the terms and conditions of the order, as amended, and as hereby further amended, as follows:

■ The authority citation for 7 CFR part 1033 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 1033—MILK IN THE MIDEAST MARKETING AREA

■ The interim final rule amending 7 CFR part 1033 which was published on July 26, 2002, (67 FR 48743), is adopted as a final rule, with the following changes:

■ 1. Section 1033.7 is amended by revising paragraph (d)(2) to read as follows:

§ 1033.7 Pool plant.

* * * * *

(d) * * *

(2) The 30 percent delivery requirement may be met for the current month or it may be met on the basis of deliveries during the preceding 12-month period ending with the current month.

* * * * *

■ 2. Section 1033.13 is amended by revising the first sentence in paragraph (d)(7) to read as follows:

§ 1033.13 Producer milk.

* * * * *

(d) * * *

(7) The delivery day requirement in paragraphs (d)(2) and (d)(3) of this section and the diversion percentages in paragraph (d)(4) of this section may be increased or decreased by the market administrator if the market administrator finds that suhc revision is necessary to assure orderly marketing and efficient handling of milk in the marketing area.

Dated: June 16, 2004.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 04–14060 Filed 6–21–04; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NM–96–AD; Amendment 39–13679; AD 2004–12–18]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain EMBRAER Model EMB–120 series airplanes, that requires installing three new vertical cargo nets in cargo-configured cabins. This action is necessary to prevent significant movement of cargo during operation, which could result in loss of control of the airplane or injury to the flightcrew. This action is intended to address the identified unsafe condition.

DATES: Effective July 27, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 27, 2004.

ADDRESSES: The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343-CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1175; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB–120 series airplanes was published in the **Federal Register** on April 6, 2004 (69 FR 17991). That action proposed to require installing three new vertical cargo nets in cargo-configured cabins.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 153 airplanes of U.S. registry will be affected by this AD, that it will take approximately 5 work hours per airplane to accomplish the required installation, and that the average labor rate is $65 per work hour. Required parts will cost between $2,250 and $4,570, depending on the configuration of the airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be between $393,975 and $748,935, or between $2,575 and $4,895 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Currently, there are no affected "CTA Version" airplanes on the U.S. Register (as listed in the applicability of EMBRAER Service Bulletin 120–25–0257, dated April 30, 2002). However, if an affected airplane is imported and placed on the U.S. Register in the future, the required actions will take about 9 work hours, at an average labor rate of $65 per work hour. Required parts will cost about $6,663 per airplane. Based on these figures, we estimate the cost of this AD to be $7,248 per airplane.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by adding the following new airworthiness directive:

2004–12–18 Empresa Brasileira De Aeronautica S.A. (EMBRAER): Amendment 39–13679. Docket 2003–NM–96–AD.

Applicability: Model EMB–120 series airplanes, as listed in EMBRAER Service Bulletin 120–25–0255, dated March 5, 2002; and EMBRAER Service bulletin 120–25–0257, dated April 30, 2002; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent significant movement of cargo during operations, which could result in loss of control of the airplane or injury to the flightcrew, accomplish the following:

Installation

(a) Within 30 days after the effective date of this AD: Install three new vertical cargo nets by doing all the actions in and per the Accomplishment Instructions of EMBRAER Service Bulletin 120–25–0255, dated March 5, 2002; or EMBRAER Service Bulletin 120–25–0257, dated April 30, 2002; as applicable.

Alternative Methods of Compliance

(b) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, is authorized to approve alternative methods of compliance for this AD.

Incorporation by Reference

(c) The actions shall be done in accordance with EMBRAER Service Bulletin 120–25–0255, dated March 5, 2002; or EMBRAER Service Bulletin 120–25–0257, dated April 30, 2002; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343-CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Note 1: The subject of this AD is addressed in Brazilian airworthiness directive 2001–02–02R1, dated April 22, 2003.

Effective Date

(d) This amendment becomes effective on July 27, 2004.

Issued in Renton, Washington, on June 9, 2004.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–13700 Filed 6–21–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2003–16646; Directorate Docket No. 2003–NM–177–AD; Amendment 39–13678; AD 2004–12–17]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757–200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757–200 series airplanes, that requires repetitive inspections of the intercostals that back up the door stops and hinges at door 2 left and door 2 right for cracks, and corrective action, if necessary. This amendment also provides for an optional terminating action for the repetitive inspections. This action is necessary to prevent fatigue cracks from propagating in the intercostals, which could lead to the loss of a door in flight and subsequent rapid decompression. This action is intended to address the identified unsafe condition.

DATES: Effective July 27, 2004.

The incorporation by reference of a certain publication listed in the regulations is approved by the Director of the Federal Register as of July 27, 2004.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

FOR FURTHER INFORMATION CONTACT: Dennis Stremick, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6450, fax (425) 917–6590.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 757–200 series airplanes was published in the **Federal Register** on December 11, 2003 (68 FR 69053). That action proposed to require repetitive inspections of the intercostals that back up the door stops and hinges at door 2 left and door 2 right for cracks, and corrective action, if necessary. That action also proposed to provide for an optional terminating action for the repetitive inspections.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

Request To Increase Repetitive Inspection Interval

One commenter requests that the repetitive inspection interval specified in paragraph (c) of the proposed AD be increased from 3,000 flight cycles to 9,000 flight cycles. The commenter states that its in-service experiences demonstrate that a 9,000 flight cycle inspection interval is adequate to ensure that cracks are detected in a timely manner prior to becoming critical. The commenter justifies its recommendation based on its initial visual inspections conducted on 14 airplanes having around 15,000 total flight cycles, during which no cracking was found. Subsequent repeat inspections conducted on those airplanes at about 8,000 flight cycles later (at about 23,000 total flight cycles) found cracking. On average, the commenter found cracks on two out of six intercostals per side, per airplane, and the cracks were generally less than 1.5 inches. The commenter also states that the worst-case safety concern is the loss of cabin pressure, which is a lesser concern than loss of airplane. The commenter notes that access is more difficult than stated in the proposed AD because a lavatory and coat closet must be removed to gain access to the subject area.

The FAA does not agree to increase the repetitive inspection interval required by paragraph (c) of the final rule from 3,000 flight cycles to 9,000 flight cycles. The commenter did not provide enough data to support an inspection interval of 9,000 flight cycles. The commenter's statement that it found multiple cracks occurring within an 8,000 flight cycle inspection interval indicates that an appropriate inspection interval would be less than 8,000 flight cycles. In addition, based on the commenter's findings that an average of two out of six intercostals were cracked per door, it is more than likely that half of the intercostals would be cracked on some airplanes within the commenter's proposed 9,000 flight cycle interval. While a loss of cabin pressure may occur prior to losing a door, the detection of multiple cracked intercostals within the commenter's proposed inspection interval increases the possibility of losing a door. We have determined that the inspection interval of 3,000 flight cycles required by paragraph (c) of the final rule will ensure an acceptable level of safety. In developing an appropriate inspection interval for this AD, we considered the safety issues resulting from the loss of a door in flight and possible subsequent rapid decompression, as well as the recommendations of the manufacturer and the effectiveness of the inspection procedure. Also, the final rule provides optional terminating actions, as stated in paragraphs (g) and (h) of the final rule, for the repetitive inspections required by paragraph (c) of the final

rule. No change is made to the final rule in this regard. However, according to the provisions of paragraph (i) of the final rule, we may approve requests to adjust the inspection interval if the request includes data that prove that the new inspection interval would provide an acceptable level of safety.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 95 airplanes of the affected design in the worldwide fleet. The FAA estimates that 55 airplanes of U.S. registry will be affected by this AD.

We estimate that it will take approximately 8 work hours per airplane to accomplish the required inspection, and that the average labor rate is $65 per work hour. Based on these figures, the cost impact of the required inspection on U.S. operators is estimated to be $28,600, or $520 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

The optional preventative modification terminating action, if done, will take approximately 50 work hours per airplane at an average labor rate of $65 per work hour. Based on these figures, we estimate the cost of this optional terminating action to be $3,250 per airplane.

Parts for the optional replacement terminating action will cost approximately $692 for each Top Kit-Door Stop 1 Intercostal (L/H or R/H) and $4,581 for each Top Kit-Intercostal Replacement (L/H or R/H).

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by adding the following new airworthiness directive:

2004–12–17 Boeing: Amendment 39–13678. Docket FAA–2003–16646. Directorate Docket No. 2003–NM–177–AD.

Applicability: Model 757–200 series airplanes, line numbers 1 through 95 inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracks from propagating in the intercostals, which could lead to the loss of a door in flight and subsequent rapid decompression, accomplish the following:

Service Bulletin References

(a) The term "service bulletin," as used in this AD, means the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–53–0086, dated March 14, 2002.

Initial Inspection

(b) Prior to the accumulation of 12,000 total flight cycles, or within 3,000 flight cycles after the effective date of this AD, whichever occurs later: Perform a detailed inspection for cracks of the intercostals that back up the door stops and hinges at door 2 left and door 2 right, per Part I of the service bulletin.

No Crack Findings: Repetitive Inspections

(c) If no crack is found during the inspection required by paragraph (b) of this AD, before further flight, do a dye penetrant or eddy current inspection for cracks of the intercostals that back up the door stops and hinges at door 2 left and door 2 right, per Part I of the service bulletin. Repeat thereafter at intervals not to exceed 3,000 flight cycles, until the preventative modification specified in paragraph (g) of this AD or the replacement specified in paragraph (h) of this AD has been accomplished.

Crack Findings: Modification/Replacement

(d) If, during the inspections required by paragraph (b) and/or (c) of this AD, any intercostal for door stop 1, 4, 5, 6, upper hinge, or lower hinge has cracks, but not beyond the aft edge of the bend relief radius: Before further flight, do the preventative modification specified in paragraph (g) of this AD or the replacement specified in paragraph (h) of this AD.

(e) If, during the inspections required by paragraph (b) and/or (c) of this AD, any intercostal for door stop 2 or 3 has cracks: Before further flight, do the replacement specified in paragraph (h) of this AD.

(f) If, during the inspections required by paragraph (b) and/or (c) of this AD, any intercostal has cracks that extend beyond the aft edge of the bend relief radius: Before further flight, do the replacement specified in paragraph (h) of this AD.

Terminating Actions

(g) Do the preventative modification on the intercostal per Part II of the service bulletin. Accomplishment of the preventative modification on an intercostal per Part II of the service bulletin constitutes terminating action for the repetitive inspection requirements of this AD for the modified intercostal only.

(h) Replace the intercostal with a new improved intercostal per Part III of the service bulletin. Accomplishment of the replacement of an intercostal with a new, improved intercostal per Part III of the service bulletin constitutes terminating action for the repetitive inspection requirements of this AD for the replaced intercostal only.

Alternative Methods of Compliance

(i) In accordance with 14 CFR 39.19, the Manager, Seattle Aircraft Certification Office, FAA, is authorized to approve alternative methods of compliance for this AD.

Incorporation by Reference

(j) The actions shall be done in accordance with Boeing Special Attention Service Bulletin 757–53–0086, dated March 14, 2002. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind

Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Effective Date

(k) This amendment becomes effective on July 27, 2004.

Issued in Renton, Washington, on June 9, 2004.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–13699 Filed 6–21–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NM–63–AD; Amendment 39–13680; AD 2004–12–19]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A319, A320, and A321 series airplanes. This AD requires replacement of a certain transformer rectifier unit (TRU) with a certain new TRU. This action is necessary to prevent ignition of the input filter capacitors of the TRU in position 2 of the avionics compartment, which could potentially result in smoke in the cockpit. This action is intended to address the identified unsafe condition.

DATES: Effective July 27, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 27, 2004.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A319, A320, and A321 series airplanes, was published in the **Federal Register** on January 29, 2004 (69 FR 4255). That action proposed to require replacement of a certain transformer rectifier unit (TRU) with a certain new TRU.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. The FAA has duly considered the comments received.

Support for the Proposed AD

Two commenters support the proposed AD.

Request To Revise Reference to Parallel French Airworthiness Directive

One commenter requests that we revise Note 1 of the proposed AD to refer to French airworthiness directive 2002–554(B), dated November 13, 2002, instead of 2002–544(B). We concur. The reference to French airworthiness directive 2002–544(B) in Note 1 of the proposed AD was a typographical error. The preamble of the proposed AD correctly referred to 2002–554(B). We have revised Note 1 of this final rule accordingly.

Request To Revise Cost Impact Estimate

One commenter requests that we revise the cost impact estimate from 1 work hour to 3 work hours. The commenter's rationale is that the time necessary for the modification of the affected TRU should be included in the cost impact estimate.

We do not concur. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. This AD requires replacement of a certain TRU with a certain new TRU. The intent of this AD may be done through a modification of the TRU, which may be done by the operator or by a qualified vendor, or the intent may be done through installation of a new TRU. For this reason, we find that it is not appropriate to include the time for modification of the TRU in the cost impact estimate for this AD. No change to the final rule is necessary in this regard.

Conclusion

After careful review of the available data, including the comments noted above, we have determined that air safety and the public interest require the adoption of the rule with the change described previously. We have determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

We estimate that 553 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $65 per work hour. Required parts will be supplied by the airplane manufacturer at no cost to the operators. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be $35,945, or $65 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic

impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by adding the following new airworthiness directive:

2004–12–19 Airbus: Amendment 39–13680. Docket 2003–NM–63–AD.

Applicability: Model A319, A320, and A321 series airplanes, certificated in any category; except those airplanes on which Airbus Modification 30737 has been accomplished in production (reference Airbus Service Bulletin A320–24–1099, Revision 02, dated February 11, 2003, in service).

Compliance: Required as indicated, unless accomplished previously.

To prevent ignition of the input filter capacitors of the transformer rectifier unit (TRU) in position 2 of the avionics compartment, which could potentially result in smoke in the cockpit, accomplish the following:

Replacement

(a) Prior to the accumulation of 15,000 total flight hours, or within 16 months after the effective date of this AD, whichever occurs later, replace the TRU, part number Y005–2, with a new TRU, part number Y005–3, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–24–1099, Revision 02, dated February 11, 2003.

(b) Replacements accomplished before the effective date of this AD per Airbus Service Bulletin A320–24–1099, dated March 5, 2002; or Revision 01, dated July 26, 2002; are considered acceptable for compliance with the corresponding action specified in this AD.

Parts Installation

(c) As of the effective date of this AD no person shall install a TRU, part number Y005–2, within position 2 of the avionics compartment on any airplane.

Alternative Methods of Compliance

(d) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM 116, Transport Airplane Directorate, FAA, is authorized to approve alternative methods of compliance (AMOCs) for this AD.

Incorporation by Reference

(e) Unless otherwise specified in this AD, the actions shall be done in accordance with Airbus Service Bulletin A320–24–1099, Revision 02, dated February 11, 2003. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

Note 1: The subject of this AD is addressed in French airworthiness directive 2002–554(B), dated November 13, 2002.

Effective Date

(f) This amendment becomes effective on July 27, 2004.

Issued in Renton, Washington, on June 9, 2004.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–13701 Filed 6–21–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NE–50–AD; Amendment 39–13681; AD 2004–13–01]

RIN 2120–AA64

Airworthiness Directives; Dowty Aerospace Propellers Type R321/4–82–F/8, R324/4–82–F/9, R333/4–82–F/12, and R334/4–82–F/13 Propeller Assemblies

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) that applies to Dowty Aerospace Propellers (Dowty) Type R334/4–82–F/13 propeller assemblies. That AD currently requires a one-time ultrasonic inspection of propeller hubs, part number (P/N) 660709201, for cracks. This amendment requires initial and repetitive ultrasonic inspections of propeller hubs, P/N 660709201, that are installed on airplanes, and for hubs and propellers in storage, initial ultrasonic inspection of propeller hubs before placing in service. Propeller hubs, P/N 660709201, are installed on Type R321/4–82–F/8, R324/4–82–F/9, R333/4–82–F/12, and R334/4–82–F/13 propeller assemblies. This amendment results from the manufacturer's reevaluation of potential hub failure on Type R321/4–82–F/8, R324/4–82–F/9, R333/4–82–F/12, and R334/4–82–F/13 propeller assemblies. We are issuing this AD to prevent propeller hub failure due to cracks in the hub, which could result in loss of control of the airplane.

DATES: Effective July 27, 2004. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 27, 2004.

ADDRESSES: The service information referenced in this AD may be obtained from Dowty Aerospace Propellers, Anson Business Park, Cheltenham Road East, Gloucester GL 29QN, UK; telephone 44 (0) 1452 716000; fax 44 (0) 1452 716001. This information may be examined, by appointment, at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

FOR FURTHER INFORMATION CONTACT: Frank Walsh, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, telephone (781) 238–7158, fax (781) 238–7170.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 2002–01–28, Amendment 39–12623 (67 FR 4351, January 30, 2002), that applies to Dowty Type R334/4–82–F/13 propeller assemblies was published in the **Federal Register** on April 28, 2003 (68 FR 22339). That action proposed to require initial and repetitive ultrasonic inspections of propeller hubs, P/N 660709201, that are installed on airplanes, and for hubs and propellers in storage, initial ultrasonic inspection of propeller hubs before placing in service. That action proposed to perform

inspections in accordance with Dowty Mandatory Service Bulletin (MSB) No. 61–1119, Revision 3, dated March 8, 2002; MSB No. 61–1124, Revision 1, dated October 8, 2002; MSB No. 61–1125, Revision 1, dated October 9, 2002; and MSB No. 61–1126, Revision 1, dated October 9, 2002. The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom (UK), classified these service bulletins as mandatory and issued CAA UK AD No. 003–11–2001, dated November 30, 2001; CAA UK AD No. 009–05–2002, dated April 15, 2003; CAA UK AD No. 010–05–2002, dated April 15, 2003; and CAA UK AD No. 011–05–2002, dated April 15, 2003 in order to ensure the airworthiness of these Dowty Propellers in the UK.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Request To Increase the Initial Inspection Interval

One commenter states that the initial inspection interval in the NPRM of 50 hours is unrealistically short to complete the inspection on a large, geographically wide-spread fleet. The commenter believes that the initial inspection interval should be increased to 200 hours.

We do not agree that we need to change the compliance time for the initial inspection. Dowty issued an MSB on May 7, 2002, and directed operators to conduct the initial inspection. Dowty also stated that the calendar compliance time for that inspection was within six months after the issue date of that MSB. Based on the issuance date of that MSB, all propellers should already be inspected. We have not changed the AD.

Request To Increase the Repetitive Inspection Interval

One commenter requests that the repetitive inspection interval in the NPRM be increased from 1,000 hours to 2,000 hours based on the fact that only one crack was found in their fleet.

We do not agree. Dowty based the compliance time on an engineering evaluation of the 16 cracks found by this inspection. Five cracks were found on the same propeller model as flown by the commenter. We have not changed the AD.

Credit for Previous Inspections on All Models

One commenter states that the previous inspections on the propeller should be applicable to all models, not just the R334/4–82–F13 propeller.

We agree. We have changed the Applicability in the Regulatory text of the AD by adding Dowty Propeller Types R321/4–82–F/8, R324/4–82–F/9, and R333/4–82–F/12.

Request To Clarify the Economic Analysis Paragraph

One commenter states that the FAA underestimated the cost of the AD to U.S. operators. The commenter also provides additional information to better estimate the cost of the inspection.

We agree. Our revised estimate retains the 11 work hours per propeller and modifies the part cost from $1,650 per propeller to $300 per propeller. In addition, we increased the estimated number of airplanes from 10 airplanes to 50 airplanes and raised the labor rate to $65 per hour. Based on these revisions, the total cost for the inspection for U.S. operators will be about $126,875 for the fleet of affected airplanes.

Clarification of CAA ADs Related to This AD

We inadvertently left out three CAA UK ADs in Note 3 of the NRPM supersedure. We have added the three CAA UK ADs in Note 3 of the AD.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Bilateral Agreement Information

These propeller models are manufactured in the UK and are Type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Economic Analysis

There are about 275 airplanes with propellers of the affected design in the worldwide fleet. The FAA estimates that there are about 125 Dowty Propellers Type R321/4–82–F/8, R324/4–82–F/9, R333/4–82–F/12, and R334/4–82–F/13 installed on airplanes of U.S. registry that would be affected by this AD. The FAA also estimates that it would take approximately 11 work hours per propeller to perform one inspection and replacement, and that the average labor rate is $65 per work hour. Required shipping and parts would cost approximately $300 per propeller. Based on these figures, the total cost of the AD to known U.S. operators is estimated to be $126,875.

Regulatory Analysis

This final rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by removing Amendment 39–12623 (67 FR

4351, January 30, 2002) and by adding a new airworthiness directive, Amendment 39–13681, to read as follows:

2004–13–01 Dowty Aerospace Propellers: Amendment 39–13681. Docket No. 2001–NE–50–AD. Supersedes AD 2002–01–28, Amendment 39–12623.

Applicability

This airworthiness directive (AD) applies to Dowty Aerospace Propellers (Dowty) Type R321/4–82–F/8, R324/4–82–F/9, R333/4–82–F/12, and R334/4–82–F/13 propeller assemblies with propeller hubs part number (P/N) 660709201. These propeller assemblies are installed on, but not limited to, Construcciones Aeronauticas, S.A. (CASA) 212, British Aerospace Regional Aircraft Jetstream Models 3101 and 3201, Fairchild Aircraft, Inc., Merlin IIIC, and Merlin IVC/Metro III airplanes.

Note 1: This AD applies to each propeller identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For propellers that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance

Compliance with this AD is required as indicated, unless already done.

To prevent propeller hub failure due to cracks in the hub, which could result in loss of control of the airplane, do the following:

Initial Ultrasonic Inspection

(a) Within 50 flight hours time-in-service (TIS) after the effective date of this AD, or within 60 days after the effective date of this AD, whichever occurs earlier, perform an initial ultrasonic inspection of the rear wall of the rear half of the propeller hub for cracks in accordance with Appendix A of the applicable Dowty Mandatory Service Bulletin (MSB) listed in the following Table 1:

TABLE 1.—APPLICABLE MSB FOR PROPELLER TYPE

Propeller assembly type	Applicable MSB
(1) R334/4–82–F/13.	MSB No. 61–1119, Revision 3, dated March 8, 2002.
(2) R333/4–82–F/12.	MSB No. 61–1124, Revision 1, dated October 8, 2002.
(3) R321/4–82–F/8.	MSB No. 61–1125, Revision 1, dated October 9, 2002.
(4) R324/4–82–F/9.	MSB No. 61–1126, Revision 1, dated October 9, 2002

(b) For hubs and propellers in storage, perform an initial ultrasonic inspection of the rear wall of the rear half of the propeller hub for cracks, before placing in service, in accordance with Appendix A of the applicable Dowty MSB listed in Table 1 of this AD.

(c) Propeller hubs, P/N 660709201, used on Type R334/4–82–F/13 propeller assemblies that have been previously inspected using a Dowty MSB listed in Table 1 or earlier issue of those MSBs, are considered to be in compliance with paragraph (a) of this AD.

Repetitive Ultrasonic Inspections

(d) Thereafter, within 1,000 flight hours TIS after each ultrasonic inspection, perform an ultrasonic inspection of the rear wall of the rear half of the propeller hub for cracks in accordance with Appendix A of the applicable Dowty MSB listed in Table 1 of this AD.

Inspection Reporting Requirements

(e) For each inspection, record the inspection data on a copy of Appendix B of the applicable MSB listed in Table 1 of this AD, and report the findings to the Manager, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299 within 10 days after the inspection. Reporting requirements have been approved by the Office of Management and Budget (OMB) and assigned OMB control number 2120–0056.

Alternative Methods of Compliance

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Boston Aircraft Certification Office. Operators must submit their request through an appropriate FAA principal Maintenance Inspector, who may add comments and then send it to the Manager, Boston Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Boston Aircraft Certification Office.

Special Flight Permits

(g) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be done.

Documents That Have Been Incorporated by Reference

(h) The inspections must be done in accordance with the following Dowty Aerospace Propellers mandatory service bulletins:

Document No.	Pages	Revision	Date
MSB No. 61–1119	1	3	Mar. 8, 2002.
	2	2	Dec. 6, 2001.
Appendix A	1	1	Nov. 27, 2001.
	2	Original	Nov. 1, 2001.
	3–6	1	Nov. 27, 2001.
Appendix B	1	Original	Nov. 1, 2001.
Appendix C	All	Original	Nov. 27, 2001.
Appendix D	All	Original	Dec. 6, 2001.
Total pages: 29.			
MSB No. 61–1124	1	1	Oct. 8, 2002.
	2–3	Original	May 7, 2002.
Appendix A	All	Original	May 7, 2002.
Appendix B	All	Original	May 7, 2002.
Appendix C	All	Original	May 7, 2002.
Appendix D	All	Original	May 7, 2002.
Total pages: 30.			
MSB No. 61–1125	1	1	Oct. 9, 2002.
	2–3	Original	May 7, 2002.
Appendix A	All	Original	May 7, 2002.
Appendix B	All	Original	May 7, 2002.
Appendix C	All	Original	May 7, 2002.
Appendix D	All	Original	May 7, 2002.
Total pages: 30.			
MSB No. 61–1126	1	1	Oct. 9, 2002.
	2–3	Original	May 7, 2002.

Document No.	Pages	Revision	Date
Appendix A	All	Original	May 7, 2002.
Appendix B	All	Original	May 7, 2002.
Appendix C	All	Original	May 7, 2002.
Appendix D	All	Original	May 7, 2002.
Total pages: 30.			

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Dowty Propellers, Anson Business Park, Cheltenham Road East, Gloucester GL 29QN, UK; telephone 44 (0) 1452 716000; fax 44 (0) 1452 716001. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Note 3: The subject of this AD is also addressed in CAA UK AD No. 003–11–2001, dated November 30, 2001; CAA UK AD No. 009–05–2002, dated April 15, 2003; CAA UK AD No. 010–05–2002, dated April 15, 2003; and CAA UK AD No. 011–05–2002, dated April 15, 2003.

Effective Date

(i) This amendment becomes effective on July 27, 2004.

Issued in Burlington, Massachusetts, on June 10, 2004.

Francis A. Favara,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 04–13773 Filed 6–21–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2004–18024; Directorate Identifier 2003–NE–39–AD; Amendment 39–13684; AD 2004–13–03]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce (1971) Limited, Bristol Engine Division Model Viper Mk.601–22 Turbojet Engine

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Rolls-Royce (1971) Limited, Bristol Engine Division (RR) Model Viper Mk.601–22 turbojet engines. This AD requires reducing the life of certain 1st stage turbine rotor blades from 7,000 hours time-in-service (TIS) to 4,600 hours TIS, and provides a drawdown schedule for blades that have already exceeded the new reduced life limit. This AD results from the manufacturer's investigations into failures of 1st stage turbine rotor blades. We are issuing this AD to prevent multiple failures of 1st stage turbine rotor blades that could result in a dual-engine shutdown.

DATES: Effective July 7, 2004.

We must receive any comments on this AD by August 23, 2004.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD.

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.
- *Fax:* (202) 493–2251.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You can get the service information identified in this AD from Rolls-Royce Limited, Bristol Engines Division, Technical Publications Department CLS–4, P.O. Box 3, Filton, Bristol, BS34 7QE England; telephone 117–979–1234, fax 117–979–7575.

You may examine the comments on this AD in the AD docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Ian Dargin, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7178; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom (UK), recently notified the FAA that an unsafe condition may exist on RR model Viper Mk.601–22 turbojet engines. The CAA advises that inspections of 1st stage turbine rotor blades, part numbers (P/Ns) V926000, V926293, and V926319, from engines that were returned from the field have identified cracks in the blade airfoil at an increasing rate. Under the current requirements to replace the blades at 7,000 hours TIS, the risk of dual-engine shutdowns is unacceptable. Reducing the class B life of these 1st stage turbine blades, recommended in Chapter 5 of the engine manual, from 7,000 hours TIS to a mandatory life limit of 4,600 hours TIS reduces the risk of dual-engine shutdowns.

Relevant Service Information

We have reviewed and approved the technical contents of RR Alert Service Bulletin (ASB) 72–A184, dated January 2001, that describes procedures for managing engine configurations to reduce the risk of dual-engine shutdowns. The CAA classified this service bulletin as mandatory and issued AD 004–01–2001 in order to ensure the airworthiness of these RR engines in the UK.

Differences Between This AD and the Service Information

RR ASB 72–A184, dated January 2001, specifies the date of receipt of the ASB as the baseline for the compliance time. This AD specifies the effective date of this AD as the baseline for the compliance time.

Bilateral Airworthiness Agreement

This engine model is manufactured in the UK and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Under this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. We have examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

FAA's Determination and Requirements of This AD

The unsafe condition described previously is likely to exist or develop on other RR Viper Mk.601–22 turbojet engines of the same type design. We are issuing this AD to prevent multiple failures of 1st stage turbine rotor blades that could result in a dual-engine shutdown. This AD:

- Reduces the recommended class B life of certain 1st stage turbine blades, P/Ns V926000, V926293 and V926319, from 7,000 hours TIS to a mandatory life limit of 4,600 hours TIS, and
- Provides a drawdown schedule for blades that have already exceeded the new reduced life limit.

FAA's Determination of the Effective Date

Since an unsafe condition exists that requires the immediate adoption of this AD, we have found that notice and opportunity for public comment before issuing this AD are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Docket Management System (DMS)

We have implemented new procedures for maintaining AD dockets electronically. As of May 17, 2004, we posted new AD actions on the DMS and assigned a DMS docket number. We track each action and assign a corresponding Directorate identifier. The DMS docket No. is in the form "Docket No. FAA–200X–XXXXX." Each DMS docket also lists the Directorate identifier ("Old Docket Number") as a cross-reference for searching purposes.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES.** Include "AD Docket No. FAA–2004–18024; Directorate Identifier 2003–NE–39–AD" in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it.

We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of the DMS Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://dms.dot.gov.*

We are reviewing the writing style we currently use in regulatory documents. We are interested in your comments on whether the style of this document is clear, and your suggestions to improve the clarity of our communications with you. You can get more information about plain language at *http://www.faa.gov/language and http://www.plainlanguage.gov.*

Examining the AD Docket

You may examine the docket that contains the AD, any comments received, and any final disposition in person at the DMS Docket Offices between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647–5227) is located on the plaza level of the Department of Transportation Nassif Building at the street address stated in **ADDRESSES.** Comments will be available in the AD docket shortly after the DMS receives them.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ Under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2004–13–03 Rolls-Royce (1971) Limited, Bristol Engine Division: Amendment 39–13684. Docket No. FAA–2004–18024; Directorate Identifier 2003–NE–39–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective July 7, 2004.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Rolls-Royce (1971) Limited, Bristol Engine Division (RR) Model Viper Mk.601–22 turbojet engines with 1st stage turbine blades, part numbers (P/Ns) V926000, V926293, and V926319, installed. These engines are installed on, but not limited to, Raytheon HS.125 Series 600 and BH.125 Series 600 airplanes.

Unsafe Condition

(d) This AD results from the manufacturer's investigations into failures of 1st stage turbine rotor blades. We are issuing this AD to prevent multiple failures of 1st stage turbine rotor blades that could result in a dual-engine shutdown.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified unless the actions have already been done.

New Reduced Life Limit

(f) Change the RR Time Limits Manual life limit for the 1st stage turbine rotor blades, P/Ns V926000, V926293, and V926319, from 7,000 hours time-in-service (TIS) to 4,600 hours TIS.

(g) Limit the number of installed engines with 1st stage turbine rotor blades that exceed 4,600 hours TIS on the effective date of this AD as specified in the following Table 1:

TABLE 1.—INSTALLED ENGINES

On the effective date of this AD, if	Then:
(1) Both engines installed on the airplane have 1st stage turbine rotor blades that exceed 5,800 hours TIS.	Replace the engine that has the higher blade life within 50 hours TIS or 6 weeks after the effective date of this AD, whichever occurs first.
(2) One engine installed on the airplane has 1st stage turbine rotor blades that exceed 5,800 hours TIS, and the other engine has 1st stage turbine rotor blades that exceed 4,600 hours TIS.	Replace the engine that has the higher blade life within 100 hours TIS or 4 months after the effective date of this AD, whichever occurs first.
(3) One engine installed on the airplane has 1st stage turbine rotor blades that exceed 5,800 hours TIS, and the other engine has 1st stage turbine rotor blades with fewer than 4,600 hours TIS.	Replace the engine that has the higher blade life within 200 hours TIS or 6 months after the effective date of this AD, whichever occurs first.
(4) One engine installed on the airplane has 1st stage turbine rotor blades that exceed 4,600 hours TIS, but have fewer than 5,800 hours TIS, and the other engine has 1st stage turbine rotor blades with fewer than 4,600 hours TIS.	Replace the engine that has the higher blade life by the earliest of: (i) 5,800 hours TIS, or (ii) Within 200 hours TIS after the effective date of this AD, or (iii) Within 6 months after the effective date of this AD.

(h) For any engine with 1st stage turbine rotor blades that have 4,600 hours TIS or fewer on the effective date of this AD, replace the blades as specified in (g)(1) through (g)(4) of Table 1 or within 3 years after the effective date of this AD, whichever occurs earlier.

Installation of Engines After the Effective Date of This AD

(i) After the effective date of this AD, do not install any engine that has 1st stage turbine rotor blades, P/Ns V926000, V926293, and V926319, that exceed 4,600 hours TIS, except as allowed in Table 1 of this AD.

Alternative Methods of Compliance

(j) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19

Material Incorporated by Reference

(k) None.

Related Information

(l) Civil Aviation Authority airworthiness directive AD 004–01–2001, dated January 2001, also addresses the subject of this AD.

Issued in Burlington, Massachusetts, on June 16, 2004.

Mark C. Fulmer,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 04–14051 Filed 6–21–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 740 and 746

[Docket No. 040610179–4179–01]

RIN 0694–AD17

Revision of Export and Reexport Restrictions on Cuba

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This rule places new limits on gift parcels and personal baggage and revises licensing policy regarding vessels going to Cuba. These changes are being made to implement the President's May 6, 2004 direction with respect to certain recommendations in the May 2004 Report to the President from the Commission on Assistance to a Free Cuba.

DATES: This rule is effective June 30, 2004.

FOR FURTHER INFORMATION CONTACT: Brian Nilsson, Foreign Policy Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044; Telephone: (202) 482–5485, or e-mail: *bnilsson@bis.doc.gov*.

SUPPLEMENTARY INFORMATION:

Background

On October 10, 2003, the President announced the creation of the Commission for Assistance to a Free Cuba. The purpose of the Commission was to identify ways to hasten Cuba's transition to a free and open society and identify U.S. Government programs that could assist the Cuban people during the transition. The Commission was tasked with preparing a report to the President recommending a comprehensive plan to achieve these aims. The report was delivered to the President on May 1, 2004.

Among other things, the Commission found that, although gift parcels provide a critical humanitarian benefit to the Cuban people, they directly benefit the Castro regime in two ways. Such parcels decrease the burden on the Cuban regime to provide for the basic needs of its people, enabling the regime to dedicate more of its limited resources to strengthening its repressive apparatus. Moreover, through delivery charges, the regime is able to generate additional sources of much needed hard foreign currency. As a result, the Commission set forth a number of recommendations for addressing these issues.

On May 6, 2004, the President directed the implementation of certain of the Commission Report's recommendations. This rule is being published to implement those recommendations as they related to the Export Administration Regulations (EAR).

Amendments to License Exception GFT

This rule narrows the list of eligible commodities that can be included in gift parcels to Cuba under License Exception GFT (§ 740.12 of the EAR). The eligible categories are now limited to: food (including vitamins), medicine, medical supplies and equipment (including hospital supplies and equipment and equipment for the handicapped), receive-only radio equipment for reception of commercial/civil AM/FM and short wave publicly available frequency bands, and batteries for such equipment. This rule removes, seeds, clothing, personal hygiene items, veterinary medicines and supplies, fishing equipment and supplies, and soap-making equipment from the list of commodities that may be sent to Cuba in gift parcels. This rule does not limit the export of food to Cuba, except for eliminating the use of License Exception GFT to send any item to certain Cuban Communist Party or Government officials.

This rule limits the delivery of gift parcels to Cuba containing items other than food to once per month per household, instead of once per month per individual recipient. A household, for purposes of gift parcels to Cuba, is defined as all individuals living in common at a unique address. This rule also specifies that a gift parcel recipient must be a grandparent, grandchild, parent, sibling, spouse, or child of the donor. Finally, this rule makes License Exception GFT unavailable to send gift parcels to certain Cuban government officials or Communist Party members. This rule is not intended to limit the ability of non-governmental organizations to provide humanitarian support or assistance to pro-democracy or civil society groups. Therefore, it

does not change the "humanitarian donations" provisions of License Exception GFT (§ 740.12(b) of the EAR) nor does it place any new limits on the review policy for applications for licenses for exports and reexports to provide support for the Cuban people as described in § 746.2(b)(4) of the EAR.

This rule also makes all commodities listed on the Commerce Control List (CCL) ineligible for export or reexport to Cuba under the gift parcel provisions of License Exception GFT. For all other destinations, only commodities listed on the CCL with a reason for control based on one or more multilateral export control regimes (*i.e.*, the Wassenaar Arrangement (reason for control: National Security—NS); the Nuclear Suppliers' Group (reason for control: Nuclear Nonproliferation—NP); the Australia Group (reasons for control: Chemical and Biological Weapons—CB); and the Missile Technology Control Regime (reason for control: Missile Technology—MT)) are ineligible for inclusion in a gift parcel sent under this license exception. This rule does not change the requirement that commodities sent in gift parcels be of a type and in quantities normally given as gifts between individuals and that non-food items be limited in value to $200 per gift parcel.

Amendment to License Exception BAG

This rule also limits the amount of baggage taken by individuals leaving the United States for travel to Cuba pursuant to License Exception BAG (§ 740.14 of the EAR) to 44 pounds per traveler, except if authorized by the Office of Foreign Assets Control of the Department of the Treasury to engage in travel-related transactions pursuant to a general or specific license in one of the following categories: 31 CFR 515.562 (official business of the U.S. government, foreign governments, and certain intergovernmental organizations), 31 CFR 515.563 (journalistic activity), 31 CFR 515.566 (religious activities), 31 CFR 515.574 (support for the Cuban people), 31 CFR 515.575 (humanitarian projects), or 31 CFR 515.545 (exportation, importation, or transmission of informational material).

Note: Other travelers seeking to take more than 44 lbs of baggage would require a license from BIS pursuant to § 746.2 of the EAR.

Amendments to § 746.2 of the EAR

This rule also eliminates the illustrative Composite Theoretical Performance (CTP) level from the licensing policy criteria in § 746.2(b) of the EAR regarding applications for licenses to export or reexport computers to human rights groups, or to individuals and non-governmental organizations that promote independent activity intended to strengthen civil society in Cuba.

Prior to this rule, all aircraft or vessels (boats) traveling from the United States to Cuba required a BIS license and were subject to a general policy of denial under § 746.2(b) of the EAR. This rule states a new licensing policy for applications for exports of aircraft or vessels on temporary sojourn to Cuba. Such applications will be considered on a case-by-case basis if the purpose of the export is to deliver humanitarian goods or services, or if the approval of such application is consistent with the foreign policy interests of the United States.

Statutory Authority

Although the Export Administration Act of 1979 (EAA), as amended, expired on August 20, 2001, Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., p. 783 (2002)) as extended by the Notice of August 7, 2003 (3 CFR, 2003 Comp., p. 328 (2004)), continues the EAR in effect under the International Emergency Economic Powers Act (IEEPA).

Rulemaking Requirements

1. This rule has been determined to be not significant for the purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by the OMB under control numbers 0694–0088, "Multi-Purpose Application," which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748 . Miscellaneous and recordkeeping activities account for 12 minutes per submission. Burden hours associated with the Paperwork Reduction Act and Office of Management and Budget control number 0694–0088 are not impacted by this regulation. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to David Rostker, OMB Desk Officer, by e-mail at *david_rostker@omb.eop.gov* or by fax to (202) 395–7285; and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. This rule does not contain policies with Federalism implications as this term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States (see 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable.

List of Subjects

15 CFR Part 740

Administrative practice and procedure, Exports, Foreign trade, Reporting and recordkeeping requirements.

15 CFR Part 746

Embargoes, Exports, Foreign trade, Reporting and recordkeeping requirements.

■ Accordingly, parts 740 and 746 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

PART 740—[AMENDED]

■ 1. The authority citation for part 740 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; Sec. 901–911, Pub. L. 106–387; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2003, 68 FR 47833, 3 CFR, 2003 Comp., p. 328.

■ 2. In § 740.12 revise paragraph (a)(2)(i), remove the example to paragraph (a), revise paragraph (a)(2)(iii), and add a new paragraph (a)(2)(v) to read as follows:

§ 740.12 Gift parcels and humanitarian donations (GFT).

(a) * * *

(2) * * *

(i) *Commodity limitations.*

(A) *Prohibited commodities.*

(*1*) For Cuba, no commodity listed on the Commerce Control List may be included in a gift parcel.

(*2*) For all other destinations, no commodity controlled for chemical and biological weapons (CB), missile technology (MT), national security (NS), or nuclear proliferation (NP) reasons on the Commerce Control List (Supplement no. 1 to part 774 of the EAR) may be included in a gift parcel.

(B) *Eligible commodities.* The commodity must be of a type and in quantities normally given as gifts between individuals. In addition, eligible commodities are as follows:

(*1*) For Cuba, the only eligible commodities are food (including vitamins), medicines, medical supplies and devices (including hospital supplies and equipment and equipment for the handicapped), receive-only radio equipment for reception of commercial/civil AM/FM and short wave publicly available frequency bands, and batteries for such equipment.

(*2*) For all other destinations, eligible commodities include all items described in paragraph (a)(2)(i)(B)(*1*) of this section, clothing, personal hygiene items, seeds, veterinary medicines and supplies, fishing equipment and supplies, and soap-making equipment; as well as all other items normally sent as gifts. Gold bullion, gold taels, and gold bars are prohibited as are items intended for resale or reexport.

Example to paragraphs (a)(2)(i)(B)(*1*) and (*2*) of this section. A watch or piece of jewelry is normally sent as a gift. However, multiple watches, either in one package or in subsequent shipments, would not qualify for such gift parcels because the quantity exceeds that normally given between individuals. Similarly, a sewing machine or bicycle, within the dollar limits of this License Exception, may be an appropriate gift. However, subsequent shipments of the same item to the same donee would not be a gift normally given between individuals.

(*3*) For purposes of paragraph (a)(2)(i)(B)(*2*) of this section, clothing is appropriate, except that export of military wearing apparel to Country Groups D:1 or E:2 under this License Exception is specifically prohibited, regardless of whether all distinctive U.S. military insignia, buttons, and other markings are removed.

(ii) * * *

(iii) *Frequency.* (A) Cuba. Except for gift parcels of food, not more than one gift parcel may be sent from the same donor to the same household in any one calendar month. For purposes of paragraph (a) of this section, the term household is defined as all individuals living in common at a unique address. There is no frequency limit on gift parcels of food to Cuba.

(B) For all destinations other than Cuba, not more than one gift parcel may be sent from the same donor to the same donee in any one calendar month.

(C) Parties seeking authorization to exceed these frequency limits due to compelling humanitarian concerns (*e.g.*, for certain gifts of medicine) should submit a license application (BIS–748P) with complete justification.

(iv) * * *

(v) *Additional restrictions on Cuba.* (A) Limits on gift parcel recipients. A gift parcel may be sent only to a grandparent, grandchild, parent, sibling, spouse, or child of the donor. (B) Government and Communist Party officials to whom gift parcels may not be sent under this license exception.

(*1*) No gift parcel may be sent to any of the following officials of the Cuban Government: Ministers and vice-ministers; members of the Council of State; members of the Council of Ministers; members and employees of the National Assembly of People's Power; members of any provincial assembly; local sector chiefs of the Committees for the Defense of the Revolution; Director Generals and sub-Director Generals and higher of all Cuban ministries and state agencies; employees of the Ministry of the Interior (MININT); employees of the Ministry of Defense (MINFAR); secretaries and first secretaries of the Confederation of Labor of Cuba (CTC) and its component unions; chief editors, editors and deputy editors of Cuban state-run media organizations and programs, including newspapers, television, and radio; or members and employees of the Supreme Court (Tribuno Supremo Nacional).

(*2*) No gift parcel may be sent to any of the following officials or Members of the Cuban Communist Party: members of the Politburo; the Central Committee; Department Heads of the Central Committee; employees of the Central Committee; and the secretaries and first secretaries of provincial Party central committees.

* * * * *

■ 3. In § 740.14, add a new paragraph (g) to read as follows:

§ 740.14 Baggage (BAG).

* * * * *

(g) *Special provision: Cuba.* Baggage taken by individuals leaving the United States for travel to Cuba pursuant to this License Exception is limited to 44 pounds per traveler, except if authorized by the Office of Foreign Assets Control of the Department of the Treasury to engage in travel-related transactions pursuant to a general or specific license in one of the following categories: 31 CFR 515.562 (official business of the U.S. government, foreign governments, and certain intergovernmental organizations), 31 CFR 515.563 (journalistic activity), 31 CFR 515.566 (religious activities), 31 CFR 515.574 (support for the Cuban people), 31 CFR 515.575 (humanitarian projects), or 31 CFR 515.545 (exportation, importation, or transmission of informational material).

Note: Other travelers seeking to take more than 44 lbs of baggage would require a license from BIS pursuant to § 746.2 of the EAR.

PART 746—[AMENDED]

■ 4. The authority citation for part 746 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287c; 22 U.S.C. 6004; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 12854, 58 FR 36587, 3 CFR 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2003, 68 FR 47833, 3 CFR, 2003 Comp., p. 328.

■ 5. In § 746.2 revise the second sentence of paragraph (b)(4)(i) and add a new paragraph (b)(5) to read as follows:

§ 746.2 Cuba.

* * * * *

(b) * * *

(4) * * *

(i) * * * Examples of such commodities include fax machines, copiers, computers, business/office, software document scanning equipment, printers, typewriters, and other office or office communications equipment.

* * *

* * * * *

(5) Applications for exports of aircraft or vessels on temporary sojourn to Cuba either to deliver humanitarian goods or services, or consistent with the foreign policy interests of the United States, will be considered on a case-by-case basis.

* * * * *

Dated: June 18, 2004.

Peter Lichtenbaum,

Assistant Secretary for Export Administration.

[FR Doc. 04–14227 Filed 6–21–04; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM03–8–000; Order No. 646]

Quarterly Financial Reporting and Revisions to the Annual Reports

Issued June 16, 2004.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; correction notice.

SUMMARY: The Federal Energy Regulatory Commission published in the **Federal Register** a final rule amending its financial reporting regulations to establish new quarterly financial reporting for respondents that file FERC Annual Reports. The filing date for non-major public utilities and licensees to submit the quarterly financial report for the period January 1 through March 31, 2004, was incorrect. This filing date should read July 23, 2004, instead of June 23, 2004. This document corrects the final rule by revising this date.

DATES: Effective on June 16, 2004.

FOR FURTHER INFORMATION CONTACT: Julia A. Lake, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 (202) 502–8370.

SUPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission published in the **Federal Register** of February 26, 2004, Order No. 646, a final rule amending the Commission's financial reporting regulations to establish new quarterly financial reporting for respondents that currently file Annual Reports with the Commission. 69 FR 9030 (2004). The filing date for non-major public utilities and licensees to submit the quarterly financial report for the period January 1 through March 31, 2004, shown in section 141.400, paragraph (b)(3)(i) was incorrect. This filing date should read July 23, 2004, instead of June 23, 2004. This document corrects the final rule by revising this date.

List of Subjects in 18 CFR Part 141

Electric power, Reporting and record keeping requirements.

Magalie R. Salas,

Secretary.

■ Accordingly, 18 CFR part 141 is corrected by making the following correcting amendment:

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

■ 1. The authority citation for part 141 continues to read as follows:

Authority: 15 U.S.C. 79; 16 U.S.C. 791a–828c, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

§ 141.400 [Amended]

■ 2. In § 141.400, paragraph (b)(3)(i), the word "June" is removed and the word "July" is inserted in its place.

[FR Doc. 04–14027 Filed 6–21–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1301

[Docket No. DEA–232C]

RIN 1117–AA70

Controlled Substances Registration and Reregistration Application Fees

AGENCY: Drug Enforcement Administration (DEA), Department of Justice.

ACTION: Final rule correction.

SUMMARY: This document corrects an error included in DEA's Final Rule published in the **Federal Register** on October 10, 2003 (68 FR 58587). This Final Rule related to the fees to be charged controlled substances registrants. This correction will not adjust the fees collected to support the Diversion Control Program.

EFFECTIVE DATE: June 22, 2004.

FOR FURTHER INFORMATION CONTACT: Patricia M. Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537; Telephone (202) 307–7297.

SUPPLEMENTARY INFORMATION:

Background

On October 10, 2003, the Drug Enforcement Administration (DEA) published a Final Rule in the **Federal Register** adjusting its controlled substances registration and reregistration fees pursuant to the Controlled Substances Act (21 U.S.C. 821, 886a). In that Final Rule, DEA indicated that Firebird, DEA's information system, was funded through appropriated funds, not through the Drug Diversion Control Fee Account (DDCFA) (68 FR 58591–58592, October 10, 2003).

Need for Correction

As published, the Final Rule contains an error which may prove to be misleading and is in need of clarification. In DEA's Fiscal Year 2004 budget, costs attributable to DEA's ADP System (Firebird) were included in the DCFA cost module. Because the Firebird information system is directly used by Diversion personnel to register controlled substances handlers, establish quotas, and conduct regulatory audits and investigations, funding of this system is attributable to the DDCFA rather than appropriated funds. Since Firebird is now funded as part of expenses within the Diversion Control Program, DEA should not have included Firebird in its discussion of costs that are excluded from DDCFA funding.

As costs associated with the Firebird information system were included in the budget calculations used to establish the registration and reregistration fees for Fiscal Years 2004, 2005, and 2006, as finalized in DEA's October 10, 2003 Final Rule (68 FR 58587), it is not necessary for DEA to increase the fees charged to registrants to cover the costs of the Firebird information system.

Correction of Publication

■ Accordingly, the Final Rule published October 10, 2003 is corrected as follows:

■ 1. On page 58592, first column, lines 1 through 4, by striking the phrase "; and a portion of the budget for DEA's agency-wide computer network, 'Firebird', related to the work of the DCP".

Dated: June 2, 2004.

William J. Walker,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 04–14100 Filed 6–21–04; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–04–025]

RIN 1625–AA09

Drawbridge Operation Regulations: Long Island, New York Inland Waterway From East Rockaway Inlet to Shinnecock Canal, NY

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard has changed the drawbridge operation regulations that govern the Meadowbrook State

Parkway Bridge, at mile 12.8, across Sloop Channel, New York. This final rule allows the bridge to need not open for the passage of vessel traffic from 9 p.m. to midnight, on the Fourth of July each year. This action is necessary to facilitate the annual Fourth of July Jones Beach State Park fireworks display.

DATES: This rule is effective on July 4, 2004.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01–04–025) and are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On April 5, 2004, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, New York, in the **Federal Register** (69 FR 17618). We received no comments in response to the notice of proposed rulemaking. No public hearing was requested and none was held.

Under 5 U.S.C. the Coast Guard finds good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The NPRM provided a 60-day comment period for the public to comment on this rule change. We received no comments in response to the NPRM. It is necessary to make this rule effective less than 30 days from the date of publication in order to provide for public safety during this years Forth of July fireworks display, which is scheduled for July 4, 2004.

Background and Purpose

The Meadowbrook State Parkway Bridge has a vertical clearance of 22 feet at mean high water and 25 feet at mean low water in the closed position, unlimited vertical clearance in the full open position. The existing regulations are listed at 33 CFR § 117.799(h).

The New York State Office of Parks, Recreation and Historic Preservation, requested that the bridge be allowed to remain closed from 9 p.m. to midnight, during the annual Fourth of July fireworks event at the Jones Beach State Park. The bridge has been closed for the past several years to facilitate this annual event.

Traditionally, this bridge closure was accomplished each year by publishing a temporary final rule in the **Federal Register**. This final rule makes the traditional Fourth of July bridge closure part of the permanent drawbridge operation regulations.

The Coast Guard believes this rule is reasonable because it would simplify the traditional bridge closure process that has become a traditional closure each year on the Fourth of July.

Discussion of Comments and Changes

The Coast Guard received no comments in response to the notice of proposed rulemaking and as a result, no changes have been made to this final rule.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3), of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

This conclusion is based on the fact that the bridge closure is of short duration for the purpose of public safety during the annual Fourth of July Fireworks display at Jones Beach.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities.

This conclusion is based on the fact that the bridge closure is of short duration for the purpose of public safety during the annual Fourth of July Fireworks display at Jones Beach.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This final rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this final rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction, from further environmental documentation. It has been determined that this final rule does not significantly impact the environment.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

■ For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. Amend § 117.799 by revising paragraph (h) to read as follows:

§ 117.799 Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal.

* * * * *

(h) The draw of the Meadowbrook State Parkway Bridge, mile 12.8, across Sloop Channel, shall open on signal if at least a one-half hour notice is given to the New York State Department of Transportation, as follows:

(1) Every other hour on the even hour.

(2) From April 1 through October 31, on Saturdays, Sundays, and Federal holidays, every three hours beginning at 1:30 a.m. Notice may be given from the telephone located at the moorings on each side of the bridge or by marine radio.

(3) From 9 p.m. to midnight, on the Fourth of July, the Meadowbrook State Parkway Bridge need not open for the passage of vessel traffic.

* * * * *

Dated: June 10, 2004.

John L. Grenier,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 04–14070 Filed 6–21–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD 11–04–005]

Drawbridge Operation Regulations; Turner Cut, Stockton, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eleventh Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Zuckerman Brothers Drawbridge, mile 2.3, Turner Cut, near Stockton, CA. This deviation allows the drawbridge to remain in the closed-to-navigation position during essential operating machinery repair, to prevent unexpected failure of the drawspan.

DATES: This deviation is effective from 7 a.m. on June 23, 2004 to 5 p.m. on June 24, 2004.

ADDRESSES: Documents referred to in this temporary rule are available for inspection and copying at Commander (oan), Eleventh Coast Guard District, Building 50–3, Coast Guard Island, Alameda, CA 94501–5100, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District, telephone (510) 437–3516.

SUPPLEMENTARY INFORMATION: The Delta Farms Reclamation District 2030 has requested to secure the Zuckerman Brothers Drawbridge, mile 2.3, Turner Cut, near Stockton, CA, in the closed-to-navigation position from 7 a.m. on June 23, 2004 to 5 p.m. on June 24, 2004, during essential operating machinery repair, to prevent unexpected failure of the drawspan. The drawbridge provides unlimited vertical clearance in the full open-to-navigation position, and 16 ft. vertical clearance above Mean High Water when closed. The drawbridge opens on signal from approaching vessels, as required by 33 CFR 117.5.

The proposed work was coordinated with waterway users. It was determined that potential navigational impacts will be reduced if the repairs are performed during midweek, resulting in Coast Guard approval of the proposed work from 7 a.m. on June 23, 2004 to 5 p.m. on June 24, 2004.

During these times, the drawspan may be secured in the closed-to-navigation position and need not open for vessels.

The drawspan shall resume normal operation at the conclusion of the essential repair work. Mariners should contact the Zuckerman Brothers Drawbridge, via VHF–FM Ch. 9, or by telephone at (209) 464–1253, in advance to determine conditions at the bridge.

The drawspan will be unable to open during the repair. Vessels that can safely pass through the closed drawbridge may continue to do so at any time. An alternative route is available for vessels that can safely navigate around McDonald Island, via Columbia Cut. In accordance with 33 CFR 117.35(c), this work will be performed with all due speed to return the drawbridge to normal operation as soon as possible.

This deviation from the operating regulations is approved under the provisions of 33 CFR 117.35.

Dated: June 9, 2004.

Kevin J. Eldridge,

Rear Admiral, U. S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 04–14068 Filed 6–21–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–04–019]

RIN 1625–AA09

Drawbridge Operation Regulations: Harlem River, Newtown Creek, NY

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard has changed the drawbridge operation regulations that govern the Willis Avenue Bridge, mile 1.5, the Third Avenue Bridge, mile 1.9, the Madison Avenue Bridge, mile 2.3, all across the Harlem River and the Pulaski Bridge, mile 0.6, across Newtown Creek. This final rule allows the bridge owner to keep the above bridges closed for various extended periods of time on the first Sunday in both May and November in order to facilitate the running of the Five Borough Bike Tour and the New York City Marathon, respectively.

DATES: This rule is effective July 22, 2004.

ADDRESSES: Comments and material received from the public; as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01–04–019) and are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Kassof, Bridge Administrator, First Coast Guard District, (212)668–7165.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On April 6, 2004, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Harlem River, Newtown Creek, New York, in the **Federal Register** (69 FR 18004). We received no comments in response to the notice of proposed rulemaking. No public hearing was requested and none was held.

Background and Purpose

The Willis Avenue Bridge, mile 1.5, across the Harlem River has a vertical clearance of 24 feet at mean high water (MHW) and 30 feet at mean low water (MLW) in the closed position.

The Madison Avenue Bridge, at mile 2.3, across the Harlem River has a vertical clearance of 25 feet at mean high water and 29 feet at mean low water in the closed position.

The Third Avenue Bridge, at mile 1.9, across the Harlem River has a vertical clearance of 25 feet at mean high water and 30 feet at mean low water in the closed position.

The Pulaski Bridge across Newtown Creek, mile 0.6, has a vertical clearance of 39 feet at MHW and 43 feet at MLW in the closed position. The current operating regulations for the Pulaski Bridge listed at 117.801(g) require it to open on signal if at least a two-hour advance notice is given.

The current operating regulations for the Willis Avenue, Third Avenue, and Madison Avenue bridges, require the bridges to open on signal from 10 a.m. to 5 p.m., if at least four-hours notice is given.

The owner of the bridges, New York City Department of Transportation requested a change to the operating regulations for the Willis Avenue Bridge, the Third Avenue Bridge, the Madison Avenue Bridge, and the Pulaski Bridge, to facilitate the running of the Five Borough Bike Tour and the New York City Marathon on the first Sunday in both May and November, respectively. They requested the bridges be closed for various extended periods of time between the hours of 8 a.m. and 5 p.m.

Traditionally, these bridge closures were accomplished each year by publishing a temporary final rule in the **Federal Register** with the bridge closures occurring at various times ranging from 8 a.m. through 5 p.m. The closure times were established to coincide with the race route through the city.

This final rule makes the traditional closures part of the permanent drawbridge operation regulations. New York City Department of Transportation will provide the exact dates and times for each bridge several weeks in advance of the race. Those dates and times will be published in the Local Notice to Mariners.

The Coast Guard believes this rule is reasonable because it would simplify the traditional bridge closure process. Additionally, the bridge closures are on Sundays when the bridges normally receive no requests to open.

Discussion of Comments and Changes

The Coast Guard received no comments in response to the notice of proposed rulemaking and as a result, no changes have been made to this final rule.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3), of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

This conclusion is based on the fact that the bridge closures are of short duration on a Sunday in May and November when the bridges normally do not receive any requests to open.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities.

This conclusion is based on the fact that the bridge closures are of short duration on a Sunday in May and

November when the bridges normally do not receive any requests to open.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This final rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this final rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction, from further environmental documentation. It has been determined that this final rule does not significantly impact the environment.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

■ For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. Amend § 117.789 by revising paragraph (c) to read as follows:

§ 117.789 Harlem River.

* * * * *

(c)(1) The draws of the bridges at 103 Street, mile 0.0, Willis Avenue, mile 1.5, Third Avenue, mile 1.9, Madison Avenue, mile 2.3, 145 Street, mile 2.8, Macombs Dam, mile 3.2, 207 Street, mile 6.0, and the two Broadway Bridges, mile 6.8, shall open on signal from 10 a.m. to 5 p.m. if at least four hours notice is given to the New York City Highway Radio (Hotline) Room.

(2) The Willis Avenue Bridge, mile 1.5, the Third Avenue Bridge, mile 1.9, and the Madison Avenue Bridge, mile 2.3, need not open for vessel traffic at various times between 8 a.m. and 5 p.m. on the first Sunday in May and November. The exact time and date of each bridge closure will be published in the Local Notice to Mariners several weeks prior to the first Sunday of both May and November.

* * * * *

■ 3. Amend § 117.801 by revising paragraph (g) to read as follows:

§ 117.801 Newtown Creek, Dutch Kills, English Kills, and their tributaries.

* * * * *

(g)(1) The draw of the of the Pulaski Bridge, mile 0.6, and the Greenpoint Avenue Bridge, mile 1.3, shall open on signal if at least a two hour advance notice is given to the New York City Department of Transportation Radio (Hotline) Room.

(2) The Pulaski Bridge, mile 0.6, need not open for vessel traffic at various times between 8 a.m. and 5 p.m. on the first Sunday in both May and November. The exact time and date of the bridge closure will be published in the Local Notice to Mariners several weeks prior to the first Sunday of both May and November.

Dated: June 10, 2004.

John L. Grenier,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 04–14066 Filed 6–21–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD09–04–032]

RIN 1625–AA00

Safety Zone; Bear Creek Harbor, Ontario, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone encompassing the navigable waters of Lake Ontario within a 200-yard radius of the fireworks display at Bear Creek Harbor. This safety zone is necessary to ensure the safety of spectators and vessels from the hazards associated with fireworks displays. This safety zone is intended to restrict vessel traffic from a portion of Lake Ontario, Calumet Island, Clayton, New York.

DATES: This rule is effective from 9:30 p.m. (local) until 11:30 p.m. (local) on July 3, 2004.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD09–04–032] and are available for inspection or copying at the U.S. Coast Guard Marine Safety Office Buffalo, 1 Fuhrmann Blvd, Buffalo, New York 14203, between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Craig A. Wyatt, U.S. Coast Guard Marine Safety Office Buffalo, at (716) 843–9570.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B) and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for not publishing an NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. The permit application was not received in time to publish an NPRM followed by a final rule before the effective date. Delaying this rule would be contrary to the public interest of ensuring the safety of spectators and vessels during this event and immediate action is necessary to prevent possible loss of life or property. The Coast Guard has not received any complaints or negative comments previously with regard to this event.

Background and Purpose

Temporary safety zones are necessary to ensure the safety of vessels and spectators from the hazards associated with fireworks displays. Based on recent accidents that have occurred in other Captain of the Port zones, and the explosive hazard of fireworks, the Captain of the Port Buffalo has determined fireworks launches in close proximity to watercraft pose significant risks to public safety and property. The likely combination of large numbers of recreational vessels, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities. Establishing a safety zone to control vessel movement around the locations of the launch platforms will help ensure the safety of persons and property at these events and help minimize the associated risk.

The safety zone consists of all navigable waters of Lake Ontario within a 200-yard radius of the fireworks display at Bear Creek Harbor located in position 43° 16′ 39″ N, 077° 16′ 35″ W. All Geographic coordinates are North American Datum of 1983 (NAD 83). The size of this zone was determined using the National Fire Prevention Association guidelines and local knowledge concerning wind, waves, and currents.

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or his designated on-scene patrol representative. The designated on-scene patrol representative will be the patrol commander. Entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

This determination is based on the minimal time that vessels will be restricted from the zone.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

This rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in this portion of Bear Creek Harbor from 9:30 p.m. until 11:30 p.m. on July 3, 2004.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reason: This safety zone is only in effect from 8 p.m. (local) until 10 p.m. (local) on the day of the event.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Buffalo (*see* **ADDRESSES.**)

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b) (2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

The Coast Guard has analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We have considered the environmental impact of this rule and concluded that, under figure 2–1 of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. A written categorical exclusion determination is available in the docket for inspection or copying where indicated under **ADDRESSES.**

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g); 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. A new temporary § 165.T09–032 is added to read as follows:

§ 165.T09–032 Safety Zone; Bear Creek Harbor, Ontario, NY.

(a) *Location.* The following area is a temporary safety zone: All waters of Lake Ontario within a 200-yard radius of the fireworks display at Bear Creek Harbor located in position 43° 16′ 39″ N, 077° 16′ 35″ W (NAD 1983).

(b) *Effective time and date.* This section is effective from 9:30 p.m. (local) until 11:30 p.m. (local) on July 3, 2004.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Coast Guard Captain of the Port Buffalo, or his designated on-scene representative.

Dated: June 1, 2004.

P. M. Gugg,

Commander, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 04–14069 Filed 6–21–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD09–04–034]

RIN 1625–AA00

Safety Zone; Rochester Harbor, Rochester, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone encompassing the navigable waters of Rochester Harbor and the Genesee River within a 400-yard radius around the West Jetty Pier. This safety zone is necessary to ensure the safety of spectators and vessels from the hazards associated with fireworks displays. This safety zone is intended to restrict vessel traffic from a portion of Rochester Harbor and the Genesee River, Rochester, New York.

DATES: This rule is effective from 9:30 p.m. (local) until 11:30 p.m. (local) on June 26, 2004.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD09–04–034] and are available for inspection or copying at the U.S. Coast Guard Marine Safety Office Buffalo, 1 Fuhrmann Blvd., Buffalo, New York 14203, between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Craig A. Wyatt, U.S. Coast Guard Marine Safety Office Buffalo, at (716) 843–9570.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B) and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for not publishing an NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. The permit application was not received in time to publish an NPRM followed by a final rule before the effective date. Delaying this rule would be contrary to the public interest of ensuring the safety of spectators and vessels during this event and immediate action is necessary to prevent possible loss of life or property. The Coast Guard has not received any complaints or negative comments previously with regard to this event.

Background and Purpose

Temporary safety zones are necessary to ensure the safety of vessels and spectators from the hazards associated with fireworks displays. Based on recent accidents that have occurred in other Captain of the Port zones, and the explosive hazard of fireworks, the Captain of the Port Buffalo has determined fireworks launches in close proximity to watercraft pose significant risks to public safety and property. The likely combination of large numbers of recreational vessels, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities. Establishing a safety zone to control vessel movement around the locations of the launch platforms will help ensure the safety of persons and property at these events and help minimize the associated risk.

The safety zone consists of all navigable waters of Rochester Harbor and the Genesee River encompassed by an area 400-yards around the West Jetty pier in approximate position: 43°15′40″ N, 077°36′05″ W. All Geographic coordinates are North American Datum of 1983 (NAD 83). The size of this proposed zone was determined using the National Fire Prevention Association guidelines and local knowledge concerning wind, waves, and currents.

The Coast Guard believes this regulation will not pose any new problems for commercial vessels transiting the area. In the unlikely event that shipping is affected by this proposed regulation, commercial vessels may request permission from the Captain of the Port Buffalo to transit through the safety zone.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it under that order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

This determination is based on the minimal time that vessels will be restricted from the zone.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit in the navigable waters of Rochester Harbor and the Genesee River within a 400-yard radius around the West Jetty Pier.

This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone is only in effect from 9:30 p.m. (local) until 11:30 p.m. (local) on June 26, 2004.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Buffalo (*see* **ADDRESSES.**)

Small businesses may send comments on actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule would call for no new collection of information under the

Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

The Coast Guard has analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We have considered the environmental impact of this rule and concluded that, under figure 2–1 of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. A written categorical exclusion determination is available in the docket for inspection or copying where indicated under **ADDRESSES.**

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1

■ 2. A new temporary § 165.T09–034 is added to read as follows:

§ 165.T09–034 Safety Zone; Rochester Harbor, Rochester, NY.

(a) *Location.* The following area is a temporary safety zone: all waters of Rochester Harbor and the Genesee River encompassed by an area 400-yards around the West Jetty pier in approximate position: 43° 15′ 40″ N 077° 36′ 05″ W (NAD 83).

(b) *Effective time and date.* This section is effective from 9:30 p.m. (local) until 11:30 p.m. (local) on June 26, 2004.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Coast Guard Captain of the Port Buffalo, or his designated on-scene representative.

Dated: June 1, 2004.

P. M. Gugg,

Commander, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 04–14067 Filed 6–21–04; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD09–04–035]

RIN 1625–AA00

Safety Zone; Canal Fest, Tonowanda, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone encompassing the navigable waters surrounding a barge moored on the Niagara River. This safety zone is necessary to ensure the safety of spectators and vessels from the hazards associated with fireworks displays. This safety zone is intended to restrict vessel traffic from a portion of the Niagara River, Tonowanda, New York.

DATES: This rule is effective from 9:30 p.m. (local) until 11:30 p.m. (local) on July 25, 2004.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD09–04–035) and are available for inspection or copying at the U.S. Coast Guard Marine Safety Office Buffalo, 1 Fuhrmann Blvd,

Buffalo, New York 14203, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Craig A. Wyatt, U.S. Coast Guard Marine Safety Office Buffalo, at (716) 843–9570.

SUPPLEMENTARY INFORMATION:

Background and Purpose

Temporary safety zones are necessary to ensure the safety of vessels and spectators from the hazards associated with fireworks displays. Based on recent accidents that have occurred in other Captain of the Port zones, and the explosive hazard of fireworks, the Captain of the Port Buffalo has determined fireworks launches in close proximity to watercraft pose significant risks to public safety and property. The likely combination of large numbers of recreational vessels, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities. Establishing a safety zone to control vessel movement around the locations of the launch platforms will help ensure the safety of persons and property at these events and help minimize the associated risk.

The safety zone consists of all navigable waters of the Niagara River within the following boundaries: 43°01′07″ N, 078°53′53″ W; to 43°01′00″ N, 078°53′29″ W; to 43°01′20″ N, 078°53′03″ W; to 43°01′30″ N, 078°53′30″ W; then following the shoreline back to the beginning (NAD 1983). The fireworks display will originate from a barge moored in the center of this zone at 43°01′16″ N, 078°53′32″ W. All Geographic coordinates are North American Datum of 1983 (NAD 83). The size of this zone was determined using the National Fire Prevention Association guidelines and local knowledge concerning wind, waves, and currents.

The Coast Guard believes this regulation will not pose any new problems for commercial vessels transiting the area. In the unlikely event that shipping is affected by this regulation, commercial vessels may request permission from the Captain of the Port Buffalo to transit through the safety zone.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed this rule under that order. It is not significant under the regulatory policies and procedures of the Department of Homeland Security (DHS) We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DHS is unnecessary.

This determination is based on the minimal time that vessels will be restricted from the zones, and all of the zones are in areas where the Coast Guard expects insignificant adverse impact to mariners from the zones' activation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

This rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit within the activated safety zone on the Niagara River between 9:30 p.m. (local) and 11:30 p.m. (local) on July 25, 2004.

This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone is only in effect from 9:30 p.m. (local) until 11:30 p.m. (local) on the day of the event. Vessel traffic can safely pass outside the safety zone during the event. In cases where traffic congestion is greater than expected and/or blocks shipping channels, traffic may be allowed to pass through the safety zone under Coast Guard or assisting agency escort with the permission of the Captain of the Port Buffalo. Additionally, the Coast Guard has not received any negative reports from small entities affected during these displays in previous years.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Buffalo (*see* **ADDRESSES.**)

Small businesses may send comments on actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to

minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

The Coast Guard has analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We have considered the environmental impact of this rule and concluded that, under figure 2–1 of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. A written categorical exclusion determination is available in the docket for inspection or copying where indicated under **ADDRESSES.**

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1

■ 2. A new temporary § 165.T09–035 is added to read as follows:

§ 165.T09–035 Safety Zone; Canal Fest, Tonowanda, NY.

(a) *Location.* The following area is a temporary safety zone: All navigable waters of the Niagara River within the following boundaries: Starting at 43° 01′ 07″ N, 078° 53′ 53″ W; then to 43° 01′ 00″ N, 078° 53′ 29″ W; then to 43° 01′ 20″ N, 078° 53′ 03″ W; then to 43° 01′ 30″ N, 078° 53′ 30″ W; then following the shoreline back to the beginning. The fireworks display will originate from a barge moored in the center of this zone at 43° 01′ 16″ N, 078° 53′ 32″ W (NAD 83).

(b) *Effective time and date.* This section is effective from 9:30 p.m. (local) until 11:30 p.m. (local) on July 25, 2004.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Coast Guard Captain of the Port Buffalo, or his designated on-scene representative.

Dated: June 1, 2004.

P.M. Gugg,

Commander, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 04–14065 Filed 6–21–04; 8:45 am]

BILLING CODE 4910–15–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 2001–6B]

Compulsory License for Making and Distributing Phonorecords, Including Digital Phonorecord Deliveries

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Office of the Library of Congress is amending its regulations governing the content and service of certain notices on the copyright owner of a musical work. The notice is served or filed by a person who intends to use a musical work to make and distribute phonorecords, including by means of digital phonorecord deliveries, under a compulsory license.

EFFECTIVE DATE: July 22, 2004.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Tanya M. Sandros, Senior Attorney, Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, DC 20024–0977. Telephone: (202) 707–8380; telefax: (202) 252–3423.

SUPPLEMENTARY INFORMATION:

I. Background

Section 115 of the Copyright Act, 17 U.S.C., provides that "[w]hen phonorecords of a nondramatic musical work have been distributed to the public in the United States under the authority of the copyright owner, any other person * * * may, by complying with the provisions of this section, obtain a compulsory license to make and distribute phonorecords of the work." 17 U.S.C. 115(a)(1). The compulsory license set forth in section 115 permits the use of a nondramatic musical work in a phonorecord without the consent of the copyright owner if certain conditions are met and royalties are paid.

Section 115 was subsequently amended on November 1, 1995, with the enactment of the Digital Performance Right in Sound Recordings Act of 1995 ("DPRA"), Public Law 104–39 (1995). Among other things, this law expanded the section 115 compulsory license for making and distributing phonorecords to include not only the traditional use of the musical work to make an original sound recording, but also the distribution of a phonorecord of a nondramatic musical work by means of a digital phonorecord delivery

("DPD").[1] *See* 17 U.S.C. 115(c)(3)(A). As defined in the law, a digital phonorecord delivery (DPD) is:

> Each individual delivery of a phonorecord by digital transmission of a sound recording which results in a specifically identifiable reproduction by or for any transmission recipient of a phonorecord of that sound recording, regardless of whether the digital transmission is also a public performance of the sound recording or any nondramatic musical work embodied therein.

17 U.S.C. 115(d).

The DMCA did not change or alter the longstanding notice requirement set forth in section 115(b) which requires a person who wishes to obtain a compulsory license under section 115 to notify the copyright owner of his or her intention to use the copyright owner's musical work to make and distribute phonorecords under the section 115 license. However, the amendments did require the Copyright Office to amend its regulations governing the content and service of the required Notices of Intention to use the license to include the making of a digital phonorecord delivery, and the Office did so in 1999. *See* 64 FR 41286 (July 30, 1999). It is now evident that these changes did not go far enough to address the needs of certain digital music services which anticipate using most, if not all, of the musical works embodied in the sound recordings readily available in today's marketplace under the section 115 license.

Consequently, on August 28, 2001, the Copyright Office published a second notice of proposed rulemaking ("NPRM") in which it suggested further amendments to those rules associated with service of a notice to use the section 115 license and filing of such notice with the office. 66 FR 45241 (August 28, 2001). After considering the comments from the record industry, music publishers and potential new users of the license who seek to make digital phonorecord deliveries under the section 115 license, the Office published a set of proposed regulations that would allow, among other things, service on an agent, the listing of multiple works on a single notice, and use of an address other than the one listed in the Copyright Office records. In proposing these rules, however, the Office identified three issues pertinent to the rulemaking that either had not been presented to the public for comment or that required further comment from the parties before the Office could issue a final rule. For this reason, the Office published yet another NPRM for the purpose of offering interested parties an opportunity to comment on these three issues: (1) Whether licensees should be required to send statements of account and royalty payments to the agent to whom the notice of intention was sent until the agent or the copyright owner advises the licensee that the statements and payments should be sent elsewhere; (2) whether it is advisable to simplify the requirement that a licensee provide information concerning its ownership, officers and directors; and (3) the sufficiency of a Notice to cover all possible configurations, including those not listed specifically on the notice. 69 FR 11566 (March 11, 2004).

II. Comments and Discussion

The Copyright Office received six comments in response to the March 11 notice from the National Music Publishers' Association, Inc. ("NMPA") and The Harry Fox Agency, Inc. ("HFA"), jointly; the Digital Media Association ("DiMA"); Yemi Adegbonmire; the Recording Industry Association of America, Inc. ("RIAA"); NMPA/HFA/RIAA, jointly; and Music Reports, Inc. ("MRI").[2]

All commenters who expressed an opinion supported proposed rule § 201.18(b), which would require the authorized agent of a copyright owner, within two weeks of receiving a notice, to provide the licensee the name and address of the person to whom the licensee shall submit Statements of Account and royalty payments. They agreed that the rule balanced the equities fairly between the licensee, who bears the responsibility for serving the notice on the proper party in the first instance, and the copyright owner. RIAA/NMPA/HFA went on to note that the alternative proposal—to allow a licensee to make payments and file statements on the agent authorized to accept the notice—would open the door to disputes concerning misdirected payments which could be difficult and time consuming to resolve after the fact. We find this reasoning compelling.

The second proposal—to eliminate the requirement that a licensee provide certain information concerning its ownership, officers and directors, and substitute greatly simplified requirements—also generated no controversy. RIAA/NMPA/HFA had maintained that the current rules require more information than needed to meet the copyright owner's legitimate right to know with whom it is dealing and may well impose a needless burden on licensees. In light of these assertions by both copyright owners and users, the Office proposed to amend the rule and adopt the RIAA/NMPA/HFA proposal which requires that a licensee provide only the name and title of the licensee's CEO, managing partner or the like, and identifying information for the primary entity (such as a record company or digital music service) expected to be actively engaged in business under the license, if that entity is other than the licensee itself. Because the proposed amendment to the rules provide sufficient information to identify the licensee and no party opposes the proposed changes, the Copyright Office is adopting the proposed amendments as announced in the March 11 notice.

The only issue over which the commenters disagreed was whether a single Notice of Intention to use a particular work is sufficient notice to cover all possible format configurations, including both those specifically identified on the notice and those which could be used although not listed on the notice. The question arose because of a comment DiMA made in its initial comment suggesting that the Office promulgate "a minimal set of regulations for the common situation in which online entities will be distributing digital phonorecord deliveries of sound recordings already covered by a mechanical license." Because DiMA's suggestion was unclear, the Office opined that DiMA's suggestion may have been intended to permit a licensee to rely upon an earlier-filed notice, *e.g.*, one filed in order to use the license to make physical phonorecords, to cover the making of DPDs even though the digital phonorecord format configuration was not listed on that notice. We had stated in the March 11 notice that while it was highly unlikely the final rule promulgated in this proceeding would include any further amendments to address DiMA's suggestion, we would consider DiMA's proposal and comments received on this issue for possible future action.

DiMA, however, did not elaborate on its earlier comment, obviating the need to consider its suggestion further. On the other hand, HFA/NMPA and RIAA did file comments on the Office's proposed interpretation of DiMA's suggestion. Interestingly, the record company representatives and the publishing interests representatives take

[1] The right to make and distribute a DPD, however, does not include the exclusive rights to make and distribute the sound recording itself. These rights are held by the copyright owner of the sound recording and must be cleared through a separate transaction. *See* 17 U.S.C. 115(c)(3)(II).

[2] The MRI comment was received on May 4, 2004, nearly a month after the date specified in the March 11 **Federal Register** notice for filing comments. Nevertheless, the Office has considered its comments since review of its comment has not impeded the process nor caused any undue prejudice to the other interested parties.

diametrically opposed positions on whether a single notice covers all configuration formats or whether additional Notices need to be filed each time the licensee expects to use the musical work in a format not previously identified.

RIAA maintains that the current regulations already "permit a licensee under section 115 to rely upon a Notice of Intention that had been previously served or filed to make DPDs." It notes that the Copyright Act recognizes a single compulsory license within section 115 and covers the making and distribution of a nondramatic musical work by means of a digital audio transmission that results in a digital phonorecord delivery ("DPD") and that the regulations treat DPDs as merely another phonorecord configuration. RIAA then turns to the regulatory text, focusing on the provision that requires the licensee to identify those phonorecord configurations already made and those expected to be made under the license. *See* 37 CFR 201.18(c)(1)(iv). It maintains that the phrase "expected to be made" does not require absolute precision and that the licensee need only provide the information "in good faith and on the basis of the best knowledge, information, and belief of the person signing the Notice. If so given, later developments affecting the accuracy of such information shall not affect the validity of the Notice." 37 CFR 201.18(d)(3), as amended. According to RIAA, these provisions when taken together do not require the filing of subsequent notices merely because a new type of phonorecord configuration is being made and distributed under the section 115 license.

RIAA then cites to an HFA comment offered during the initial rulemaking proceeding,[3] the purpose of which was to establish notice and recordkeeping requirements for use of the section 115 license, where HFA stated that it could accept the filing of a single notice which listed all phonorecord configurations contemplated at the time of the notice, provided that "the regulations insure adequate notice of use of additional forms to be filed for each type of phonorecord configuration of a particular sound recording of a particular song (which we feel is necessary for purposes of clarity and sensible accounting in any event)." Supplemental Statement Concerning Regulations to be Promulgated by the Copyright Office Relative to the Compulsory License Provisions of the Copyright Act (section 115), submitted by the Harry Fox Agency, Inc., May 26, 1977. RIAA opines that the Office adopted HFA's position and promulgated §§ 201.19(e)(3)(ii)(D) and (f)(4), at least in part, to serve this purpose. These two provisions of the rules require that specific accounting information be reported separately for each phonorecord configuration, thus giving the publishers accurate and timely information about the number and types of phonorecords being made and distributed under the compulsory license.

NMPA and HFA take a radically different view of the current notice requirements. They now argue that any provision or interpretation which would allow the filing of a single Notice of Intention to cover format configurations beyond those identified on the notice, "would disrupt longstanding industry practice and conflict directly with established jurisprudence." They maintain that it is standard industry practice to require each licensee to specify the configuration for which the licensee seeks the license. They argue that the reason for imposing configuration limitations is to provide the publishers with a means to track the licensee's use of the musical work and to insure that the appropriate royalty rate attaches to the different configurations. In support of their position, NMPA and HFA cite two court cases which held that the scope of a mechanical license was limited to the express terms of the license. *See Rodgers & Hammerstein Org.* v. *UMG Recordings, Inc.*, 00 Civ. 9322 (JSM), 2001 U.S. Dist. LEXIS 16111 (S.D.N.Y. Sept. 26, 2001), and *Fred Ahlert Music Corp.* v. *Warner/Chappell Music, Inc.*, 958 F. Supp. 170 (S.D.N.Y. 1997). Neither court, however, discusses the terms of use applicable to a section 115 statutory license.

The Office acknowledges that HFA and NMPA offer a well-articulated presentation of the current state of affairs with respect to mechanical licenses negotiated in the marketplace but finds that their discussion misses the mark. As a primary matter, HFA and NMPA overlook the fact that a voluntary license negotiated in the marketplace between a willing buyer and a willing seller are not the same as the license Congress granted to licensees who make and distribute phonorecords under the terms set forth in section 115 of the Copyright Act. The terms of the statutory license are set by Congress and are not subject to modification at will by the parties. Parties may use the statutory license as a starting point, adopting those provisions that meet their needs and modifying or eliminating those that do not. But, the result is a negotiated license which varies from the section 115 statutory license in significant ways.

NMPA and HFA, however, treat the statutory and negotiated licenses as one and the same. Thus, they rely on the courts' interpretation of voluntary license terms to inform the interpretation of similar statutory and regulatory provisions that govern the statutory license, but they fail to explain how the courts' interpretation of private commercial licenses relates to the regulatory framework and the policy considerations which underlie the notice and accounting requirements adopted by the Register of Copyrights in 1980.

The relevant question is whether the current regulations adopted in 1980 require a compulsory licensee to file a new notice in the case where the licensee seeks to expand its use of the section 115 license to cover phonorecord configurations not listed on the Notice of Intention to Use. A review of the comments and testimony from the rulemaking proceeding by which the current regulations were promulgated show that the question engendered some debate. During the early phase of that proceeding, publishers sought a rule that would require a licensee to file a separate notice for each separate type of phonorecord configuration, but they backed away from that position in their later comments. In Supplemental Comments filed on May 26, 1977, the Harry Fox Agency stated its willingness to permit use of a single notice listing those configurations the licensee is contemplating using at the time of service, provided that the licensee subsequently identified the use of new configurations on the accounting forms.

They may have changed their position in light of statements made by the Register of Copyrights during public hearings held by the Copyright Office in April 1977. In her comments, the Register spoke directly to the question and made the observation that the notice was to contain information that "would be given as of the date that the Notice was filed, and there [was] no obligation that it be kept up-to-date." In taking this position, she contrasted the lack of a legal requirement to update a notice served under section 115 with

[3] This proceeding began on March 30, 1977, when the Copyright Office published a notice in the **Federal Register**, announcing public hearings to receive testimony on substantive issues related to formulating regulations concerning the form, content and manner of service of notices of intention and accounting statements. These hearings took place on April 26 and 27, 1977. 42 FR 16837 (March 30, 1977). It concluded nearly 2½ years later with the publication of final rules. 45 FR 79038 (November 28, 1980).

the notice requirements for use of the cable compulsory license "where there is a requirement that it be kept up-to-date." Transcript of Second Hearing on Implementation of the Copyright Law Revision, Docket No. 77–3, at 46. (April 26, 1977).

Beyond the early exchanges, the parties did not address the question further and the Copyright Office issued interim regulations on December 29, 1977. 42 FR 64889 (December 29, 1977). These regulations did not include any provision that would require a licensee to submit a further formal notice to the copyright owner of actual use beyond the initial notice that listed format configurations the licensee was using at the time or expected to use in the future. The rules, however, did include, and still do, a requirement that the licensee provide the accounting information specified in §§ 201.19(e)(3)(ii)(D) and (f)(4)(i) for each phonorecord configuration actually made, thus seeming to adopt the HFA suggestion for using statements of account to provide further information on actual use.

In light of the fact that the purpose of the Notice of Intention is merely to give notice to the copyright owner of a licensee's intention to use the copyright owner's musical work to make and distribute phonorecords subject to the terms of the section 115 compulsory license, additional notices to update information that was correct at the time of service are not part of the statutory scheme. Once a notice is served, the copyright owner is on notice that the licensee will be using the identified musical work to make phonorecords. The licensee is then obligated to provide specific information about the types and numbers of phonorecords made and distributed as part of the monthly and annual statements of account, making it unnecessary to file follow-up notices for this purpose.

III. Additional Issues

1. Further revisions to § 201.19. DiMA offered no specific comment on the three questions posed in the March 11 notice, but it has requested that the Office modify § 201.19 as follows: (1) To permit statements of account to be signed and delivered by the compulsory licensee or a duly authorized agent preparing the statement; (2) to eliminate the requirement for a handwritten signature, given the ability to work through an agent; and (3) to permit service of the statements of account by regular mail or electronic delivery. MRI requests the same three modifications.

In the current rulemaking, the Office sought to amend its rules to expedite the filing of notices pursuant to section 115(b)(1) of the Copyright Act and offered proposed amendments to § 201.18 to achieve this goal, while at the same time proposing limited changes to § 201.19 in order to harmonize the service requirements between the two sections. *See* 66 FR 45241 (August 28, 2001). This notice expressly stated that the Office was not considering further changes to § 201.19 in this proceeding. *Id.* at 45242. While we understand DiMA's interest in pursuing additional amendments in the interest of streamlining the reporting process and will consider initiating a new rulemaking proceeding to address these issues, we will not place the current rulemaking on hold to consider new questions. The process with respect to amending the rules to streamline the process for serving notices under § 201.18 has come to an end, and it is in the interest of all parties that these final rules be adopted without delay.

As part of this proceeding, however, amendments have already been made to allow service of statements of account by regular mail. *See* 37 CFR 201.19(e)(7)(i), (ii) and (f)(7)(i) and (iii). Formerly, these provisions required service by certified mail or registered mail, but they have been amended to allow for service "by mail or by reputable courier service." However, the proposed rules did not include a provision to permit service of statements of account by electronic delivery because this proceeding had not considered amendments to § 201.19 beyond those needed to provide the licensee with options for sending the Statements as currently prepared. The rules governing the Statements of Account differ significantly from those governing a Notice of Intention in that they require the person signing the document to certify the accuracy of the information in the Statements of Account. Consequently, it would appear that the signature of the certifying official constitutes a legal representation on behalf of the licensee that should not be dismissed lightly without comment from the affected parties and, thus, should be considered along with the other issues identified by DiMA and MRI in a separate rulemaking.

2. Date of filing. Adegbonmire noted that the amended rules did not clarify that a receipt from a reputable courier indicating the date of attempted delivery would be acceptable as evidence of the date of service, even though the March 11 notice stated that such proof would be sufficient to establish the date of service. He proposes amending proposed § 201.18(f)(5) to include language expressly stating that such receipt is acceptable proof for establishing the date of service. We agree and have made the necessary changes to proposed § 201.18(f)(5) and to §§ 201.19(e)(7)(iv) and (f)(7)(iv).

He also suggested that the rules expressly recognize use of a Delivery Confirmation receipt as proof of the date of service. We are unfamiliar with this service and decline to adopt the suggestion to specifically list a Delivery Confirmation receipt as evidence of the date of service. Sections 201.18(f)(5) and 201.19(e)(7)(iv), however, should not be interpreted as listing the only acceptable forms of proof. In fact, the last sentence in these provisions leaves open the possibility that the licensee may adduce other evidence to establish the date of service. For that reason, we see no reason to list every possible means of proof for establishing the date of service and have only acknowledged the two specific means the parties have already considered by virtue of the earlier notices.

3. Demand for electronic submission. Adegbonmire has also offered comment on the proposed regulation that would permit a copyright owner or its agent to demand that a notice containing more than 50 titles of works be resubmitted in an electronic format. He proposes setting the threshold at 25 titles rather than 50 to facilitate the process, though he does not state how it would do so. Consequently, we see no reason to reconsider the decision to set the threshold at more than 50 titles.

He also suggests that the rule itself violates the statute because the rule would allow a licensee to resubmit its notice in an electronic format within 30 days after receipt of the demand. We disagree. Provided that the initial notice adheres to the rules and is served on the copyright owner or its agent before or within 30 days of making, and before distributing any phonorecords of the listed works, then the licensee has fulfilled the statutory requirement to serve notice. The request for an electronic submission is a subsequent requirement that must be met in accordance with the rules. The requirement itself does not raise questions of whether the filing is timely; rather, it addresses compliance with format and submission requirements. Thus, failure to comply with the copyright owner's demand for an electronic submission would constitute a violation of the rules governing use of the license and could provide the basis for a copyright infringement suit.

There being no other matters for consideration, the Office is announcing final rules—incorporating the amendments discussed—governing the

filing of Notices of Intention to Use a section 115 license for the making and distribution of phonorecords.

IV. Regulatory Flexibility Act

Although the Copyright Office, as a department of the Library of Congress and part of the legislative branch, is not an "agency subject to the Regulatory Flexibility Act," 5 U.S.C. 601–612, the Register of Copyrights has considered the effect of the amendments to §§ 201.18 and 201.19 on individual authors and small entities. The Register has determined that the final regulations will not have a significant economic impact on a substantial number of individual compulsory licensees or small entities that would require provision of special relief for small entities in the regulations, and that the final regulations are, to the extent consistent with the stated objectives of applicable statutes, designed to minimize any significant economic impact on small entities.

List of Subjects in 37 CFR Part 201

Copyright.

Final Regulation

■ In consideration of the foregoing, the Copyright Office is amending part 201 of 37 CFR as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

■ 2. Section 201.18 is revised to read follows:

§ 201.18 Notice of intention to obtain a compulsory license for making and distributing phonorecords of nondramatic musical works.

(a) *General.* (1) A "Notice of Intention" is a Notice identified in section 115(b) of title 17 of the United States Code, and required by that section to be served on a copyright owner or, in certain cases, to be filed in the Copyright Office, before or within thirty days after making, and before distributing any phonorecords of the work, in order to obtain a compulsory license to make and distribute phonorecords of nondramatic musical works.

(2) A Notice of Intention shall be served or filed for nondramatic musical works embodied, or intended to be embodied, in phonorecords made under the compulsory license. A Notice of Intention may designate any number of nondramatic musical works, provided that the copyright owner of each designated work or, in the case of any work having more than one copyright owner, any one of the copyright owners is the same and that the information required under paragraphs (d)(1)(i) through (iv) of this section does not vary. For purposes of this section, a Notice which lists multiple works shall be considered a composite filing of multiple Notices and fees shall be paid accordingly if filed in the Copyright Office under paragraph (f) of this section (*i.e.*, a separate fee, in the amount set forth in § 201.3(e)(1), shall be paid for each work listed in the Notice).

(3) For the purposes of this section, the term *copyright owner,* in the case of any work having more than one copyright owner, means any one of the co-owners.

(4) For the purposes of this section, service of a Notice of Intention on a copyright owner may be accomplished by means of service of the Notice on either the copyright owner or an agent of the copyright owner with authority to receive the Notice. In the case where the work has more than one copyright owner, the service of the Notice on any one of the co-owners of the nondramatic musical work or upon an authorized agent of one of the co-owners identified in the Notice of Intention shall be sufficient with respect to all co-owners. Notwithstanding paragraph (a)(2) of this section, a single Notice may designate works not owned by the same copyright owner in the case where the Notice is served on a common agent of multiple copyright owners, and where each of the works designated in the Notice is owned by any of the copyright owners who have authorized that agent to receive Notices.

(5) For purposes of this section, a copyright owner or an agent of a copyright owner with authority to receive Notices of Intention may make public a written policy that it will accept Notices of Intention to make and distribute phonorecords pursuant to 17 U.S.C. 115 which include less than all of the information required by this section, in a form different than required by this section, or delivered by means (including electronic transmission) other than those required by this section. Any Notice provided in accordance with such policy shall not be rendered invalid for failing to comply with the specific requirements of this section.

(6) For the purposes of this section, a digital phonorecord delivery shall be treated as a type of phonorecord configuration, and a digital phonorecord delivery shall be treated as a phonorecord manufactured, made, and distributed on the date the phonorecord is digitally transmitted.

(b) *Agent.* An agent who has been authorized to accept Notices of Intention in accordance with paragraph (a)(4) of this section and who has received a Notice of Intention on behalf of a copyright owner shall provide within two weeks of the receipt of that Notice of Intention the name and address of the copyright owner or its agent upon whom the person or entity intending to obtain the compulsory license shall serve Statements of Account and the monthly royalty in accordance with § 201.19(a)(4).

(c) *Form.* The Copyright Office does not provide printed forms for the use of persons serving or filing Notices of Intention.

(d) *Content.* (1) A Notice of Intention shall be clearly and prominently designated, at the head of the notice, as a "Notice of Intention to Obtain a Compulsory License for Making and Distributing Phonorecords," and shall include a clear statement of the following information:

(i) The full legal name of the person or entity intending to obtain the compulsory license, together with all fictitious or assumed names used by such person or entity for the purpose of conducting the business of making and distributing phonorecords;

(ii) The telephone number, the full address, including a specific number and street name or rural route of the place of business, and an e-mail address, if available, of the person or entity intending to obtain the compulsory license, and if a business organization intends to obtain the compulsory license, the name and title of the chief executive officer, managing partner, sole proprietor or other person similarly responsible for the management of such entity. A post office box or similar designation will not be sufficient for this purpose except where it is the only address that can be used in that geographic location.

(iii) The information specified in paragraphs (d)(1)(i) and (ii) of this section for the primary entity expected to be engaged in the business of making and distributing phonorecords under the license or of authorizing such making and distribution (for example: a record company or digital music service), if an entity intending to obtain the compulsory license is a holding company, trust or other entity that is not expected to be actively engaged in the business of making and distributing phonorecords under the license or of authorizing such making and distribution;

(iv) The fiscal year of the person or entity intending to obtain the compulsory license. If that fiscal year is

a calendar year, the Notice shall state that this is the case;

(v) For each nondramatic musical work embodied or intended to be embodied in phonorecords made under the compulsory license:

(A) The title of the nondramatic musical work;

(B) The name of the author or authors, if known;

(C) A copyright owner of the work, if known;

(D) The types of all phonorecord configurations already made (if any) and expected to be made under the compulsory license (for example: single disk, long-playing disk, cassette, cartridge, reel-to-reel, a digital phonorecord delivery, or a combination of them);

(E) The expected date of initial distribution of phonorecords already made (if any) or expected to be made under the compulsory license;

(F) The name of the principal recording artist or group actually engaged or expected to be engaged in rendering the performances fixed on phonorecords already made (if any) or expected to be made under the compulsory license;

(G) The catalog number or numbers, and label name or names, used or expected to be used on phonorecords already made (if any) or expected to be made under the compulsory license; and

(H) In the case of phonorecords already made (if any) under the compulsory license, the date or dates of such manufacture.

(vi) In the case where the Notice will be filed with the Copyright Office pursuant to paragraph (f)(3) of this section, the Notice shall include an affirmative statement that with respect to the nondramatic musical work named in the Notice of Intention, the registration records or other public records of the Copyright Office have been searched and found not to identify the name and address of the copyright owner of such work.

(2) A "clear statement" of the information listed in paragraph (d)(1) of this section requires a clearly intelligible, legible, and unambiguous statement in the Notice itself and without incorporation by reference of facts or information contained in other documents or records.

(3) Where information is required to be given by paragraph (d)(1) of this section "if known" or as "expected," such information shall be given in good faith and on the basis of the best knowledge, information, and belief of the person signing the Notice. If so given, later developments affecting the accuracy of such information shall not affect the validity of the Notice.

(e) *Signature.* The Notice shall be signed by the person or entity intending to obtain the compulsory license or by a duly authorized agent of such person or entity.

(1) If the person or entity intending to obtain the compulsory license is a corporation, the signature shall be that of a duly authorized officer or agent of the corporation.

(2) If the person or entity intending to obtain the compulsory license is a partnership, the signature shall be that of a partner or of a duly authorized agent of the partnership.

(3) If the Notice is signed by a duly authorized agent for the person or entity intending to obtain the compulsory license, the Notice shall include an affirmative statement that the agent is authorized to execute the Notice of Intention on behalf of the person or entity intending to obtain the compulsory license.

(4) If the Notice is served electronically, the person or entity intending to obtain the compulsory license and the copyright owner shall establish a procedure to verify that the Notice is being submitted upon the authority of the person or entity intending to obtain the compulsory license.

(f) *Filing and service.* (1) If the registration records or other public records of the Copyright Office identify the copyright owner of the nondramatic musical works named in the Notice of Intention and include an address for such owner, the Notice may be served on such owner by mail sent to, or by reputable courier service at, the last address for such owner shown by the records of the Office. It shall not be necessary to file a copy of the Notice in the Copyright Office in this case.

(2) If the Notice is sent by mail or delivered by reputable courier service to the last address for the copyright owner shown by the records of the Copyright Office and the Notice is returned to the sender because the copyright owner is no longer located at the address or has refused to accept delivery, the original Notice as sent shall be filed in the Copyright Office. Notices of Intention submitted for filing under this paragraph (f)(2) shall be submitted to the Licensing Division of the Copyright Office, shall be accompanied by a brief statement that the Notice was sent to the last address for the copyright owner shown by the records of the Copyright Office but was returned, and may be accompanied by appropriate evidence that it was mailed to, or that delivery by reputable courier service was attempted at, that address. In these cases, the Copyright Office will specially mark its records to consider the date the original Notice was mailed, or the date delivery by courier service was attempted, if shown by the evidence mentioned above, as the date of filing. An acknowledgment of receipt and filing will be provided to the sender.

(3) If, with respect to the nondramatic musical works named in the Notice of Intention, the registration records or other public records of the Copyright Office do not identify the copyright owner of such work and include an address for such owner, the Notice may be filed in the Copyright Office. Notices of Intention submitted for filing shall be accompanied by the fee specified in § 201.3(e). A separate fee shall be assessed for each title listed in the Notice. Notices of Intention will be filed by being placed in the appropriate public records of the Licensing Division of the Copyright Office. The date of filing will be the date when the Notice and fee are both received in the Copyright Office. An acknowledgment of receipt and filing will be provided to the sender.

(4) Alternatively, if the person or entity intending to obtain the compulsory license knows the name and address of the copyright owner of the nondramatic musical work, or the agent of the copyright owner as described in paragraph (a)(4) of this section, the Notice of Intention may be served on the copyright owner or the agent of the copyright owner by sending the Notice by mail or delivering it by reputable courier service to the address of the copyright owner or agent of the copyright owner. For purposes of section 115(b)(1) of title 17 of the United States Code, the Notice will not be considered properly served if the Notice is not sent to the copyright owner or the agent of the copyright owner as described in paragraph (a)(4) of this section, or if the Notice is sent to an incorrect address.

(5) If a Notice of Intention is sent by certified mail or registered mail, a mailing receipt shall be sufficient to prove that service was timely. If a Notice of Intention is delivered by a reputable courier, documentation from the courier showing the first date of attempted delivery shall also be sufficient to prove that service was timely. In the absence of a receipt from the United States Postal Service showing the date of delivery or documentation showing the first date of attempted delivery by a reputable courier, the compulsory licensee shall bear the burden of proving that the

Notice of Intention was served in a timely manner.

(6) If a Notice served upon a copyright owner or an authorized agent of a copyright owner identifies more than 50 works that are embodied or intended to be embodied in phonorecords made under the compulsory license, the copyright owner or the authorized agent may send the person who served the Notice a demand that a list of each of the works so identified be resubmitted in an electronic format, along with a copy of the original Notice. The person who served the Notice must submit such a list, which shall include all of the information required in paragraph (d)(1)(v) of this section, within 30 days after receipt of the demand from the copyright owner or authorized agent. The list shall be submitted on magnetic disk or another medium widely used at the time for electronic storage of data, in the form of a flat file, word processing document or spreadsheet readable with computer software in wide use at such time, with the required information identified and/or delimited so as to be readily discernible. The list may be submitted by means of electronic transmission (such as e-mail) if the demand from the copyright owner or authorized agent states that such submission will be accepted.

(g) *Harmless errors.* Harmless errors in a Notice that do not materially affect the adequacy of the information required to serve the purposes of section 115(b)(1) of title 17 of the United States Code, shall not render the Notice invalid.

■ 3. Section 201.19 is amended as follows:

■ a. by revising paragraph (a)(3);

■ b. by redesignating paragraphs (a)(4) through (a)(11) as paragraph (a)(5) through (a)(12), respectively;

■ c. by adding a new paragraph (a)(4);

■ d. by removing the phrase "subparagraph (B) of this § 201.19(a)(5)(iii)" and adding "paragraph (a)(7)(iii)(B) of this section" in its place each place it appears;

■ e. by removing the phrase "paragraph (B) of this § 201.19(a)(5)(iii)" and adding "paragraph (a)(7)(iii)(B) of this section" in its place each place it appears;

■ f. in newly designated paragraph (a)(7), by removing the phrase "paragraph (a)(5)" and adding "paragraph (a)(6) of this section" in its place;

■ g. in paragraph (c)(2)(iii), by removing the phrase "paragraph (a)(7)" and adding "paragraph (a)(10)" in its place;

■ h. in paragraph (d) introductory text, by removing the phrase "§ 201.19(a)(4)" and adding "paragraph (a)(5) of this section" in its place;

■ i. by revising paragraph (e)(7)(i);

■ j. by revising paragraph (e)(7)(ii)(A);

■ k. in paragraph (e)(7)(ii)(B), by removing the phrase "§ 202.19(e)(7)(ii)" and adding "this paragraph (e)(7)(ii)" in its place;

■ l. in paragraph (e)(7)(ii)(D), by removing the phrase "this § 201.19(e)(7)(ii)" and adding "this paragraph (e)(7)(ii)" in its place;

■ m. by adding a new paragraph (e)(7)(iv);

■ n. by revising paragraph (f)(3)(iii);

■ o. in paragraph (f)(4)(ii), by removing the phrase "paragraphs (A) through (F) of this § 201.19(f)(4)(i)" and adding "paragraphs (f)(4)(i)(A) through (F) of this section" in its place;

■ p. in paragraph (f)(5), by removing the phrase "[subject to paragraph (f)(3)(iii)(A)]";

■ q. by revising paragraph (f)(7)(i);

■ r. by revising paragraph (f)(7)(iii)(A);

■ s. in paragraph (f)(7)(iii)(B), by removing the phrase "§ 202.19(f)(7)(iii)" and adding "this paragraph (f)(7)(iii)" in its place; and

■ t. by adding a new paragraph (f)(7)(iv).

■ The revisions and additions to § 201.19 read as follows:

§ 201.19 Royalties and statements of account under compulsory license for making and distributing phonorecords of nondramatic musical works.

(a) * * *

(3) For the purposes of this section, the term *copyright owner,* in the case of any work having more than one copyright owner, means any one of the co-owners.

(4) For the purposes of this section, the service of a Statement of Account on a copyright owner under paragraph (e)(7) or (f)(7) of this section may be accomplished by means of service on either the copyright owner or an agent of the copyright owner with authority to receive Statements of Account on behalf of the copyright owner. In the case where the work has more than one copyright owner, the service of the Statement of Account on one co-owner or upon an agent of one of the co-owners shall be sufficient with respect to all co-owners.

* * * * *

(e) * * *

(7) *Service.* (i) Each Monthly Statement of Account shall be served on the copyright owner or the agent with authority to receive Monthly Statements of Account on behalf of the copyright owner to whom or which it is directed, together with the total royalty for the month covered by the Monthly Statement, by mail or by reputable courier service on or before the 20th day of the immediately succeeding month. However, in the case where the licensee has served its Notice of Intention upon an agent of the copyright owner pursuant to § 201.18, the licensee is not required to serve Monthly Statements of Account or make any royalty payments until the licensee receives from the agent with authority to receive the Notice of Intention notice of the name and address of the copyright owner or its agent upon whom the licensee shall serve Monthly Statements of Account and the monthly royalty fees. Upon receipt of this information, the licensee shall serve Monthly Statements of Account and all royalty fees covering the intervening period upon the person or entity identified by the agent with authority to receive the Notice of Intention by or before the 20th day of the month following receipt of the notification. It shall not be necessary to file a copy of the Monthly Statement in the Copyright Office.

(ii)(A) In any case where a Monthly Statement of Account is sent by mail or reputable courier service and the Monthly Statement of Account is returned to the sender because the copyright owner or agent is no longer located at that address or has refused to accept delivery, or in any case where an address for the copyright owner is not known, the Monthly Statement of Account, together with any evidence of mailing or attempted delivery by courier service, may be filed in the Licensing Division of the Copyright Office. Any Monthly Statement of Account submitted for filing in the Copyright Office shall be accompanied by a brief statement of the reason why it was not served on the copyright owner. A written acknowledgment of receipt and filing will be provided to the sender.

* * * * *

(iv) If a Monthly Statement of Account is sent by certified mail or registered mail, a mailing receipt shall be sufficient to prove that service was timely. If a Monthly Statement of Account is delivered by a reputable courier, documentation from the courier showing the first date of attempted delivery shall also be sufficient to prove that service was timely. In the absence of a receipt from the United States Postal Service showing the date of delivery or documentation showing the first date of attempted delivery by a reputable courier, the compulsory licensee shall bear the burden of proving that the Monthly Statement of Account was served in a timely manner.

(f) * * *

(3) * * *

(iii) If the compulsory licensee is a business organization, the name and

title of the chief executive officer, managing partner, sole proprietor or other person similarly responsible for the management of such entity.

* * * * *

(7) *Service.* (i) Each Annual Statement of Account shall be served on the copyright owner or the agent with authority to receive Annual Statements of Account on behalf of the copyright owner to whom or which it is directed by mail or by reputable courier service on or before the 20th day of the third month following the end of the fiscal year covered by the Annual Statement. It shall not be necessary to file a copy of the Annual Statement in the Copyright Office. An Annual Statement of Account shall be served for each fiscal year during which at least one Monthly Statement of Account shall be served for each fiscal year during which at least one Monthly Statement of Account was required to have been served under paragraph (e)(7) of this section.

* * * * *

(iii)(A) In any case where an Annual Statement of Account is sent by mail or by reputable courier service and is returned to the sender because the copyright owner or agent is not located at that address or has refused to accept delivery, or in any case where an address for the copyright owner is not known, the Annual Statement of Account, together with any evidence of mailing or attempted delivery by courier service, may be filed in the Licensing Division of the Copyright Office. Any Annual Statement of Account submitted for filing shall be accompanied by a brief statement of the reason why it was not served on the copyright owner. A written acknowledgment of receipt and filing will be provided to the sender.

* * * * *

(iv) If an Annual Statement of Account is sent by certified mail or registered mail, a mailing receipt shall be sufficient to prove that service was timely. If an Annual Statement of Account is delivered by a reputable courier, documentation from the courier showing the first date of attempted delivery shall also be sufficient to prove that service was timely. In the absence of a receipt from the United States Postal Service showing the date of delivery or documentation showing the first date of attempted delivery by a reputable courier, the compulsory licensee shall bear the burden of proving that the Annual Statement of Account was served in a timely manner.

* * * * *

Dated: June 7, 2004.

Marybeth Peters,

Register of Copyrights.

So Approved.

James H. Billington,

The Librarian of Congress.

[FR Doc. 04–14084 Filed 6–21–04; 8:45 am]

BILLING CODE 1410–33–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

Schedule for Rating Disabilities

CFR Correction

■ In Title 38 of the Code of Federal Regulations, parts 0 to 17, revised as of July 1, 2003, on page 420, § 4.114 is corrected by removing the entry for diagnostic code 7313.

[FR Doc. 04–55510 Filed 6–21–04; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

42 CFR Part 412

Prospective Payment Systems for Inpatient Hospital Services

CFR Correction

■ In Title 42 of the Code of Federal Regulations, parts 400 to 429, revised as of Oct. 1, 2003, on page 477, § 412.525 is corrected by adding paragraph (b) as follows:

§ 412.525 Adjustments to the Federal prospective payment.

* * * * *

(b) *Adjustments for Alaska and Hawaii.* CMS adjusts the Federal prospective payment for the effects of a higher cost of living for hospitals located in Alaska and Hawaii.

* * * * *

[FR Doc. 04–55511 Filed 6–21–04; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket No. FEMA–B–7446]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Mitigation Division Director for the Emergency Preparedness and Response Directorate reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Doug Bellomo, P.E. Hazard Identification Section, Mitigation Division, Emergency Preparedness and Response Directorate, FEMA, 500 C Street, SW., Washington, DC 20472, (202) 646–2903.

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster

Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by the other Federal, State, or regional entities.

The changes BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Mitigation Division Director for the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona:					
Maricopa	City of Phoenix (04–09–0654X).	March 18, 2004; March 25, 2004; *Arizona Business Gazette.*	The Honorable Skip Rimsza, Mayor, City of Phoenix, 200 West Washington Street, 11th Floor, Phoenix, Arizona 85003–1611.	June 24, 2004	040051
Pima	Town of Marana (04–09–0750P).	March 25, 2004; April 1, 2004; *Daily Territorial.*	The Honorable Bobby Sutton, Jr., Mayor, Town of Marana, 13251 North Lon Adams Road, Marana, Arizona 85653.	April 22, 2004	040118
Pima	Town of Marana (03–09–0698P).	March 25, 2004; April 1, 2004; *Daily Territorial.*	The Honorable Bobby Sutton, Jr., Mayor, Town of Marana, 13251 North Lon Adams Road, Marana, Arizona 85653.	July 1, 2004	040118
Pima	City of Tucson (03–09–1711P).	April 8, 2004; April 15, 2004; *Daily Territorial.*	The Honorable Bob Walkup, Mayor, City of Tucson, City Hall, 255 West Alameda Street, Tucson, Arizona 85701.	April 15, 2004	040076
Pima	Unincorporated Areas (03–09–0698P).	March 25, 2004; April 1, 2004; *Daily Territorial.*	The Honorable Sharon Bronson, Chair, Pima County Board of Supervisors, 130 West Congress Street, 11th Floor, Tucson, Arizona 85701.	July 1, 2004	040073
California:					
Humboldt	City of Arcata (03–09–0824P).	February 10, 2004; February 17, 2004; *Arcata Eye.*	The Honorable Robert Ornelas, Mayor, City of Arcata, 736 F Street, Arcata, California 95521.	May 18, 2004	060061
Los Angeles	City of Burbank (02–09–944P).	February 11, 2004; February 18, 2004; *Burbank Leader.*	The Honorable Stacey Murphy, Mayor, City of Burbank, P.O. Box 6459, Burbank, California 91510–6459.	May 19, 2004	065018
Los Angeles	City of Los Angeles (04–09–0102P).	March 11, 2004; March 18, 2004; *Los Angeles Times.*	The Honorable James K. Hahn, Mayor, City of Los Angeles, 200 North Spring Street, Room 303 Los Angeles, California 90012.	June 17, 2004	060137

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Placer	Unincorporated Areas (03–09–1212P).	February 4, 2004; February 11, 2004; *The Rocklin Placer Herald.*	The Honorable Rex Bloomfield, Chairman, Placer County Board of Supervisors, 175 Fulweiler Avenue, Auburn, California 95603.	January 8, 2004	060239
Riverside	City of Moreno Valley (04–09–0122P).	April 1, 2004; April 8, 2004; *Press—Enterprise.*	The Honorable Frank West, Mayor, City of Moreno Valley, 14177 Frederick Street, Moreno Valley, California 92552.	July 8, 2004	065074
San Diego ...	City of Chula Vista (03–09–0900P).	March 5, 2004; March 12, 2004; *Chula Vista Star News.*	The Honorable Stephen C. Padilla, Mayor, City of Chula Vista, City Hall, 276 Fourth Avenue, Chula Vista, California 91910.	June 11, 2004	065021
San Diego ...	City of Oceanside (04–09–0309P).	April 1, 2004; April 8, 2004; *North County Times.*	The Honorable Terry Johnson, Mayor, City of Oceanside, 300 North Coast Highway, Oceanside, California 92054.	July 8, 2004	060294
San Diego ...	City of San Diego (04–09–0108P).	April 8, 2004; April 15, 2004; *San Diego Daily Transcript.*	The Honorable Dick Murphy, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, California 92101.	July 15, 2004	060295
San Diego ...	Unincorporated Areas (03–09–1209P).	April 8, 2004; April 15, 2004; *San Diego Union-Tribune.*	The Honorable Dianne Jacob, Chairwoman, San Diego County Board of Supervisors, 1600 Pacific Highway, San Diego, California 92101.	July 15, 2004	060284
Ventura	City of Simi Valley (04–09–0234P).	February 12, 2004; February 19, 2004; *Ventura County Star.*	The Honorable William Davis, Mayor, City of Simi Valley, 2929 Tapo Canyon Road, Simi Valley, California 93063–2199.	January 30, 2004	060421
Colorado:					
Adams	City of Brighton (03–08–0621P).	February 4, 2004; February 11, 2004; *Brighton Standard Blade.*	The Honorable Jan Pawlowski, Mayor, City of Brighton, 22 South Fourth Avenue, Brighton, Colorado 80601.	May 12, 2004	080004
Adams	Unincorporated Areas (03–08–0621P).	February 4, 2004; February 11, 2004; *Brighton Standard Blade.*	The Honorable Elaine T. Valente, Chair, Adams County Board of Commissioners, 450 South Fourth Avenue, Brighton, Colorado 80601.	May 12, 2004	080001
Adams	Unincorporated Areas (02–08–398P).	February 6, 2004; February 13, 2004; *Eastern Colorado News.*	The Honorable Elaine T. Valente, Chair, Adams County Board of Commissioners, 450 South Fourth Avenue, Brighton, Colorado 80601.	May 14, 2004	080001
Arapahoe	City of Littleton (03–08–0691P).	March 11, 2004; March 18, 2004; *Littleton Independent.*	The Honorable John Ostermiller, Mayor, City of Littleton, 2255 West Berry Avenue, Littleton, Colorado 80165.	March 1, 2004	080017
Douglas	Town of Parker (04–08–0033P).	February 19, 2004; February 26, 2004; *Douglas County News-Press.*	The Honorable Gary Lasater, Mayor, Town of Parker, 20120 East Main Street, Parker, Colorado 80138.	May 27, 2004	080310
El Paso	Unincorporated Areas (03–08–0406P).	March 10, 2004; March 17, 2004; *El Paso County News.*	The Honorable Chuck Brown, Chair, El Paso County Board of Commissioners, 27 East Vermijo Avenue, Colorado Springs, Colorado 80903–2208.	June 16, 2004	080059
El Paso	Unincorporated Areas (03–08–0449P).	March 17, 2004; March 24, 2004; *El Paso County News.*	The Honorable Chuck Brown, Chair, El Paso County Board of Commissioners, 27 East Vermijo Avenue, Colorado Springs, Colorado 80903–2208.	June 23, 2004	080059
El Paso	Unincorporated Areas (03–08–0617P).	March 17, 2004; March 24, 2004; *El Paso County News.*	The Honorable Chuck Brown, Chair, El Paso County Board of Commissioners, 27 East Vermijo Avenue, Colorado Springs, Colorado 80903–2208.	June 23, 2004	080059

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Jefferson	City of Lakewood (03–08–0305P).	March 25, 2004; April 1, 2004; *Lakewood Sentinel.*	The Honorable Steve Burkholder, Mayor, City of Lakewood, Lakewood Civic Center South, 480 South Allison Parkway, Lakewood, Colorado 80226.	July 1, 2004	085075
Jefferson	Unincorporated Areas (03–08–0479P).	February 25, 2004; March 3, 2004; *Evergreen Canyon Courier.*	The Honorable Michelle Lawrence, Chairperson, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Golden, Colorado 80419–5550.	June 2, 2004	080087
Jefferson	City of Westminster (03–08–0520P).	January 29, 2004; February 5, 2004; *Westminster Window.*	The Honorable Ed Moss, Mayor, City of Westminster, 4800 West 92 nd Avenue, Westminster, Colorado 80031.	May 6, 2004	080008
Hawaii:					
Hawaii	Hawaii County (03–09–1531P).	February 12, 2004; February 19, 2004; *Hawaii Tribune Herald.*	The Honorable Harry Kim, Mayor, Hawaii County, 25 Aupuni Street, Hilo, Hawaii 96720.	January 20, 2004	155166
Maui	Maui County (03–09–0438P).	March 25, 2004; April 1, 2004; *Maui News.*	The Honorable Alan M. Arawaka, Mayor, Maui County, 200 South High Street, Wailuku, Hawaii 96793–2155.	July 1, 2004	150003
Utah: Sevier	City of Salina (04–08–0072P).	February 25, 2004; March 3, 2004; *Richfield Reaper.*	The Honorable Marilyn S. Anderson, Mayor, City of Salina, P.O. Box 69, Salina, Utah 84654.	June 2, 2004	490132
Washington: King	City of Bellevue (03–10–0399P).	February 26, 2004; March 4, 2004; *King County Journal.*	The Honorable Connie Marshall, Mayor, City of Bellevue, P.O. Box 90012, Bellevue, Washington 98009–9012.	June 3, 2004	530074

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: June 15, 2004.

Archibald C. Reid, III,

Acting Director, Mitigation Division, Emergency Preparedness and Response Directorate.

[FR Doc. 04–14102 Filed 6–21–04; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: *Effective Date:* The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the FIRM is available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Doug Bellomo, P.E. Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2903.

SUPPLEMENTARY INFORMATION: FEMA makes the final determinations listed below of BFEs and modified BFEs for each community listed. The proposed BFEs and proposed modified BFEs were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed BFEs and proposed modified BFEs were also published in the **Federal Register**.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because

final or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended to read as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVG) +Elevation in feet (NAVD)
ARIZONA	
Gila County, (FEMA Docket No. B–7435)	
Bloody Tanks Wash:	
Just upstream of Mine Road	*3,310
Just upstream of New Street	*3,357
Approximately 1,700 feet upstream of Southern Pacific Railroad crossing	*3,398
Coyote Wash:	
At confluence with Russell Gulch	*3,445
Approximately 2,400 feet upstream of Russell Road	*3,643
Ice House Canyon:	
At Pueblo Ruins Road	*3,600
Just upstream of Pinal View Road	*3,670
At confluence of Kellner Canyon	*3,781
Kellner Canyon:	
At confluence with Ice House Canyon	*3,781
Approximately 250 feet upstream of Kellner Canyon Road	*3,855
McMillen Wash:	
Just downstream of 7th Street	*3,580
Pinal Creek (at Globe):	
Approximately 2,400 feet downstream of U.S. Highway 60/70	*3,417
Just upstream of Dickson Drive	*3,633
Approximately 3,400 feet upstream of Six Shooter Canyon Road	*3,809
Roberts Wash:	
At confluence with Russell Gulch	*3,348
Approximately 300 feet upstream of Roberts Road	*3,429
Russell Gulch:	
Approximately 800 feet downstream of U.S. Highway 60/70	*3,304
At confluence of Coyote Wash	*3,444
Approximately 5,000 feet upstream of confluence of Coyote Wash	*3,563
Watertank Wash:	
At confluence with Russell Gulch	*3,352
Just upstream of Landfill Lane *3,432.	
Approximately 5,400 feet upstream of Landfill Lane	*3,681
Maps are available for inspection at the Gila County Courthouse, 1400 East Ash Street, and at the Public Library Office First Floor Planning and Zoning Counter, Globe, Arizona.	
Miami (Town), Gila County (FEMA Docket No. B–7435)	
Bloody Tanks Wash:	
Approximately 850 feet upstream of Southern Pacific Railroad crossing	*3,381
Approximately 1,700 feet upstream of Southern Pacific Railroad crossing	*3,398
Maps are available for inspection at the Miami Town Hall, 500 Sullivan Street, and the Memorial Library, 1052 Anonis Avenue, Miami, Arizona.	
Globe (City), Gila County (FEMA Docket No. B–7435)	
Ice House Canyon:	
At confluence with Pinal Creek (at Globe)	*3,578
Approximately 100 feet upstream of Pueblo Ruins Road	*3,602
McMillen Wash:	
At confluence with Pinal Creek (at Globe)	*3,539
Just upstream of U.S. Highway 60/70	*3,625
Just downstream of West Mesquite Street	*3,768
Pinal Creek (at Globe):	
Approximately 200 feet upstream of Ruiz Canyon Road	*3,539
Approximately 1,200 feet upstream of confluence of Ice House Canyon	*3,592
Russell Gulch:	
Just downstream of Hospital Drive	*3,324
At confluence of Roberts Wash	*3,347
Approximately 1,000 feet upstream of confluence of Watermark Wash	*3,363
Watertank Wash:	
Approximately 4,000 feet upstream of Landfill Lane	*3,602
Approximately 4,500 feet upstream of Landfill Lane	*3,630
Maps are available for inspection at the Globe City Hall, 150 North Pine Street, and at the Public Library, 339 South Broad Street, Globe, Arizona.	
CALIFORNIA	
Stanislaus County, (FEMA Docket No. B–7443)	
Stanislaus River:	
Approximately 5 miles downstream of State Highway 99	*45
Approximately 1,600 feet upstream of Orange Blossom Road	*131
Maps are available for inspection at 1010 10th Street, Modesto, California.	
Oakdale (City), Chelan County, (FEMA Docket No. B–7443)	
Stanislaus River:	
Approximately 4,700 feet downstream of State Highway 120	*101
Approximately 2 miles upstream of State Highway 120	*114
Maps are available for inspection at the Community Development Department, 455 South Fifth Avenue, Oakdale, California or the Stanislaus County Library (Oakdale Branch) 151 South First Avenue, Oakdale, California.	
Riverbank (City), Chelan County, (FEMA Docket No. B–7443)	
Stanislaus River:	

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVG) +Elevation in feet (NAVD)
Approximately 4,800 feet downstream of Riverbank Highway	*84
Approximately 4,000 feet upstream of Riverbank Highway	*87
Maps are available for inspection at City Hall, 6707 Third Street, Riverbank, California.	
COLORADO	
Pitkin County, (FEMA Docket No. B–7439)	
Southside Split Flow:	
Approximately 1,200 feet downstream of State Highway 82 Bypass	*6,558
Approximately 6,000 feet upstream of State Highway 82 Bypass	*6,637
Roaring Fork River:	
Approximately 5,500 feet downstream of Hooks Spur Road	*6,526
Approximately 50 feet downstream of confluence of Snowmass Creek	*6,844
Maps are available for inspection at the GIS Department, 130 South Galena Street, Aspen, Colorado.	
MONTANA	
Fort Peck Assiniboine and Sioux Tribes (FEMA Docket No. B–7443)	
Big Muddy Creek:	
At confluence with Missouri River	+1,914
Approximately 2 miles upstream of State Route 258 bridge	+1,965
Missouri River:	
Approximately 8 miles downstream of confluence with Big Muddy Creek	+1,910
Approximately 2,000 feet upstream of the confluence with Milk River	+2,032
Poplar River:	
At confluence with Missouri River	+1,955
Approximately 1,200 feet downstream of the confluence with West Fork Poplar River	+2,191
Porcupine Creek:	
Approximately 3,600 feet downstream of U.S. Highway 2	+2,058
Approximately 5 miles downstream of Midway Dam at the boundary of Section 26 and 35 Township 32 North Range 40 East	+2,575
Maps are available for inspection at 501 Medicine Bear Road, Poplar, Montana.	
OREGON	
Portland (City), Clackamas/Multnomah County, (FEMA Docket No. B–7433)	
Crystal Springs Creek:	
Just downstream of SE Sherret Street at confluence with Johnson Creek	*48
Approximately 1,150 feet upstream of 28th Avenue	*77
Johnson Creek:	
Just upstream of SE Ochoco Street	*44
Just downstream of Circle Avenue	*252
Maps are available for Inspection at the Office of Planning and Development Review, 1900 Southwest Fourth Avenue, Room 50, Portland, Oregon.	
WASHINGTON	
Chelan County, (FEMA Docket No. B–7443)	
Wenatchee River:	
Approximately 100 feet upstream of Old Monitor Road	*717
Approximately 1.7 miles upstream of Main Street	*1,046
Maps are available for Inspection at the Department of Public Works, 350 Orondo Street, Wenatchee, Washington.	
Cashmere (City), Chelan County, (FEMA Docket No.# B–7443)	
Wenatchee River:	
Approximately 1,300 feet downstream of Cottage Avenue	*756
Approximately 1.7 miles upstream of Cottage Avenue	*763
Maps are available for Inspection at City Hall, 101 Woodring Street, Cashmere, Washington.	

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: June 15, 2004.

Archibald C. Reid, III,

Acting Director, Mitigation Division, Emergency Preparedness and Response Directorate.

[FR Doc. 04–14103 Filed 6–21–04; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 36 and 54

[WC Docket No. 03–109; FCC 04–87]

Lifeline and Link-Up

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission modifies its rules to improve the effectiveness of the low-income support mechanism, which ensures that quality telecommunications services are available to low-income consumers at just, reasonable, and affordable rates. The Commission expands the federal default eligibility criteria to include an income-based criterion and additional means-tested programs. The Commission adopts federal certification and verification procedures, and requires states, under certain circumstances, to establish certification and verification procedures to minimize potential abuse of these programs. To target low-income consumers more effectively, the Commission adopts outreach guidelines for the Lifeline/Link-Up program. The Commission issues a voluntary survey to gather data and information from states regarding the administration of Lifeline/Link-Up programs. The actions the Commission takes will result in a more inclusive and robust Lifeline/Link-Up program, consistent with the statutory goals of maintaining affordability and access of low-income consumers to supported services, while ensuring that support is used for its intended purpose.

DATES: Effective July 22, 2004 except for §§ 54.405(c), 54.405(d), 54.409(d), 54.409(d)(3), 54.410, 54.416, 54.417 which contain information collection requirements that have not been approved by the Office of Management Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date of those sections.

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SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in WC Docket No. 03–109 released on April 29, 2004. A Companion Further Notice of Proposed Rulemaking was also released in WC Docket No. 03–109 released April 29,

2004. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 Twelfth Street, SW., Washington, DC, 20554.

I. Introduction

1. In this *Report and Order*, we modify our rules to improve the effectiveness of the low-income support mechanism, which ensures that quality telecommunications services are available to low-income consumers at just, reasonable, and affordable rates. Since its inception, Lifeline/Link-Up has provided support for telephone service to millions of low-income consumers. Nationally, the telephone penetration rate is 94.7%, in large part due to the success of the Lifeline/Link-Up program and our other universal service programs. Nevertheless, we believe there is more that we can do to make telephone service affordable for more low-income households. Only one-third of households currently eligible for Lifeline/Link-Up assistance actually subscribe to this program. We agree with the Federal-State Joint Board on Universal Service (Joint Board) that the current Lifeline/Link-Up program could be modified to serve the goals of universal service better.

2. Consistent with the Joint Board's recommendation, we expand the federal default eligibility criteria to include an income-based criterion and additional means-tested programs. We adopt federal certification and verification procedures, and require states, under certain circumstances, to establish certification and verification procedures to minimize potential abuse of these programs. To target low-income consumers more effectively, we adopt outreach guidelines for the Lifeline/Link-Up program. We issue a voluntary survey to gather data and information from states regarding the administration of Lifeline/Link-Up programs. The actions we take will result in a more inclusive and robust Lifeline/Link-Up program, consistent with the statutory goals of maintaining affordability and access of low-income consumers to supported services, while ensuring that support is used for its intended purpose.

II. Report and Order

A. Eligibility

a. Income-Based Criteria

3. We adopt the Joint Board's recommendation that a consumer be eligible to participate in Lifeline/Link-Up if the consumer's income is at or below 135% of the Federal Poverty Guidelines (FPG). We agree with the Joint Board that adding an income-based criterion to the federal default eligibility criteria may increase participation in the Lifeline/Link-Up program. This will enable, for example, a family of four whose annual income is at or below $24,840 to qualify for Lifeline/Link-Up support even if they do not participate in one of the current qualifying assistance programs. We have included estimated income requirements for various sizes of households at or below 135% of the FPG. Our staff analysis estimates that adding an income-based criterion of 135% of the FPG could result in approximately 1.17 million to 1.29 million new Lifeline/Link-Up subscribers. Of these new Lifeline/Link-Up subscribers, the analysis projects that approximately one in five likely would be new subscribers to telephone service. Therefore, in addition to ensuring that many low-income subscribers may be better able to afford to maintain their existing service; this criterion will enable many low-income subscribers to have service for the first time. Adding an income-based standard should thereby promote universal service by increasing subscribership and making rates more affordable for existing low-income subscribers.

4. We agree with the majority of commenters that support adding an income-based standard to the current program-based criteria. We also agree with the Joint Board and several commenters that adding an income-based standard likely will capture some low-income consumers who are not eligible for Lifeline/Link-Up because they no longer participate in the qualifying assistance programs. In 1996, Congress passed "The Personal Responsibility and Work Opportunity Reconciliation Act," also known by the acronym "PRWORA." PRWORA instituted sweeping changes to several federal public assistance programs, including time limits and work requirements backed by sanctions. In the *1997 Universal Service Order*, 62 FR 32862, June 17, 1997, the Commission indicated it would monitor the impact of PRWORA on participation in Lifeline/Link-Up qualifying programs and revise eligibility criteria if the program-based criteria model "becomes an unworkable standard." In the *Twelfth Report and Order*, 65 FR 47941, August 4, 2000, the Commission also noted it would consider adding an income-based criterion in the future because it might "reach more low-income consumers, including low-income tribal members, than the current method of conditioning eligibility on participation in particular low-income assistance programs." We understand that participation is decreasing in many public assistance programs, including at least one program used to determine eligibility for Lifeline/Link-Up. At the same time, poverty rates in the U.S. are increasing by the traditional measure. In 2002, 12.1% or 34.6 million people fell below the poverty threshold, compared to 11.3% or 31.1 million people in 2000. At the same time, however, the Census Bureau has published six alternative measures of poverty, none of which appear to show a statistically significant increase in poverty rates between 2001 and 2002. Regardless of factual differences in the data, broadening eligibility criteria to include an income-based standard at this time should ensure continued participation in Lifeline/Link-Up among low-income households, which, in turn, should increase subscribership to the network. Several commenters also state that individuals who are no longer eligible to receive welfare or benefits under federal assistance programs may still be too poor to afford the cost of local telephone service. Adding an income-based standard could increase subscribership among low-income individuals affected by PRWORA. Thus, this action will further the goals of section 254.

5. Consistent with the Joint Board recommendation, we initially set the income-based standard at 135% of the FPG, while we further develop the record on the costs and benefits of adopting a 150% FPG standard. The Joint Board concluded that an income-based standard at 135% of the FPG struck an appropriate balance between increasing subscribership without significantly overburdening the universal service fund. It noted that most commenters supported adoption of an income-based standard ranging from 125% to 150% of the FPG, and that many other federal welfare programs, and state Lifeline programs, base eligibility on a standard within that range. We note that our staff analysis projects that if all states were to adopt an income-based standard at or below 135% of the FPG, federal Lifeline expenditures could increase by $127 to $140 million over current levels; in contrast, if we were to adopt an income-based standard at or below 150% of the FPG, federal Lifeline expenditures could increase by $316 to $348 million. We also note that while our staff analysis projects that adoption of an income-based standard at or below 135% of the FPG could result in more than 200,000 households newly subscribing to telephone service, that study also projects no net increase in new

subscribers under an income-based standard at or below 150% of the FPG. We recognize that a few commenters are concerned about the potential financial burdens placed on the universal service fund due to increased participation in the Lifeline/Link-Up program, but we conclude that the benefits of adopting a 135% income-based standard now—namely, adding new low-income subscribers and retaining existing low-income subscribers on the network—outweigh the potential increased costs. In sum, we conclude that adopting a 135% income-based standard at this time represents a reasonable and cautious approach, while we explore further whether to adopt a 150% income standard.

b. Program-Based Criteria

6. We also adopt the Joint Board's recommendation that the Temporary Assistance to Needy Families program (TANF) and the National School Lunch's free lunch program (NSL) be added to the federal default eligibility criteria. We believe adding these programs is likely to help improve participation in the Lifeline/Link-Up program, and in doing so, would increase telephone subscribership and/or make rates more affordable for low-income households. Additionally, low-income consumers that come into contact with state agencies while enrolling in one public assistance program are often made aware of their eligibility to participate in another public assistance program. Therefore, participation in Lifeline/Link-Up could be increased by adding these public assistance programs to the current program-based criteria because it increases the possibility that low-income consumers could be made aware of Lifeline/Link-Up when they enroll in TANF and NSL and thereby increases or maintains subscribership.

7. Under the Commission's current rules, Tribal TANF is an eligibility criterion for enhanced Lifeline/Link-Up. The Commission extended Lifeline/Link-Up eligibility criteria to include the Tribal TANF program, as well as Bureau of Indian Affairs General Assistance, Tribal National School Lunch's free lunch program, and Tribal Head Start program (income qualifying standard only) concluding that the "household income thresholds for these newly added programs range[d] from 100–130 percent of the [FPG]" and were therefore "consistent with the [income thresholds of those] programs included in our current federal default list." Adding TANF to the current list of eligibility criteria may permit more low-income individuals, not just those living on tribal lands, to qualify for Lifeline/Link-Up support, thereby potentially increasing telephone subscribership and making rates more affordable for existing low-income subscribers. Although 5.1 million recipients currently participate in TANF, like the Joint Board, we cannot project how many additional persons may become eligible for Lifeline/Link-Up under this new criterion because many low-income households participate in more than one assistance program. Nevertheless, we share the Joint Board's belief that extending Lifeline/Link-Up benefits to TANF participants will promote the goals of universal service.

8. We note that, in the *1997 Universal Service Order*, the Commission rejected a proposal to add TANF's predecessor, Aid to Families with Dependent Children (AFDC), to the list of qualifying Lifeline/Link-Up programs. At the time, the Commission was concerned about the impact of PRWORA on that particular program. Although TANF participation rates have decreased since fiscal year 1996 and the implementation of PRWORA, participation rates remain high. Accordingly, adding this particular program to the federal default eligibility criteria may still potentially affect significant numbers of low-income consumers.

9. We agree with the Joint Board that one benefit of adding TANF is the broad discretion that states are given to establish eligibility standards for each state's respective TANF program. This broad discretion enables states to tailor the TANF program to meet their constituents' needs. Therefore, we agree with the Joint Board and most commenters that adding TANF as an eligibility criterion for Lifeline/Link-Up will help target the program to appropriate low-income households. Another advantage of adding TANF is that verification of Lifeline/Link-Up eligibility would simply involve checking TANF program records. We agree with NASUCA that monitoring participation in TANF is no more difficult than other programs.

10. We agree with the Joint Board that adding NSL's free lunch program to the current list of federal default eligibility criteria may permit more low-income individuals, not just those living on tribal lands, to qualify for Lifeline/Link-Up support, thereby increasing subscribership and/or making rates more affordable for low-income households. Under the Commission's current rules, Tribal NSL is an eligibility criterion for enhanced Lifeline/Link-Up on tribal lands. In general, NSL's eligibility criteria are the same as for Tribal NSL. To be eligible for NSL's free lunch program, the household income must be at or below 130% of the FPG, which is $23,920 for a family of four. Children are automatically eligible for free school meals if their household receives Food Stamps, benefits under the Food Distribution Program on Indian Reservations or, in most cases, benefits under the TANF program. There were approximately 13.7 million children enrolled in NSL's free lunch program in fiscal year 2003. As with TANF, however, it is difficult to project how many additional persons may become eligible for Lifeline/Link-Up by adopting NSL because many low-income households typically participate in more than one assistance program once they meet the qualifying criteria. We are not aware of any data on the total number of households in which NSL participants reside, because more than one NSL participant may reside in a single household. Nevertheless, we agree with the Joint Board that adding NSL as an eligibility criterion could increase telephone subscribership and/or make rates more affordable for low-income households.

11. There is significant support in the record for adding NSL's free lunch program to the federal default eligibility criteria. We agree with NCLC that adding NSL may improve telephone penetration among low-income subscribers because it may capture many low-income households that may not participate in other Lifeline/Link-Up qualifying public-assistance programs. According to NCLC, many households do not feel that children participating in NSL carries the same social stigma as participation in programs whose aim is assistance for adults. Also, adding NSL's free lunch program is consistent with the Commission's determination in the *Twelfth Report and Order* that eligibility for enhanced Lifeline/Link-Up should be limited to those qualifying for free lunch from NSL. We note that participation in the NSL program is increasing, unlike other assistance programs where PRWORA may have prompted decreased enrollment. It is also easy to verify eligibility under this criterion because it would simply involve checking NSL program records. We note that in the *1997 Universal Service Order*, the Commission found that "in the interest of administrative ease and avoiding fraud, waste, and abuse, the named subscriber to the local telecommunications service must participate in [the] program[ ] to qualify for Lifeline." Although the child is the named participant in the NSL program, it is the household's income

that qualifies the child for participation in the program. No commenters have brought to our attention any evidence of problems with its use in the enhanced Lifeline/Link-Up federal default eligibility criteria for those living on tribal lands. Accordingly, we believe that adding NSL will help to target Lifeline/Link-Up support to the appropriate low-income households.

B. Duration of an Individual's Eligibility for Lifeline/Link-Up

12. We agree with the Joint Board and several commenters that consumers should be given a period of time in which to show continued eligibility for Lifeline. As described, dispute resolution procedures are necessary to allow consumers to demonstrate continued eligibility. Moreover, such a timeframe will provide Lifeline customers, who may not be aware of a change to their eligibility status, a period of time in which to transition to the full cost of non-Lifeline service should they be found to be ineligible. This transitional period will reduce the likelihood that such customers would be subsequently disconnected from the network. Therefore, an appeal and transition period will promote the goals of section 254. Moreover, allowing Lifeline benefits to continue prior to a final decision to terminate enrollment should not burden the fund excessively, while providing administrative stability.

13. We recognize that some states may have existing dispute resolution procedures between telephone companies and consumers governing termination of telephone service that could apply to termination of Lifeline benefits. For example, the Pennsylvania Public Utility Commission (PaPUC) asserts that "Pennsylvania carriers would treat an appeal regarding termination of Lifeline service as a "dispute" and would follow the PaPUC procedural rules regarding the resolution of disputes[.]" The PaPUC explains that termination of service would be stayed pending resolution of the dispute. Accordingly, in such a state, consumers would have an opportunity to dispute Lifeline termination, and there would be no need for the eligible telecommunication carriers (ETC) to follow the federal default procedures, as described. Therefore, where a state maintains its own procedures that would require, at a minimum, written customer notification of impending termination of Lifeline benefits, similar to the federal default requirements, that state will retain the flexibility to develop its own appeals process. Moreover, we agree with the PaPUC and the Joint Board that preempting a state's existing appeals process could result in customer confusion and unnecessary expense for the carrier. States should make their own determination as to whether the state's existing laws could apply to termination of Lifeline benefits.

14. In states that lack dispute resolution procedures applicable to Lifeline termination, we adopt the Joint Board's recommendation and require ETCs that have a reasonable basis to believe that consumers no longer qualify for Lifeline to notify consumers of their impending termination of Lifeline benefits and implement a 60-day period of time in which to demonstrate continued eligibility. For those states, we adopt the following federal default procedures. ETCs in such states will be required to notify consumers of their impending termination of Lifeline benefits by sending a termination of Lifeline benefits notice in a letter separate from the consumer's monthly bill. If a consumer receives such a termination notice, the consumer would have up to 60 days from the date of the termination letter in which to demonstrate his or her continued eligibility before Lifeline support is discontinued. For example, a consumer who enrolled in Lifeline because he or she participated in Low Income Home Energy Assistance Program (LIHEAP) may nevertheless qualify for Lifeline after discontinuing participation in LIHEAP under a different program-based or income-based criterion. Consumers should be given a period of time in which to make such a showing of continued eligibility if they believe they have received a termination letter in error. The 60-day time period also should ensure that consumers have ample notice to make arrangements to pay the full cost of local service should they wish to continue telephone service after termination of Lifeline benefits. This 60-day time period thus furthers the goal of section 254 to provide access to telecommunications services for low-income consumers. A consumer who appeals must present proof of continued eligibility to the carrier consistent with his or her state's verification requirements or federal verification requirements, if relevant, as modified in the Certification and Verification Procedures section. This procedure is only required when the carrier has initiated termination of benefits. This 60-day period of time is not necessary when the Lifeline subscriber has notified the carrier that he or she is no longer eligible. Presumably such subscribers will be aware of their impending termination of benefits and will be able to budget their resources accordingly.

C. Certification and Verification Procedures

a. Automatic Enrollment

15. We agree with the Joint Board and encourage all states, including federal default states, to adopt automatic enrollment as a means of certifying that consumers are eligible for Lifeline/Link-Up. In its *Recommended Decision*, the Joint Board observed that participation rates for Lifeline/Link-Up increased in states that employed automatic enrollment, aggressive outreach, and intrastate multi-agency cooperation. In particular, the Joint Board highlighted three states that have adopted some form of Lifeline/Link-Up automatic enrollment. In two states, an affirmative act by the participant, such as authorization to release qualifying information and submission of letter indicating participation in the qualifying program, is needed to secure enrollment in Lifeline/Link-Up. In a third state, the state automatically enrolls the consumer in Lifeline/Link-Up at the time of enrollment in a qualifying program, but offers the consumer an opt-out provision to cancel participation in Lifeline/Link-Up. Because we agree with the Joint Board that automatic enrollment may facilitate participation in Lifeline/Link-Up, we adopt the Joint Board's recommendation to encourage states to implement such measures.

16. We decline, however, to require states to adopt automatic enrollment at this time. Instead, we encourage those states that currently do not employ automatic enrollment to consider states that operate automatic enrollment as a model for future implementation. As the Joint Board noted, implementation of automatic enrollment could impose significant administrative, technological, and financial burdens on states and ETCs. Although we recognize the benefits of automatic enrollment, we agree with the Joint Board that we should not force states that may be unable to afford to implement automatic enrollment to do so. We also recognize arguments that requiring automatic enrollment may deter ETCs from participating in the Lifeline/Link-Up program because of the technical requirements associated with interfacing with government agencies or third party administrators.

b. Certification of Program-Based Eligibility

17. We agree with the Joint Board that the current certification procedures for

program-based qualification are sufficient. Current rules require self-certification, under penalty of perjury, for the federal default states, and allow states operating their own Lifeline/Link-Up programs to devise more strict measures as they deem appropriate. We agree with the Joint Board that the ease of self-certification encourages eligible consumers to participate in Lifeline/Link-Up. In addition, self-certification imposes minimal burdens on consumers. Finally, we agree with the Joint Board that participation in need-based programs is easily verified. Accordingly, we conclude, consistent with the views of the Joint Board, that certification of qualified program participation, under penalty of perjury, serves as an effective disincentive to abuse the system at this time.

c. Certification of Income-Based Eligibility

18. We adopt the Joint Board's recommendation to require all states, including federal default states, to adopt certification procedures to document income-based eligibility for Lifeline/Link-Up enrollment. Because it is easier to verify qualifying program enrollment, we share the Joint Board's concerns that there may be a greater potential for fraud and abuse when an individual self-certifies his/her income eligibility. We agree with the many commenters that requiring documentation of income eligibility should protect against waste, fraud, and abuse and ensure that only qualified individuals receive Lifeline/Link-Up assistance. Some commenters, however, contend that self-certification of income, under penalty of perjury, at the enrollment stage is the most cost-effective method to deter abuse of the program. The Florida PSC, on the other hand, notes that California's Lifeline program, which utilizes self-certification of income-based eligibility, appears to have more households receiving the Lifeline discount than the Current Population Survey of Households data would indicate are eligible for the discount. We do not agree with these commenters that argue income certification from another means-tested program should be suitable documentation, because it could be difficult to verify that the means-tested program utilizes the same income eligibility threshold. Therefore, because self-certification of income presents additional vulnerabilities to the Lifeline/Link-Up program, we agree with the Joint Board and several commenters that certification of income-based eligibility must be accompanied by supporting documentation.

19. We agree with the Joint Board that states that operate their own Lifeline/Link-Up programs should maintain the flexibility to develop their own certification procedures other than self-certification, including acceptable documentation to certify consumer eligibility under an income-based criterion, and to determine the certifying entity, whether it is a state agency or an ETC. This flexibility will permit states to develop certification procedures that best accommodate their own Lifeline participants based on the available resources of ETCs and state commissions, each state's eligibility criteria, and local conditions. When developing their certification procedures, we remind states that eligible consumers living on tribal lands may qualify for Lifeline support even if they do not satisfy that state's eligibility criteria. In addition, ETCs must be able to document that they are complying with state regulations and recordkeeping requirements.

20. For federal default states, we adopt rules reflecting the Joint Board's recommendation that consumers must provide documentation of income eligibility at enrollment. Specifically, we agree with the Joint Board's recommendation that the prior year's state, federal, or tribal tax return, current income statement from an employer or paycheck stub, a Social Security statement of benefits, a Veterans Administration statement of benefits, a retirement/pension statement of benefits, an Unemployment/Workmen's Compensation statement of benefits, federal or tribal notice letter of participation in Bureau of Indian Affairs General Assistance, a divorce decree, or child support document serve as the types of documents acceptable for income verification. We conclude that if a consumer chooses to proffer any document other than a previous year's tribal, federal, or state income tax return as evidence of income, such as current pay stubs, the consumer must present three consecutive months worth of the same type of statements within that calendar year. Three consecutive months of income statements represent one quarter of the calendar year and better substantiate the yearly stated income, without overly burdening consumers.

21. For those states governed by the federal default Lifeline/Link-Up rules, we require an officer of the ETC enrolling the consumer in Lifeline/Link-Up to certify, under penalty of perjury, that the ETC has procedures in place to review income documentation and that, to the best of his or her knowledge, the company was presented with documentation that the consumer's household income is at or below 135% of the FPG. Some commenters oppose certification procedures for income-based eligibility because, they insist, such procedures would be overly burdensome to ETCs. AT&T argues that ETC employees are not trained to review and interpret complex government forms, such as tax forms, W–2 statements, or pay stubs. The rules we adopt today, however, do not require difficult computations or interpretations; rather, they require the ETC to compare the annual income represented in the provided documentation and the number of individuals in the household to a FPG chart posted on the Universal Service Administrative Company's (USAC's) website. Moreover, our rules do not require ETCs to retain the consumer's corroborating documentation. ETCs need only retain records of their self-certifications and those made by the applicant. Where states operate their own Lifeline/Link-Up programs, an officer of the ETC must certify that the ETC is in compliance with state Lifeline/Link-Up income certification procedures and that, to the best of his or her knowledge, documentation of income was presented.

22. Finally, all consumers in all states qualifying under an income-based criterion must self-certify their eligibility to participate. Consumers must make this self-certification under penalty of perjury and must also present all required documentation. Specifically, consumers must self-certify, under penalty of perjury, that the presented documentation accurately represents their annual household income. Moreover, we adopt the Joint Board's recommendation that Lifeline/Link-Up applicants in all states qualifying under an income-based criterion should be required to self-certify, under penalty of perjury, the number of individuals in their households. Because the Federal Poverty Guidelines change depending upon the number of individuals in a household, this information is necessary to determine eligibility.

d. Verification of Continued Eligibility Under Program-Based and Income-Based Eligibility

23. We adopt the Joint Board's recommendation that all states, including federal default states, be required to establish procedures to verify consumers' continued eligibility for the Lifeline/Link-Up program under both program and income-based eligibility criteria. Verification procedures could include random

beneficiary audits, periodic submission of documents, or annual self-certification. We agree with those commenters that assert that verification of continued eligibility should ensure that the low-income support mechanism is updated, accurate, and carefully targeted to provide support only to eligible consumers. We disagree with other commenters that argue that these benefits do not outweigh the burden associated with a verification requirement. We agree with the Joint Board that verification is an effective way to prevent fraud and abuse and ensure that only eligible consumers receive benefits.

24. We also adopt the Joint Board's recommendation to allow states that administer their own Lifeline/Link-Up programs the flexibility to design and implement their own verification procedures to validate consumers' continued eligibility. We note that several states already engage in verification of continued eligibility for Lifeline/Link-Up. For example, in some states, the ETC is responsible for verifying the consumer's continued eligibility, while other states require their state agencies to devise procedures for eligibility verification. Another state establishes eligibility verification procedures that involve state agency and carrier participation. This flexibility will permit states to develop verification procedures that best accommodate their own Lifeline participants based on the available resources of ETCs and state commissions, each state's eligibility criteria, and local conditions. We also note that eligible consumers living on tribal lands may qualify for Lifeline support even if they do not satisfy that state's eligibility criteria. In addition, ETCs must be able to document that they are complying with state regulations and verification requirements.

25. With respect to federal default states, we adopt the Joint Board's recommendation to require ETCs to verify annually the continued eligibility of a statistically valid sample of their Lifeline subscribers. ETCs are free to verify directly with a state that particular subscribers continue to be eligible by virtue of participation in a qualifying program or income level. Alternatively, to the extent ETCs cannot obtain the necessary information from the state, they may survey the subscriber directly and provide the results of the sample to USAC. Subscribers who are subject to this verification and qualify under program-based eligibility criteria must prove their continued eligibility by presenting in person or sending a copy of their Medicaid card or other Lifeline-qualifying public assistance card and self-certifying, under penalty of perjury, that they continue to participate in the Lifeline-qualifying public assistance program. Subscribers who are subject to this verification and qualify under the income-based eligibility criteria must prove their continued eligibility by presenting current documentation consistent with the federal default certification process, as detailed. These subscribers must also self-certify, under penalty of perjury, the number of individuals in their household and that the documentation presented accurately represents their annual household income. As with certification of income-based eligibility, ETCs need not retain documentation of income; however, an officer of the ETC must certify, under penalty of perjury, that the ETC has income verification procedures in place and that, to the best of his or her knowledge, the company was presented with corroborating documentation and retain these records.

26. In addition, we agree with the Joint Board that states should develop on-line verification systems. Several commenters highlight the effectiveness and efficiency of verifying eligibility via on-line databases. We agree with the Joint Board that an on-line verification process, where states can obtain and provide data to allow ETCs real-time access to a database of low-income assistance program participants or income reports, could be a quick, easy, and accurate solution. Nevertheless, we decline to require states to adopt on-line verification at this time. Despite the benefits of on-line verification, we recognize, as did the Joint Board, that current financial constraints may make it difficult for some states to implement on-line verification.

D. Implementation and Recordkeeping

27. States and ETCs will be required to implement measures to certify income of consumers before enrollment in Lifeline/Link-Up when income is the consumer's basis for Lifeline/Link-Up eligibility, and to implement measures to verify continued eligibility for Lifeline/Link-Up under any criteria within one year from the publication of this Order in the **Federal Register**. Given the flexibility afforded states to develop certification and verification procedures, we conclude that one year should provide more than enough time to come into full compliance with the rules we adopt today. Indeed, we encourage states and ETCs to implement certification and verification measures as quickly as possible, but no later than one year. For federal default states, level of income will not be acceptable as a means of qualifying for Lifeline/Link-Up until certification procedures are in place.

28. In addition, we specify that ETCs in federal default states must retain certifications regarding a consumer's eligibility for Lifeline for as long as the consumer receives Lifeline service from that ETC or until the ETC is audited by the Administrator. Section 54.409 of the Commission's rules requires ETCs to obtain a self-certification, under penalty of perjury, from a consumer that he or she receives benefits from one of the qualifying means-tested programs. However, this rule does not specify how long ETCs must retain consumer self-certifications regarding eligibility. In this Order, we clarify our rules to require ETCs in federal default states to retain consumers' self-certifications of eligibility, including self-certifications that income documentation accurately reflects household income, for as long as the consumer receives Lifeline service from that ETC or until the ETC is audited by the Administrator. This requirement will strengthen the Commission's ability to ensure program integrity without unduly burdening ETCs. For example, requiring an ETC to retain a single certification document per consumer will allow the Administrator to confirm in any audit that a consumer was properly enrolled in Lifeline, regardless of when he or she was enrolled.

29. Moreover, we codify the requirement that all ETCs must maintain records to document compliance with all Commission and state requirements governing the Lifeline/Link-Up programs and provide that documentation to the Commission or Administrator upon request. These records could include, for example, self-certifications verifying consumers' continued eligibility, documents demonstrating that ETCs have passed through the appropriate discounts to qualifying consumers, proof of advertising of Lifeline/Link-Up service, and billing records for Lifeline customers. All ETCs must retain such documentation for the three full preceding calendar years, *e.g.*, in December 2004, an ETC would maintain records for calendar years 2001–2003, but in January 2005, that ETC would only maintain records for calendar years 2002–2004.

30. Finally, we clarify the recordkeeping obligations of non-ETC resellers that purchase Lifeline-discounted wholesale services from ETCs to offer discounted services to low-income consumers. In such instances, the ETC would have no information regarding the eligibility of

the low-income consumer. Accordingly, in these circumstances, ETCs must obtain certifications from the non-ETC reseller that it is complying with the Commission's Lifeline/Link-Up requirements. Moreover, non-ETC resellers providing discounted services to low-income customers must comply with the applicable federal or state Lifeline/Link-Up requirements, including certification and verification procedures. Thus, such non-ETC resellers would be required to retain the required documentation to demonstrate that they are providing discounted services only to qualifying low-income consumers for the above-specified periods.

E. Outreach

31. We agree with the Joint Board that more vigorous outreach efforts could improve Lifeline/Link-Up subscribership and adopt the Joint Board's recommendation to provide outreach guidelines to states and carriers. We agree that we should not require specific outreach procedures, but should instead provide guidelines for states and carriers so that they can adopt their own specific standards and engage in outreach as they see fit. Commenters were supportive of the proposed outreach guidelines, outlined in the *Recommended Decision* and detailed. We believe that encouraging states to establish partnerships with other state agencies and telephone companies will maximize public awareness and participation in the Lifeline/Link-Up program. We do not believe it is necessary at this time to prescribe specific outreach procedures. Instead, we set forth these guidelines in order to provide states and carriers with examples of how to reach those likely to qualify. States and carriers will still have the flexibility to determine the most appropriate outreach mechanisms for their consumers, as long as they are reasonably designed to reach those likely to qualify for Lifeline/Link-Up.

32. Accordingly, we adopt the following outreach guidelines recommended by the Joint Board: (1) States and carriers should utilize outreach materials and methods designed to reach households that do not currently have telephone service; (2) states and carriers should develop outreach advertising that can be read or accessed by any sizeable non-English speaking populations within a carrier's service area; and (3) states and carriers should coordinate their outreach efforts with governmental agencies/tribes that administer any of the relevant government assistance programs. These guidelines are described in detail. An appendix compiling state practices was included in the *Recommended Decision* and is reproduced in this document. State practices include establishing marketing boards to devise outreach materials, providing multi-lingual customer support, and implementing innovative tribal outreach practices.

33. The first recommended guideline is that states and carriers should utilize outreach materials and methods designed to reach households that do not currently have telephone service. States or carriers may wish to send regular mailings to eligible households in the form of letters or brochures. Posters could be placed in locations where low-income individuals are likely to visit, such as shelters, soup kitchens, public assistance agencies, and on public transportation. Multi-media outreach approaches could be utilized such as newspaper advertisements, articles in consumer newsletters, press releases, radio commercials, and radio and television public service announcements. For low-income consumers that live in remote areas, including those living on tribal lands, traveling throughout an area or setting up an information booth at a central location may be more suitable outreach methods. States and carriers should ensure that outreach materials and methods accommodate low-income individuals with sight, hearing, and speech disabilities by producing brochures, mailings, and posters in Braille. We also encourage carriers to provide customer service to disabled program participants on an equal basis by using telecommunications relay services (TRS), text telephone (TTY), and speech-to-speech (STS) services. States and carriers should also take into consideration that some low-income consumers may be illiterate or functionally illiterate, and therefore should consider how to supplement outreach materials and methods to accommodate those individuals. States and carriers may post outreach material on the Internet to provide general information; however, the Internet should not be relied on as the sole or primary means of Lifeline/Link-Up outreach. Similarly, although advertising Lifeline/Link-Up in carriers' telephone books may be effective in reaching some low-income individuals, it will not be effective for those without established phone service because carriers only distribute telephone books after phone service is established. States and carriers should also not rely on hotlines as a primary outreach method because many low-income individuals may not have access to a telephone from which to initiate an inquiry on Lifeline/Link-Up benefits.

34. The second recommended guideline is that states and carriers should develop outreach advertising that can be read or accessed by any sizeable non-English speaking populations within the carrier's service area. For example, many of the suggestions can be implemented in languages other than English, including mailings, print advertisements, radio and television commercials, and posters. States with a large ethnically diverse population should have a toll-free call center to answer questions about Lifeline/Link-Up in the low-income population's native languages. Similarly, enrollment applications should be made available in other languages.

35. The third recommended guideline is that states and carriers should coordinate their outreach efforts with governmental agencies that administer any of the relevant government assistance programs. Coordination should also include cooperative outreach efforts with state commissions, tribal organizations, carriers, social service agencies, community centers, nursing homes, public schools, and private organizations that may serve low-income individuals, such as American Association for Retired Persons and the United Way. Cooperative outreach among those most likely to have influential contact with low-income individuals will help to target messages about Lifeline/Link-Up to the low-income community. For example, state agencies that conduct outreach efforts for a state's "earned income tax credit," an income tax credit for low-income working individuals and families, could conduct simultaneous outreach efforts for Lifeline/Link-Up. Establishing a marketing or consumer advisory board with state, carrier, non-profit and consumer representatives may also be an effective way of developing outreach materials. States and carriers could also issue a joint report to the Commission as to their outreach practices.

36. We also encourage states to utilize USAC as a resource for outreach to states and carriers, similar to USAC's outreach efforts with regard to the Rural Health Care and Schools and Libraries programs. USAC currently engages in outreach for the Lifeline/Link-Up program through its website, *<www.lifelinesupport.org>*, which has information about state Lifeline/Link-Up programs, eligibility criteria, and information for carriers. USAC also speaks about Lifeline/Link-Up at public events such as the National Association

of Regulatory Utility Commissioners (NARUC) conference and the National Congress of American Indians, where USAC staff also meets with tribal members and managers of tribally-owned telephone companies. USAC distributes letters and emails to consumer groups, tribal leaders, and social service organizations to publicize the availability of Lifeline/Link-Up and also sends letters to ETCs to remind them of their outreach obligations. USAC also frequently takes phone calls from consumers and others with questions about the Lifeline/Link-Up program. Finally, we agree with the Joint Board that in addition to USAC's current outreach efforts for Lifeline/Link-Up, USAC should assist in additional outreach efforts for Lifeline/Link-Up similar to what it currently does for the Rural Health Care and Schools and Libraries Programs.

F. Other Issues

a. Voluntary Survey

37. We agree with the Joint Board that gathering data and information about state Lifeline/Link-Up programs through a voluntary survey will enable the Commission to make more informed decisions in any future Lifeline/Link-Up orders. In the *Notice of Proposed Rulemaking*, 68 FR 42333, July 17, 2003, we sought comment on the survey's format and questions to ask.

38. To obtain feedback on the success of the modified Lifeline/Link-Up program, we adopt a voluntary information collection from the states. This voluntary survey form asks states to provide information about the eligibility criteria, certification and verification procedures, and outreach efforts implemented as a result of the changes we adopt in this Order. Collection of this survey will assist us in learning about the reasons for variations in participation rates between and among states, and as a result could help shape Commission policy in the future. We agree with commenters that submission of this survey should be voluntary for states with the first survey due one year following the effective date of this Order. We direct USAC to mail the voluntary survey form to states. We have expanded on some of the Joint Board's recommended questions and added a few questions to the survey, at the suggestion of NCLC.

b. Unpaid Toll Charges

39. We adopt the Joint Board's recommendation to encourage states to consider implementing rules that require ETCs to offer Lifeline service to consumers who may have been previously disconnected for unpaid toll charges. We acknowledge that ETCs often prohibit consumers who have prior outstanding balances for local and/or long distance services, but who otherwise qualify for Lifeline/Link-Up, from signing up for local telephone service. As a result, these outstanding balances stand as a barrier to expanding subscribership among low-income consumers. However, the Fifth Circuit found that the Commission lacked jurisdiction to prohibit ETCs from disconnecting Lifeline customers for failure to pay toll charges. In light of the Fifth Circuit ruling, we adopt the Joint Board's recommendation and take no action on disconnection requirements at this time. We encourage states, however, to consider ways to address this issue.

c. Vertical Services

40. We adopt the Joint Board's recommendation not to adopt rules prohibiting Lifeline/Link-Up customers from purchasing vertical services, such as Caller ID, Call Waiting, and Three-way Calling. Like the Joint Board, we believe any restriction on the purchase of vertical services may discourage qualified consumers from enrolling and may serve as a barrier to participation in the program. No commenter supported prohibiting Lifeline/Link-Up subscribers from purchasing vertical services. However, some expressed concern that ETCs may be marketing vertical services to low-income customers who may be unable to afford these features. While we understand these concerns, we do not prohibit the marketing of vertical services to Lifeline/Link-Up customers at this time.

d. Support for Non-ETCs

41. We agree with the Joint Board that we should decline to establish rules that would provide Lifeline/Link-Up support directly to carriers that are not ETCs. Contrary to AT&T's assertion, establishing such rules would be inconsistent with section 254(e), which states that only ETCs may receive universal service support. Extending Lifeline/Link-Up universal service support to carriers that do not satisfy the requirements for designation as an ETC could also serve as a disincentive for other carriers to comply with their ETC obligations.

e. Minor Rule Changes

42. In the *Notice of Proposed Rulemaking*, the Commission identified various proposals to clarify and streamline our rules. Specifically, the Commission proposed to modify Part 54 to reference a provision in § 52.33(a)(1)(i)(C) of the Commission's rules that exempts Lifeline Assistance Program customers from monthly number-portability charges. The Commission also solicited comment on whether § 54.401(c) should be amended by replacing "toll blocking" with "toll limitation" to accurately reflect the Commission's determination in the *1997 Universal Service Order* that ETCs may not impose service deposit requirements on Lifeline customers who accept toll limitation services. Section 54.401(c) incorrectly limits the service deposit prohibition to customers who accept toll blocking. Finally, the Commission sought comment on whether to delete subpart G of part 36, which states that "[t]his subpart shall be effective through December 31, 1997. On January 1, 1998, Lifeline Connection Assistance shall be provided in accordance with part 54, subpart E of this chapter." We believe these changes will clarify and streamline our Lifeline/Link-Up rules. Therefore, we adopt these minor rule changes as proposed in the *Notice of Proposed Rulemaking*.

III. Procedural Matters

A. Regulatory Flexibility Analysis

43. As required by the Regulatory Flexibility Act of 1980, as amended (RFA) an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Notice of Proposed Rulemaking*. The Commission sought comment on the proposals in the *Notice of Proposed Rulemaking*, including comment on the IRFA. The present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

B. Need for, and Objectives of, the Order

44. In this *Order*, we adopt rules that expand the federal default eligibility criteria for Lifeline/Link-Up to include an income-based criterion of 135% of the Federal Poverty Guidelines and additional means-tested programs. We also adopt rules requiring certification and verification procedures for eligibility under certain circumstances. In addition, we provide outreach guidelines for carriers and states and a voluntary Lifeline/Link-Up administrative survey to better target low-income consumers and improve program operation. Collectively, these rules will improve the effectiveness of the low-income support mechanism and ensure quality telecommunications services are available to low-income consumers at just, reasonable, and affordable rates.

C. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

45. There were no comments filed specifically in response to the IRFA. Nevertheless, the agency has considered the potential impact of the rules proposed in the IRFA on small entities. Adding two means-tested programs, Temporary Assistance to Needy Families (TANF) and National School Lunch's free lunch program (NSL), and household income as a basis for Lifeline/Link-Up eligibility does not raise significant issues for small business entities. Some commenters were concerned that certification and verification procedures might pose significant costs on small entities. However, the rules we adopt today strike a balance between minimizing compliance burdens and costs and preserving the integrity of the Lifeline/Link-Up program.

D. Description and Estimate of the Number of Small Entities to Which Rules Will Apply

46. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A "small business concern" is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

47. The Commission's decision to adopt certification and verification requirements would apply to service providers that provide services to qualifying low-income consumers who receive Lifeline/Link-Up support. According to the Universal Service Administrative Company's (USAC) 2002 Annual Report, only local exchange carriers, cellular/personal communications services (PCS) providers, and competitive access providers would be subject to these requirements. Because many of these service providers could include small entities, we expect that the proposal in this proceeding could have a significant economic impact on local exchange carriers, small incumbent local exchange carriers, cellular/PCS providers, and competitive access providers that are small entities.

48. We have included small incumbent local exchange carriers in this present RFA analysis. As noted, a "small business" under the RFA is on that, *inter alia*, meets the pertinent small business size standard (*e.g.*, a telephone communications business having 1,500 or fewer employees), and "is not dominant in its field of operation." The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent local exchange carriers are not dominant in their field of operation because any such dominance is not "national" in scope. We have therefore included small incumbent local exchange carriers in this RFA analysis, although we emphasize that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

49. *Incumbent Local Exchange Carrier.* Neither the Commission nor the SBA has developed a size standard specifically for small providers of local exchange services. The closest applicable size standard under the SBA rules is for wired telecommunications carriers. This provides that a wired telecommunications carrier is a small entity if it employs no more than 1,500 employees. According to Commission data, 1,337 incumbent carriers reported that they were engaged in the provision of local exchange services. Of these 1,337 carriers, an estimated 1,032 have 1,500 or fewer employees and 305 carriers have more than 1,500 employees. Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses that may be affected by the rules and policies adopted herein. According to Commission data, 1,337 incumbent carriers reported that they were engaged in the provision of local exchange services. Of these 1,337 carriers, an estimated 1,032 have 1,500 or fewer employees and 305 carriers have more than 1,500 employees. Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses that may be affected by the rules and policies adopted herein.

50. *Competitive Local Exchange Carriers, Competitive Access Providers, and Other Local Exchange Carriers.* Neither the Commission nor the SBA has developed a size standard specifically for small providers of local exchange services. The closest applicable size standard under the SBA rules is for wired telecommunications carriers. This provides that a wired telecommunications carrier is a small entity if it employs no more than 1,500 employees. According to the most recent Commission data, 609 companies reported that they were engaged in the provision of either competitive access provider services or competitive local exchange carrier services. Of these 609 companies, an estimated 458 have 1,500 or fewer employees and 151 have more than 1,500 employees. In addition, 35 carriers reported that they were "Other Local Exchange Carriers." Of the 35 "Other Local Exchange Carriers," an estimated 34 have 1,500 or fewer employees and one has more than 1,500 employees. Consequently, the Commission estimates that most providers of competitive local exchange service, competitive access providers, and "Other Local Exchange Carriers" are small entities that may be affected by the rules and policies adopted herein.

51. *Cellular and Other Wireless Telecommunications.* The SBA has developed a small business size standard for Cellular and Other Wireless Telecommunications, which consists of all such firms having 1,500 or fewer employees. According to data for 1997, a total of 977 such firms operated for the entire year. Of those, 965 firms employed 999 or fewer persons for the year, and 12 firms employed of 1,000 or more. Therefore, nearly all such firms were small businesses. In addition, we note that there are 1,807 cellular licenses; however, a cellular licensee may own several licenses. According to Commission data, 858 carriers reported that they were engaged in the provision of cellular service, Personal Communications Service (PCS), or Specialized Mobile Radio telephony service, which are placed together in the data. We have estimated that 291 of these are small under the SBA small business size standard.

52. *Broadband Personal Communications Service (PCS).* The broadband PCS spectrum is divided into six frequencies designated A through F, and the Commission has held auctions for each block. The Commission defined "small entity" for Blocks C and F as an entity that has average gross revenues of less than $40 million in the three previous calendar years. For Block F, an additional classification for "very small business" was added and is defined as an entity that, together with their affiliates, has average gross revenues of not more than $15 million for the preceding three calendar years. These regulations defining "small entity" in the context of broadband PCS auctions have been approved by the SBA. No small businesses within the SBA-

approved definition bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 small and very small business bidders won approximately 40% of the 1,479 licenses for Blocks D, E, and F. On March 23, 1999, the Commission re-auctioned 347 C, D, E, and F Block licenses; there were 48 small business winning bidders. Based on this information, we conclude that the number of small broadband PCS licensees will include the 90 winning C Block bidders and the 93 qualifying bidders in the D, E, and F blocks, plus the 48 winning bidders in the re-auction, for a total of 231 small entity PCS providers as defined by the SBA and the Commission's auction rules. On January 26, 2001, the Commission completed the auction of 422 C and F Broadband PCS licenses in Auction No. 35. Of the 35 winning bidders in this auction, 29 qualified as small or very small businesses.

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

53. Expanding the eligibility criteria will not create additional reporting, recordkeeping, or other compliance requirements.

54. Several other requirements adopted in this Order, however, affect recordkeeping requirements. First, ETCs will be required to maintain records to document compliance with all Commission requirements governing the Lifeline/Link-Up programs, including numerous self-certifications, and provide that documentation to the Commission or Administrator upon request for the full three preceding calendar years. Specifically, ETCs in federal default states must retain certifications that documentation of income eligibility was presented when the customer was initially enrolled in Lifeline and when the customer was subject to verification of continued eligibility. ETCs in states operating their own Lifeline/Link-Up program must document compliance with state Lifeline regulations and recordkeeping requirements, including state certification and verification procedures. Second, non-ETC resellers must retain documentation to demonstrate that they are providing discounted services only to qualifying low-income customers. Records of customer eligibility must be maintained for as long as the customer receives Lifeline service from that ETC or until that ETC is audited by the Administrator.

F. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

55. Although self-certification of income may be easily administered, we conclude that self-certification of income could invite abuse of the Lifeline/Link-Up program, because it is difficult to verify income. Accordingly, to address concerns of potential waste, fraud, and abuse, we will require consumers qualifying under the income-based criterion to present documentation of income. To minimize burdens on carriers, however, we do not require ETCs in federal default states to maintain this documentation of income. Rather, an officer of the ETC need only self-certify, under penalty of perjury, that the carrier has procedures in place to review income documentation and that, to the best of his or her knowledge, income documentation was presented. In addition, to ensure that only eligible consumers receive Lifeline/Link-Up benefits, we require ETCs in federal default states to verify directly with a state that particular subscribers continue to be eligible or survey subscribers directly by sending annual verification forms to a statistically valid sample of Lifeline subscribers, providing the results of the sample to USAC.

56. We allow states operating their own Lifeline/Link-Up programs flexibility to develop their own certification of income and verification procedures. We note that resources of the carrier, among other things, should be taken into consideration when devising state certification and verification procedures. In addition, an officer of an ETC in states that operate their own Lifeline/Link-Up programs must certify, under of penalty of perjury, that the ETC complies with state certification procedures and that, to the best of his or her knowledge, documentation of income for consumers applying under an income-based criterion was presented.

57. Finally, we provide carriers options regarding retaining records of consumer eligibility. Carriers may either retain such records for as long as the carrier provides Lifeline service to that consumer or until it is audited by the Administrator. These requirements are necessary to ensure program integrity. However, we provide carriers flexibility to choose the more appropriate recordkeeping method.

G. Report to Congress

58. The Commission will send a copy of the Order, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of the Order, including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the Order and FRFA (or summaries thereof) will also be published in the **Federal Register**.

H. Paperwork Reduction Act Analysis

59. The action contained herein has been analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose new or modified reporting and recordkeeping requirements or burdens on the public. Implementation of these new or modified reporting and recordkeeping requirements will be subject to approval by the Office of Management and Budget (OMB) as prescribed by the Act, and will go into effect upon announcement in the **Federal Register** of OMB approval.

IV. Ordering Clauses

60. Accordingly, it is ordered that, pursuant to the authority contained in sections 1, 4(i), 201–205, 214, 254, and 403 of the Communications Act of 1934, as amended, this Order is adopted.

61. Part 54 of the Commission's rules, is amended as set forth, effective July 22, 2004 except for §§ 54.405(c), 54.405(d), 54.409(d), 54.409(d)(3), 54.410, 54.416, 54.417 which contain information collection requirements that have not been approved by the Office of Management Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date of those sections.

List of Subjects

47 CFR Part 36

Communications common carrier, Reporting and recordkeeping requirements, Telephone.

47 CFR Part 54

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 36 and 54 as follows:

PART 36—JURISDICTIONAL SEPARATIONS PROCEDURES; STANDARD PROCEDURES FOR SEPARATING TELECOMMUNICATIONS PROPERTY COSTS, REVENUES, EXPENSES, TAXES AND RESERVES FOR TELECOMMUNICATIONS COMPANIES

■ 1. The authority citation continues to read as follows:

Authority: 47 U.S.C. Secs. 151, 154(i) and (j), 205, 221(c), 254, 403, and 410.

§§ 36.701 through 36.741 [Removed]

■ 2. Remove §§ 36.701 through 36.741.

PART 54—UNIVERSAL SERVICE

■ 3. The authority citation for Part 54 continues to read as follows:

Authority: 47 U.S.C. 1, 4(i), 201, 205, 214, and 254 unless otherwise noted.

■ 4. Amend § 54.400 by adding paragraph (f) to read as follows:

§ 54.400 Terms and definitions.

* * * * *

(f) *Income.* "Income" is all income actually received by all members of the household. This includes salary before deductions for taxes, public assistance benefits, social security payments, pensions, unemployment compensation, veteran's benefits, inheritances, alimony, child support payments, worker's compensation benefits, gifts, lottery winnings, and the like. The only exceptions are student financial aid, military housing and cost-of-living allowances, irregular income from occasional small jobs such as baby-sitting or lawn mowing, and the like.

■ 5. Amend § 54.401 by revising paragraph (c) and by adding paragraph (e) to read as follows:

§ 54.401 Lifeline defined.

* * * * *

(c) Eligible telecommunications carriers may not collect a service deposit in order to initiate Lifeline service, if the qualifying low-income consumer voluntarily elects toll limitation service from the carrier, where available. If toll limitation services are unavailable, the carrier may charge a service deposit.

* * * * *

(e) Consistent with § 52.33(a)(1)(i)(C), eligible telecommunications carriers may not charge Lifeline customers a monthly number-portability charge.

■ 6. Amend § 54.405 by adding paragraphs (c) and (d) to read as follows:

§ 54.405 Carrier obligation to offer Lifeline.

* * * * *

(c) Notify Lifeline subscribers of impending termination of Lifeline service if the carrier has a reasonable basis to believe that the subscriber no longer meets the Lifeline-qualifying criteria, as described in § 54.409. Notification of impending termination shall be in the form of a letter separate from the subscriber's monthly bill. A carrier providing Lifeline service in a state that has dispute resolution procedures applicable to Lifeline termination, that requires, at a minimum, written notification of impending termination, must comply with the applicable state requirements.

(d) Allow subscribers 60 days following the date of the impending termination letter required in paragraph (c) of this section in which to demonstrate continued eligibility. Subscribers making such a demonstration must present proof of continued eligibility to the carrier consistent with applicable state or federal verification requirements, as described in § 54.410(c). Carriers must terminate subscribers who fail to demonstrate continued eligibility within the 60-day time period. A carrier providing Lifeline service in a state that has dispute resolution procedures applicable to Lifeline termination must comply with the applicable state requirements.

■ 7. Amend § 54.409 by revising paragraph (b), adding a sentence at the end of paragraph (c), and by adding paragraph (d) to read as follows:

§ 54.409 Consumer qualification for Lifeline.

* * * * *

(b) To qualify to receive Lifeline service in a state that does not mandate state Lifeline support, a consumer's income, as defined in § 54.400(f), must be at or below 135% of the Federal Poverty Guidelines or a consumer must participate in one of the following federal assistance programs: Medicaid; Food Stamps; Supplemental Security Income; Federal Public Housing Assistance (Section 8); Low-Income Home Energy Assistance Program; National School Lunch Program's free lunch program; or Temporary Assistance for Needy Families.

(c) * * * Such qualifying low-income consumer shall also qualify for Tier-Three Lifeline support, if the carrier offering the Lifeline service is not subject to the regulation of the state and provides carrier-matching funds, as described in § 54.403(a)(3).

(d) In a state that does not mandate state Lifeline support, each eligible telecommunications carrier providing Lifeline service to a qualifying low-income consumer pursuant to paragraphs (b) or (c) of this section must obtain that consumer's signature on a document certifying under penalty of perjury that:

(1) The consumer receives benefits from one of the programs listed in paragraphs (b) or (c) of this section, and identifying the program or programs from which that consumer receives benefits, or

(2) The consumer's household meets the income requirement of paragraph (b) of this section, and that the presented documentation of income, as described in §§ 54.400(f), 54.410(a)(ii), accurately represents the consumer's household income; and

(3) The consumer will notify the carrier if that consumer ceases to participate in the program or programs or if the consumer's income exceeds 135% of the Federal Poverty Guidelines.

■ 8. Add § 54.410 to subpart E to read as follows:

§ 54.410 Certification and Verification of Consumer Qualification for Lifeline.

(a) *Certification of income.* Consumers qualifying under an income-based criterion must present documentation of their household income prior to enrollment in Lifeline.

(1) By one year from the effective date of these rules, eligible telecommunications carriers in states that mandate state Lifeline support must comply with state certification procedures to document consumer income-based eligibility for Lifeline prior to that consumer's enrollment if the consumer is qualifying under an income-based criterion.

(2) By one year from the effective date of these rules, eligible telecommunications carriers in states that do not mandate state Lifeline support must implement certification procedures to document consumer-income-based eligibility for Lifeline prior to that consumer's enrollment if the consumer is qualifying under the income-based criterion specified in § 54.409(b). Acceptable documentation of income eligibility includes the prior year's state, federal, or tribal tax return, current income statement from an employer or paycheck stub, a Social Security statement of benefits, a Veterans Administration statement of benefits, a retirement/pension statement of benefits, an Unemployment/Workmen's Compensation statement of benefits, federal or tribal notice letter of participation in General Assistance, a divorce decree, child support, or other official document. If the consumer presents documentation of income that does not cover a full year, such as

current pay stubs, the consumer must present three consecutive months worth of the same types of document within that calendar year.

(b) *Self-certifications.* After income certification procedures are implemented, eligible telecommunications carriers and consumers are required to make certain self-certifications, under penalty of perjury, relating to the Lifeline program.

(1) An officer of the eligible telecommunications carrier in a state that mandates state Lifeline support must certify that the eligible telecommunications carrier is in compliance with state Lifeline income certification procedures and that, to the best of his/her knowledge, documentation of income was presented.

(2) An officer of the eligible telecommunications carrier in a state that does not mandate state Lifeline support must certify that the eligible telecommunications carrier has procedures in place to review income documentation and that, to the best of his/her knowledge, the carrier was presented with documentation of the consumer's household income.

(3) Consumers qualifying for Lifeline under an income-based criterion must certify the number of individuals in their households on the document required in § 54.409(d).

(c) *Verification of continued eligibility.* Consumers qualifying for Lifeline may be required to verify continued eligibility on an annual basis.

(1) By one year from the effective date of these rules, eligible telecommunications carriers in states that mandate state Lifeline support must comply with state verification procedures to validate consumers' continued eligibility for Lifeline.

(2) By one year from the effective date of these rules, eligible telecommunications carriers in states that do not mandate state Lifeline support must implement procedures to verify the continued eligibility of a statistically valid random sample of their Lifeline consumers to verify continued eligibility and provide the results of the sample to the Administrator. If verifying income, an officer of the eligible telecommunications carrier must certify, under penalty of perjury, that the eligible telecommunications carrier has income verification procedures in place and that, to the best of his/her knowledge, the carrier was presented with corroborating income documentation. In addition, the consumer must certify, under penalty of perjury, that the consumer continues to participate in the Lifeline qualifying program or that the presented documentation accurately represents the consumer's household income and the number of individuals in the household.

■ 9. Add § 54.416 to subpart E to read as follows:

§ 54.416 Certification of consumer Qualification for Link Up.

Consumers qualifying under an income-based criterion must present documentation of their household income prior to enrollment in Link Up consistent with requirements set forth in §§ 54.410(a) and (b).

■ 10. Add § 54.417 to subpart E to read as follows:

§ 54.417 Recordkeeping requirements.

(a) Eligible telecommunications carriers must maintain records to document compliance with all Commission and state requirements governing the Lifeline/Link Up programs for the three full preceding calendar years and provide that documentation to the Commission or Administrator upon request.

Notwithstanding the preceding sentence, eligible telecommunications carriers must maintain the documentation required in §§ 54.409(d) and 54.410(b)(3) for as long as the consumer receives Lifeline service from that eligible telecommunications carrier or until audited by the Administrator. If an eligible telecommunications carrier provides Lifeline discounted wholesale services to a reseller, it must obtain a certification from that reseller that it is complying with all Commission requirements governing the Lifeline/Link Up programs.

(b) Non-eligible-telecommunications-carrier resellers that purchase Lifeline discounted wholesale services to offer discounted services to low-income consumers must maintain records to document compliance with all Commission requirements governing the Lifeline/Link Up programs for the three full preceding calendar years and provide that documentation to the Commission or Administrator upon request. To the extent such a reseller provides discounted services to low-income consumers, it constitutes the eligible telecommunications carrier referenced in §§ 54.405(c), 54.405(d), 54.409(d), 54.410, and 54.416.

[FR Doc. 04–13996 Filed 6–21–04; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[CC Docket No. 96–45; FCC 99–306]

Federal-State Joint Board on Universal Service

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains a correction to the final regulation part 54, which was published in the **Federal Register** on Wednesday, December 1, 1999 (64 FR 67372). This document removes paragraph (a)(4) from § 54.307 of the Commission rules. Section 54.307 relates to the availability of high-cost universal service support to competitive eligible telecommunications carriers.

DATES: Effective June 22, 2004.

FOR FURTHER INFORMATION CONTACT: Theodore Burmeister, Attorney, Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418–7389.

SUPPLEMENTARY INFORMATION:

Background

Part 54 rules are issued pursuant to the Communications Act of 1934, as amended. The purpose of the part 54 rules is to implement section 254 of the Communications Act of 1934, as amended. 47 U.S.C. 254. This action corrects the final regulation implemented at § 54.307 of the Commission's rules. 47 CFR 54.307. Specifically, this action removes paragraph (a)(4) from § 54.307 from the Commission's rules.

Need for Correction

The December 1, 1999, **Federal Register** Summary (64 FR 67372) inadvertently omitted an instruction to remove paragraph (a)(4) from § 54.307. This correction is consistent with the Commission's Order published in the Federal Register Summary.

List of Subjects in 47 CFR part 54

Reporting and recordkeeping requirements, Telecommunications, Telephone.

■ Accordingly, 47 CFR part 54 is corrected by making the following correcting amendments:

PART 54—UNIVERSAL SERVICE

■ 1. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 1, 4(i), 201, 205, 214, and 254 unless otherwise noted.

§ 54.307 [Amended]

■ 2. Amend § 54.307 by removing paragraph (a)(4).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 04–14119 Filed 6–21–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–1542; MB Docket No. 03–208, RM–10793]

Radio Broadcasting Services; Arthur and Hazelton, ND

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division, at the request of Vision Media Incorporated, substitutes Channel 280C1 for Channel 280C3 at Arthur, North Dakota, and the modifies Station DVMI(FM)'s license accordingly. To accommodate the upgrade, we also substitute Channel 277C for vacant Channel 280C at Hazelton, North Dakota. See 68 FR 60074, October 21, 2003. Channel 280C1 can be substituted at Arthur in compliance with the Commission's minimum distance separation requirements with a site restriction of 48.5 kilometers (30.1 miles) northwest at petitioner's requested site. The coordinates for Channel 280C1 at Arthur are 47–19–35 North Latitude and 97–26–15 West Longitude. Additionally, Channel 277C can be substituted at Hazelton with a site restriction of 51.6 kilometers (32.0 miles) west at the authorized allotment site. The coordinates for Channel 277C at Hazelton are 46–22–06 North Latitude and 100–55–49 West Longitude.

DATES: Effective August 2, 2004. A filing window for Channel 277C at Hazelton, North Dakota, will not be opened at this time. Instead, Channel 277C will be substituted for Channel 280C (FM197) at Hazelton on Auction No. 37, rescheduled for November 3, 2004.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 03–208, adopted May 26, 2004, and released May 28, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20054.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. The Audio Division granted Station KVMI a license to specify operation on Channel 280C3 in lieu of Channel 280A at Arthur, North Dakota on May 21, 2003. *See* BLH–20030303ACH. The FM Table of Allotment does not reflect this change.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under North Dakota, is amended by removing Channel 280A and adding Channel 280C1 at Arthur; and by removing Channel 280C and adding Channel 277C at Hazelton.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–13993 Filed 6–21–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–1285, MB Docket No. 03–232, RM–10819]

Radio Broadcasting Services; Ahoskie, NC, Chase City, VA, Creedmoor, Gatesville, and Nashville, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division, at the request of Joyner Radio, Inc, licensee of Station WFXQ(FM), reallots Channel 260C3 from Chase City, Virginia to Creedmoor, North Carolina, as the community's first local aural transmission service, and modifies Station WFXQ(FM) license accordingly. Channel 260C3 can be allotted to Creedmoor in compliance with the Commission's minimum distance separation requirements provided there is a site restriction of 16.3 kilometers (10.1 miles) east of the community. The reference coordinates for Channel 260C3 at Creedmoor are 36–06–56 North Latitude and 78–30–22 West Longitude. This document also substitutes Channel 257A for Channel 259A at Nashville and modifies the license of Station WZAX(FM) accordingly; and reallots Channel 257A from Ahoskie to Gatesville, North Carolina and modifies the license of FM Station WQDK accordingly. Channel 257A can be allotted to Nashville at the current license site of Station WZAX(FM). The license coordinates for Channel 257A at Nashville are 35–57–01 North Latitude and 77–57–26 West Longitude. Channel 257A can be allotted to Gatesville in compliance with the Commission's minimum distance separation requirements provided there is a site restriction of 12.9 kilometers (8.0 miles) south of the community. The reference coordinates for Channel 257A at Gatesville, North Carolina are 36–17–02 North Latitude and 76–43–40 West Longitude.

DATES: Effective August 2, 2004.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC, 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order,* MB Docket No. 03–232 adopted May 19, 2004, and released May 21, 2004. The full text of this Commission decision is available for

inspection and copying during normal business hours in the Commission's Reference Center 445 Twelfth Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com*.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by removing Ahoskie, Channel 257A, by adding Creedmoor, Channel 260C3, by adding Gatesville, Channel 257A, by removing Channel 259A and by adding Channel 257A at Nashville.

■ 3. Section 73.202(b), the Table of FM Allotments under Virginia, is amended by removing Chase City, Channel 260C3.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–13992 Filed 6–21–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–1283; MB Docket No.04–42; RM–10850]

Radio Broadcasting Services; Bowling Green and Glasgow, KY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reallots Channel 236C0 from Glasgow, Kentucky to Bowling Green, Kentucky, and modifies the license for Station WGGC to specify operation Channel 236C0 at Bowling Green, Kentucky, in response to a petition filed by Heritage Communications, Inc. *See* 69 FR 12296, March 16, 2004. The license for Station WGGC was previously modified to specify operation on Channel 236C0 in lieu of Channel 236C at Glasgow, Kentucky. *See* BMLH–19990728KA. This change is not reflected in the FM Table of Allotments. Channel 236C0 can be reallotted to Bowling Green in compliance with the Commission's minimum distance separation requirements at petitioner's presently licensed site. The coordinates for Channel 236C0 at Bowling Green are 36–54–43 and 86–11–21.

DATES: Effective July 6, 2004.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MB Docket No. 04–42, adopted May 19, 2004, and released May 21, 2004. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC's Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by removing Channel 236C at Glasgow and by adding Channel 236C0 at Bowling Green.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–14116 Filed 6–21–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[FCC 04–118; MM Docket Nos. 96–7, 96–12, RM–8732, RM–8845, RM–8741; File No. BPH–960206IE]

Radio Broadcasting Services; Banks, Corvallis, Redmond, Sunriver, The Dalles, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule; application for review, denied.

SUMMARY: This document denies an Application for Review of a *Memorandum Opinion and Order*, 66 FR 9676 (February 9, 2001), filed jointly by Madgekal Broadcasting, Inc. and Jacor Licensee of Louisville, Inc., former and current licensee, respectively, of Station KFLY (FM), Corvallis, Oregon. That *Memorandum Opinion and Order* denied reconsideration of a *Report and Order* 63 FR 19663 (April 21, 1998) that denied a settlement agreement providing for a $950,000 payment, denied a one-step upgrade application for Station KFLY(FM) at Corvallis from Channel 268C2 to Channel 268C, and granted two petitions for rulemaking: one proposing the upgrade of Station KVMX(FM), Banks, Oregon, from Channel 298C2 to Channel 298C1, the substitution of Channel 269C2 for Channel 298C2 at Redmond, Oregon, and one proposing the allotment of Channel *268C3 at The Dalles. The document also revises the site for the allotment of Channel *268C3 at The Dalles to ensure that the community will receive city-grade coverage. The coordinates for that site are: 45–31–28 NL and 121–07–22 WL. The document also rejected two other arguments as untimely.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order* in MM Docket Nos. 96–7, and 96–12, adopted May 25, 2004 and released May 27, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room

CY–B402, Washington, DC, 20554, Customers may contact BCPI at their Web site: *http://www.bcpiweb.com* or call 1–800–378–3160.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 04–14118 Filed 6–21–04; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, and 178

[Docket No. RSPA–2003–13658 (HM–215E)]

RIN 2137–AD94

Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule; response to appeals and corrections.

SUMMARY: On July 31, 2003, RSPA published a final rule under Docket Number RSPA–2002–13658 (HM–215E) amending the Hazardous Materials Regulations (HMR) based on corresponding provisions of international standards. The revisions were made to facilitate the transportation of hazardous materials in international commerce. In response to appeals submitted by persons affected by the July 31, 2003 final rule, this final rule amends certain requirements. This final rule also corrects errors in the July 31, 2003 final rule.

DATES: Effective Date: June 22, 2004.

Delayed Compliance Date: October 1, 2004.

FOR FURTHER INFORMATION CONTACT: Joan McIntyre, Office of Hazardous Materials Standards, (202) 366–8553, or Shane Kelley, International Standards, (202) 366–0656, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Background

On July 31, 2003, the Research and Special Programs Administration (RSPA, we) published a final rule under Docket HM–215E (68 FR 44992) revising the HMR to maintain alignment with recent changes to corresponding provisions in international standards. Changes to the International Maritime Dangerous Goods Code (IMDG Code), the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations) necessitated amendments to domestic regulations to provide consistency and facilitate the transport of hazardous materials in international commerce. This final rule responds to five appeals and certain comments concerning amendments in the July 31, 2003 final rule. This rulemaking also corrects various errors made during the development of the rule and the printing process. Because the amendments adopted herein impose no new regulatory burden on any person, these amendments are being made effective without the usual 30-day delay following publication.

II. Discussion and Resolution of Appeals

Five organizations submitted appeals to the July 31, 2003 final rule. The appellants are the American Trucking Associations (ATA), Arch Chemicals, Inc., Argonne National Laboratory (Argonne), Geo Specialty Chemicals (GEO), and the Truckload Carriers Association (TCA).

• *"Hydrazine aqueous solution, UN2030," § 172.101, Hazardous Materials Table (HMT).*

In the July 31, 2003 final rule, we revised the HMT entry "Hydrazine, aqueous solution, *with more than 37% hydrazine, by mass,"* UN2030 by adding Packing Group I and III entries to the previously existing Packing Group II entry. In addition, the Packing Group II special provisions in Column (7) were revised. During the printing process, the bulk special provisions, with the exception of Special Provision 151, were inadvertently omitted in the HMT, in both the NPRM and the final rule. After publication of the final rule, the error was brought to our attention through an appeal submitted by Arch Chemicals. The appellant requested the addition of the following special provisions for "Hydrazine, aqueous solution, *with more than 37% hydrazine, by mass,"* UN2030: Packing Group I, B16, B53, T10, TP2, TP13; Packing Group II, B16, B53, IB2, T7, TP2, TP13; and Packing Group III, B16, B53, IB3, T4, TP1. We agree with the appellant, and these printing omissions are being corrected in this final rule.

Arch Chemicals also requested that we submit a position paper to the UN Transport of Dangerous Goods Sub-Committee requesting revision of the UN Recommendations to align the T Codes assigned to "Hydrazine, aqueous solution," UN2030 with the HMR T Codes. We submitted a position paper for consideration at the 24th session to amend the T codes as adopted in this final rule; however, a decision on the paper was deferred until the 25th session, which will be held in July 2004.

• *Packaging Type Indication on Shipping Papers, § 172.202.* In the July 31, 2003 final rule, we revised § 172.202(a)(6) by requiring the packaging type to be indicated on shipping papers by either the generic type (for example, "drum") or the specification number type (for example, "UN 1A1"). We received appeals from ATA and TCA requesting that we revise this amendment by requiring the generic packaging type to be mandatory for indication on shipping papers and for the specification number packaging type to be optionally included in parentheses following the generic packaging type. For example, "4 drums" or "4 drums (UN1A1)." The Dangerous Goods Advisory Council (DGAC) also submitted a comment supporting this requested revision.

The appellants state that the additional training that would be required to teach drivers to recognize specification number types would be costly and not practicable for the trucking industry and that the specification number types are not as easily recognizable as the generic type descriptions.

In developing the final rule, our intent was to provide flexibility by authorizing the use of either type of packaging description. We did not intend to impose additional burdens for training employees to recognize the specification numbers for the types of packagings. After reviewing this information, we agree with the appellants and conclude that the more easily recognizable generic type descriptions are also valuable to emergency responders who may not be familiar with packaging specification numbers. We are not, however, specifying that the specification number packaging type must be in parentheses following the generic description as requested by the appellants. To provide for flexibility and for persons who are currently including the specification number without the parentheses, we are providing for the specification number to be included in the description without imposing a format (for example, "12 drums," "12 1H1 drums," or "12 drums (1H1)." Based on the merits of the information brought to our attention

through the appeals, we are revising paragraph (a)(6) to require a generic packaging type on shipping papers and to allow the specification number packaging type to be included in the description.

• *Dicumyl Peroxide, §§ 172.102 and 173.225.*

We received an appeal from GEO requesting revisions to the Dicumyl peroxide, UN3110 entries in the § 172.102 Special Provision IB52 Table and the § 173.225 Organic Peroxide Table. In the Special Provision IB52 Table, the appellant requested that we add the previously authorized rigid plastic (31H1) and composite (31HA1) intermediate bulk containers (IBCs). The two types of IBCs were contained in Special Provision IB52, but were inadvertently omitted during the printing of the final rule. We are making the correction as requested.

In the § 173.225 Organic Peroxide Table, GEO questioned the accuracy of the Diluent B column entry, "≤48," and suggested that it belonged in the Diluent I column for inert solids. We agree and are correcting the error as requested.

• *Lithium Batteries and Cells, § 173.185.*

We received an appeal from Argonne requesting a revision to § 173.185 to clarify that, except for passenger-carrying aircraft, large batteries packaged in accordance with paragraph (k) in that section may be transported by all other modes of transportation, and that for transport by cargo aircraft, the packaging must be approved by the Associate Administrator. The appellant stated that the wording of the last sentence in paragraph (k) appears to limit the packaging provisions to use by cargo aircraft only and fails to provide for use by highway, rail or vessel. We agree that the sentence is incorrect and are editorially revising the paragraph as requested.

III. Corrections and Revisions

Part 171

Section 171.14. Paragraphs (d), (d)(1), and (d)(6) are revised as follows:

• Paragraphs (d) and (d)(1) are revised to reflect the publication of the amendments in this final rule.

• Paragraph (d)(6) is revised to clarify that it is the requirement in § 172.202(a)(6) specific to the number and type of packages on shipping papers that will become mandatory on October 1, 2007. In the July 31, 2003 final rule, we referred to the correct paragraph (a)(6), but used the wording "total quantity," which was in error.

Part 172

Section 172.101 Hazardous Materials Table (HMT). We are correcting entries in the HMT as follows:

• The entry "Air bag inflators, *or* Air bag modules, *or* Seat-belt pretensioners," UN3268 is revised by correcting the Column (7) Special Provision entry "166" to read "160," as discussed in the preamble in the July 31, 2003 final rule.

• The entry "N,N-Dimethylcyclo-hexylamine," UN2264 is corrected to read "N,N-Dimethylcyclohexylamine." The correction appears as a "Remove/Add" in this rulemaking.

• The entry "Ethylene," UN1962 is revised to correctly align Columns (7) through (10B).

• The entry "Hydrazine, aqueous solution, *with more than 37% hydrazine, by mass,*" UN2030 is corrected by adding the bulk special provisions for the three Packing Group entries. See the preamble discussion under "Discussion and Resolution of Appeals" in this final rule.

• For the Packing Group I entry for "Hydrocarbons, liquid, n.o.s," UN3295, Column (7) is corrected by adding Special Provision 144. During the printing process "144" was inadvertently omitted. Special Provision 144 was added to the entry in a final rule published April 18, 2003, under RSPA Docket No. 98–3554 (HM–213) (68 FR 19275).

• For the entry "Organophosphorus compound, toxic, flammable, n.o.s.," UN3279, Columns (9A) and (9B) are corrected to read "1 L" and "30 L," respectively. The typographical errors in the two quantity limitations occurred during the printing process.

• The entry "Self-reactive liquid type F," UN3229 is revised by correcting the Column (8B) non-bulk packaging authorization section number "114" to read "224."

• The entry "1,1,1-Trifluoroethane, compressed *or* Refrigerant gas, R143a," UN2035 is corrected by removing the word "compressed." The correction appears as a "Remove/Add" in this rulemaking. In the July 31, 2003 final rule (page 44995 of the **Federal Register**), we revised certain proper shipping names for compressed and liquefied gases that were incorporated into the Twelfth Edition of the UN Recommendations and during the process we overlooked "1,1,1-Trifluoroethane." For additional preamble discussion see § 173.115 (page 45004) of the July 31, 2003 **Federal Register**. Additionally, see § 171.14(d)(5) (page 44994) for continued use authorization for including the word "compressed" until October 1, 2007.

Section 172.102, Special Provisions 15, 132 and IB52. We are making corrections to Special Provisions 15 and 132, and to the Special Provision IB52 Table.

In the July 31, 2003 final rule, we revised Special Provision 15 for consistency with packagings authorized for limited quantity exceptions. The special provision is assigned to "Chemical kits," UN3316 and "First aid kits," UN3316. We also relocated the authorized packagings to § 173.161. After publication of the final rule, we received comments that the third and fourth sentences in the special provision conflict with the provisions in § 173.161. We agree that the sentences are in error and are removing them in this final rule.

In the July 31, 2003 final rule, we revised Special Provision 132 by adding the criteria for use of the special provision. In a subsequent minor editorial final rule (HM–189U) published on December 31, 2003, the special provision text in effect prior to the July 31, 2003 final rule was inadvertently added back into the regulatory text. We are correcting the error by reinstating the special provision as printed in the July 31, 2003 final rule.

For discussion regarding Special Provision IB52, see the preamble discussion on Dicumyl peroxide under "Discussion and Resolution of Appeals" in this final rule.

Section 172.202(a)(2). We revised paragraph (a)(2) in the July 31, 2003 final rule to require 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. The provision authorizing the hazard class names (for example, "oxidizer") to be entered following the numerical hazard class or following the basic description was removed. We received a comment from Wilbur-Ellis requesting that we reinstate the provision as an option. Wilbur-Ellis stated that the hazard class names are valuable from a safety perspective because they more easily identify the hazard of the material for certain emergency response personnel. We agree and, with the addition of new paragraph (a)(2)(iii) and minor reformatting of paragraph (a)(2), we are reinstating the provision into the HMR as an option for domestic transport.

Section 172.202(a)(6). See earlier preamble discussion on packaging type indication on shipping papers under "Discussion and Resolution of Appeals" in this final rule.

Part 173

Section 173.185. See earlier preamble discussion on lithium batteries and cells, under "Discussion and Resolution of Appeals" in this final rule.

Section 173.225. See earlier preamble discussion on Dicumyl peroxide under "Discussion and Resolution of Appeals" in this final rule.

Part 178

In the July 31, 2003 final rule, we revised paragraph (c)(1)(ii) to clarify the information that the packaging manufacturer and each subsequent distributor are required to provide to packaging users. After publication of the final rule, we received a comment from DGAC requesting the removal of references to §§ 173.24 and 173.27. DGAC stated that the revision imposes an unreasonable and impossible burden on packaging manufacturers by requiring them to ensure that the packaging meets the general requirements in §§ 173.24 and 173.27. DGAC stated that such requirements are the responsibility of the offeror as stated in §§ 173.24 and 173.27. Upon further consideration, we agree that the references to §§ 173.24 and 173.27 may impose an unintended and unwarranted burden on the packaging manufacturer and imply that responsibility for compliance with the requirements of these sections rests with the packaging manufacturer rather than the shipper. The requirements in §§ 173.24, 173.24a and 173.27 are the responsibility of the shipper. A package that meets the performance requirements of Part 178 does not necessarily meet the general requirements of Part 173. The shipper must undertake additional steps to ensure that a hazardous material packaging that is purchased from a packaging manufacturer meets all of the applicable requirements. Therefore, on our own initiative we are removing the phrase "and the general packaging requirements in §§ 173.24 and 173.27 of this subchapter" from the paragraph. To the extent that a packaging manufacturer represents a packaging as meeting a requirement of § 173.24, § 173.27, or any other provision of the HMR, it should be noted that under the provisions of § 171.2(c), the packaging manufacturer is held responsible for any misrepresentation.

Additionally, we are retaining the last sentence which makes reference to the pressure differential requirements in § 173.27. As discussed in the July 31, 2003 final rule, we agree that the shipper must determine that the package is suitable for the intended hazardous material to be transported; however, the requirement for the manufacturer to provide guidance to assist the shipper in ensuring that the packaging meets the relevant air transport pressure differential requirement is not beyond the capability of the packaging manufacturer (see preamble discussion on page 45007 of the July 31, 2003 final rule).

V. Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and was not reviewed by the Office of Management and Budget. This final rule is a non-significant rule under the Regulatory Policies and Procedures of the Department of Transportation [44 FR 11034]. The revisions adopted in this final rule do not alter the cost-benefit analysis and conclusions contained in the Regulatory Evaluation prepared for the July 31, 2003 final rule. The Regulatory Evaluation is available for review in the public docket for this rulemaking.

B. Executive Order 13132

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism"). This rulemaking preempts State, local and Indian tribe requirements but does not propose any regulation that has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

The Federal hazardous material transportation law, 49 U.S.C. 5101–5127, contains an express preemption provision (49 U.S.C. 5125(b)) that preempts State, local, and Indian tribe requirements on certain covered subjects. Covered subjects are:

(1) The designation, description, and classification of hazardous materials;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(3) The preparation, execution, and use of shipping documents related to hazardous materials and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous; or

(5) The design, manufacture, fabrication, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

This final rule addresses covered subject items (1), (2), and (3) above and would preempt State, local, and Indian tribe requirements not meeting the "substantively the same" standard. Federal hazardous materials transportation law provides at section 5125(b)(2) that, if DOT issues a regulation concerning any of the covered subjects, DOT must determine and publish in the **Federal Register** the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of this final rule and not later than two years after the date of issuance. The effective date of Federal preemption is September 20, 2004.

C. Executive Order 13175

This final rule was analyzed in accordance with the principles and criteria contained in Executive Order 13175 ("Consultation and Coordination with Indian Tribal Governments"). Because this final rule does not have tribal implications, does not impose substantial direct compliance costs, and is required by statute, the funding and consultation requirements of Executive Order 13175 do not apply.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to review regulations to assess their impact on small entities, unless the agency determines that a rule is not expected to have a significant impact on a substantial number of small entities. This final rule applies to offerors and carriers of hazardous materials, some of whom are small entities, such as chemical users and suppliers, packaging manufacturers, distributors, and battery manufacturers. Based on comments and appeals to the July 31, 2003 final rule that we received from industry and associations representing large and small entities, this final rule revises certain requirements in the HMR to correct or clarify provisions, and is generally intended to provide relief to shippers, carriers and packaging manufacturers, including small entities. Therefore, I certify that these amendments will not have a significant economic impact on a substantial number of small entities.

Need for the final rule. This final rule addresses appeals to a final rule published July 31, 2003, which harmonized certain requirements in the HMR with recently adopted

international transportation standards. RPSA's rulemaking procedures permit affected persons to appeal agency final rules if compliance with the final rule is not practical, reasonable, or in the public interest. 49 CFR 106.115.

Description of Actions. In this final rule, we are correcting a number of the provisions adopted in the July 31, 2003 final rule. The corrections are necessary to address inadvertent errors and omissions and printing mistakes and to clarify certain of the provisions adopted in the July 31, 2003 final rule. Further, we are permitting shippers additional flexibility in preparing shipping papers by reinstating a provision that permits inclusion of hazard class names following the basic shipping description. As well, we are revising the provision for inclusion of package type on a shipping paper to permit use of generic names for package types while permitting inclusion of the packaging specification as an option. Finally, we are clarifying that responsibility for compliance with the general packaging requirements in §§ 173.24 and 173.37 rests with the shipper, not the packaging manufacturer.

Identification of potentially affected small entities. Businesses likely to be affected by the final rule are persons who offer for transportation or transport hazardous materials in commerce, including hazardous materials manufacturers and distributors; transportation companies, including air, highway, rail, and vessel carriers; hazardous waste generators; and container and packaging manufacturers.

Unless alternative definitions have been established by the agency in consultation with the Small Business Administration (SBA), the definition of "small business" has the same meaning as under the Small Business Act. Since no such special definition has been established, we employ the thresholds published by SBA for establishments that will be subject to this final rule. Based on data for 1997 compiled by the U.S. Census Bureau, it appears that upwards of 95 percent of persons affected by this final rule are small businesses. These entities would incur no increased costs to comply with the provisions of this final rule. Rather, the final rule permits these entities additional flexibility to comply with its requirements.

Reporting and recordkeeping requirements. This final rule includes no new requirements for reporting or recordkeeping.

Related Federal rules and regulations. There are no related Federal rules or regulations governing the transportation of hazardous materials in domestic or international commerce.

Alternate proposals for small businesses. The Regulatory Flexibility Act directs agencies to establish exceptions and differing compliance standards for small businesses, where it is possible to do so and still meet the objectives of applicable regulatory statutes. In the case of hazardous materials transportation, it is not possible to establish exceptions or differing standards and still accomplish our safety objectives.

This final rule was developed under the assumption that small businesses make up the overwhelming majority of entities that will be subject to its provisions. Thus, the final rule provides additional flexibility for compliance with its provisions, including alternatives for compliance and extended compliance periods.

Conclusion. We conclude that while this final rule applies to a substantial number of small entities, there will not be a significant economic impact on those small entities. There are no new compliance costs associated with the proposals in this final rule.

This final rule has been developed in accordance with Executive Order 13272 ("Proper Consideration of Small Entities in Agency Rulemaking") and DOT's procedures and policies to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts of draft rules on small entities are properly considered.

E. Paperwork Reduction Act

This final rule does not impose new information collection requirements.

F. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

G. Unfunded Mandates Reform Act

This final rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $120.7 million or more to either State, local or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

H. Environmental Assessment

The National Environmental Policy Act of 1969 (NEPA) requires Federal agencies to consider the consequences of major Federal actions and prepare a detailed statement on actions significantly affecting the quality of the human environment. The environmental assessment prepared for the July 31, 2003 final rule can be found in the public docket for this rulemaking. The revisions adopted in this final rule do not alter the conclusions contained in the environmental assessment. There are no significant environmental impacts associated with this final rule.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

■ In consideration of the foregoing, amend 49 CFR Chapter I as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

■ 1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

■ 2. In § 171.14, paragraphs (d) introductory text, (d)(1) and (d)(6) are revised to read as follows:

§ 171.14 Transitional provisions for implementing certain requirements.

* * * * *

(d) A final rule published in the **Federal Register** on July 31, 2003, effective October 1, 2003, as amended in a final rule published in the **Federal Register** on June 22, 2004, effective June 22, 2004, resulted in revisions to this subchapter. During the transition period, until October 1, 2004, as provided in paragraph (d)(1) of this

section, a person may elect to comply with the applicable requirements of this subchapter in effect on September 30, 2003.

(1) *Transition dates.* The effective date of the final rule published on July 31, 2003 is October 1, 2003 and the effective date of the final rule published on June 22, 2004 is June 22, 2004. Delayed compliance is authorized until October 1, 2004. Unless otherwise specified, on October 1, 2004, all applicable regulatory requirements adopted in these final rules must be met.

* * * * *

(6) Section 172.202(a)(6) requires the number and types of packages to be indicated on shipping papers. Until October 1, 2007, a person may elect to comply with the requirements for the number and type of packages in effect on September 30, 2003.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

■ 3. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

■ 4. In § 172.101, the Hazardous Materials Table is amended by removing, adding and revising, in the appropriate alphabetical sequence, the following entries to read as follows:

§ 172.101—HAZARDOUS MATERIALS TABLE

Symbols	Hazardous materials and proper shipping names	Hazard class or division	Identification numbers	PG	Label codes	Special provisions	(8) Packaging (§ 173.* * *)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-Bulk	Bulk	Passenger aircraft/rail	Cargo air-craft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
[REMOVE:]													
	N,N-Dimethylcyclohexylamine.	8	UN2264	II	8,3	B2, IB2, T7, TP2.	154	202	243	1L	30 L	A	40
	1,1,1-Trifluoroethane, compressed *or* Refrigerant gas, R143a.	2.1	UN2035		2.1	T50	306	304	314, 315	Forbidden	150 kg	B	40
[ADD:]													
	N,N-Dimethylcyclohexylamine.	8	UN2264	II	8,3	B2, IB2, T7, TP2.	154	202	243	1 L	30 L	A	40
	1,1,1-Trifluoroethane *or* Refrigerant gas, R143a.	2.1	UN2035		2.1	T50	306	304	314, 315	Forbidden	150 kg	B	40
[REVISE:]													
	Air bag inflators, *or* Air bag modules, *or* Seat-belt pretensioners.	9	UN3268	III	9	160	166	166	166	25 kg	100 kg	A	
	Ethylene	2.1	UN1962		2.1		306	304	302	Forbidden	150 kg	E	40
	Hydrazine aqueous solution *with more than 37% hydrazine, by mass.*	8	UN2030	I	8, 6.1	151, B16, B53, T10, TP2, TP13.	None	201	243	Forbidden	2.5 L	D	40
				II	8, 6.1	B16, B53, IB2, T7, TP2, TP13.	None	202	243	Forbidden	30 L	D	40
				III	8, 6.1	B16, B53, IB3, T4, TP1.	154	203	241	5 L	60 L	D	40
	Hydrocarbons, liquid, n.o.s.	3	UN3295	I	3	144, T11, TP1, TP8.	150	201	243	1 L	30 L	E	

§ 172.101—HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials and proper shipping names	Hazard class or division	Identification numbers	PG	Label codes	Special provisions	(8) Packaging (§ 173.* * *)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-Bulk	Bulk	Passenger aircraft/rail	Cargo air-craft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Organophosphorus compound, toxic, flammable, n.o.s.	6.1	UN3279	I	6.1, 3	5, T14, TP2, TP13, TP27.	None	201	243	1 L	30 L	B	40
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Self-reactive liquid type F.	4.1	UN3229	II	4.1	T23	None	224	None	10 L	25 L	D	61
	*	*	*	*	*	*	*	*	*	*	*	*	*

* * * * *

■ 5. In § 172.102:

■ a. In paragraph (c)(1), Special Provisions 15 and 132 are revised, and

■ b. In paragraph (c)(4), in Table 2, IBC Code IB52 is revised to read as follows:

§ 172.102 Special Provisions.

* * * * *

(c) * * *

(1) * * *

Code/Special Provisions

* * * * *

15 This entry applies to "Chemical kits" and "First aid kits" containing one or more compatible items of hazardous materials in boxes, cases, etc. that are used for medical, analytical, diagnostic or testing purposes. For transportation by aircraft, materials forbidden for transportation by passenger aircraft or cargo aircraft may not be included in the kits. Chemical kits and first aid kits are excepted from the specification packaging requirements of this subchapter when packaged in combination packagings. Chemical kits and first aid kits are also excepted from the labeling and placarding requirements of this subchapter, except when offered for transportation or transported by air. Chemical and first aid kits may be transported in accordance with the consumer commodity and ORM exceptions in § 173.156, provided they meet all required conditions. Kits that are carried on board transport vehicles for first aid or operating purposes are not subject to the requirements of this subchapter.

* * * * *

132 This entry may only be used for uniform, ammonium nitrate-base fertilizer mixtures, containing nitrogen, phosphate or potash, meeting the following criteria: (1) Contains not more than 70% ammonium nitrate; and (2) Contains not more than 0.4% total combustible, organic material calculated as carbon or with not more than 45% ammonium nitrate and unrestricted combustible material. Fertilizers within these composition limits are only subject to the requirements of this subchapter when transported by aircraft or vessel, and are not subject to the requirements of this subchapter if shown by a trough test, as specified in the UN Manual of Tests and Criteria, Part III, Sub-section 38.2 (IBR, see § 171.7 of this subchapter), not to be liable to self-sustaining decomposition.

* * * * *

(4) * * *

TABLE 2.—ORGANIC PEROXIDE IBC CODE (IB52)

UN no.	Organic peroxide	Type of IBC	Maximum quantity (liters)	Control temperature	Emergency temperature
*	*	*	*	*	*
REVISE:					
*	*	*	*	*	*
3110	Dicumyl peroxide, less than or equal to 100%.	31A 31H1 31HA1	2000		
*	*	*	*	*	*

* * * * *

■ 6. In § 172.202, paragraph (a)(2) is revised; paragraphs (a)(2)(i), (a)(2)(ii), and (a)(2)(iii) are added; and paragraph (a)(6) is revised to read as follows:

§ 172.202 Description of hazardous material on shipping papers.

(a) * * *

(2) The hazard class or division number prescribed for the material, as shown in Column (3) of the § 172.202 Table. Except for combustible liquids, the subsidiary hazard class(es) or subsidiary division number(s) must be entered in parentheses immediately following the primary hazard class or division number.

In addition—

(i) The words "Class" or "Division" may be included preceding the primary and subsidiary hazard class or division numbers.

(ii) The hazard class need not be included for the entry "Combustible liquid."

(iii) For domestic shipments, primary and subsidiary hazard class or division names may be entered following the numerical hazard class or division or following the basic description. For example, "Oxygen, compressed, 2.2 (non-flammable, non-poisonous compressed gas), 5.1 (oxidizer), UN1072," or "Oxygen, compressed, 2.2, 5.1, UN1072, (non-flammable, non-poisonous compressed gas) (oxidizer)";

* * * * *

(6) The number and type of packages must be indicated. The type of packages must be indicated by description of the package (for example, "12 drums"). Indication of the packaging specification number ("1H1") may be included in the description of the package (for example, "12 1H1 drums" or "12 drums (UN 1A1)." Abbreviations may be used for indicating packaging types (for example, "cyl." for "cylinder") provided the abbreviations are commonly accepted and recognizable.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 7. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701; 49 CFR 1.45, 1.53.

■ 8. In § 173.185, in paragraph (k), the last sentence is revised to read as follows:

§ 173.185 Lithium batteries and cells.

* * * * *

(k) * * * Batteries packaged in this manner are not permitted for transportation by passenger aircraft, and may be transported by cargo aircraft only if approved by the Associate Administrator prior to transportation.

■ 9. In § 173.225, in the Organic Peroxide Table, the entry "ADicumyl peroxide, UN3110" is revised to read as follows:

§ 173.225 Packaging requirements and other provisions for organic peroxides.

* * * * *

ORGANIC PEROXIDE TABLE

Technical name	ID number	Concentration (mass %)	Diluent (mass %)			Water mass %)	Packing method	Temperature (°C)		Notes
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
* * *	*	*	*		*		*		*	
[REVISE:]										
* * *	*	*	*		*		*		*	
Dicumyl peroxide	UN3110	>52–100			≤48		OP8, IBC, Bulk.			9, 11, 14
* * *	*	*	*		*		*		*	

* * * * *

PART 178—SPECIFICATIONS FOR PACKAGINGS

■ 10. The authority citation for Part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

■ 11. In "178.2, paragraph (c)(1)(ii) is revised to read as follows:

§ 178.2 Applicability and responsibility.

* * * * *

(c) * * *

(1) * * *

(ii) With information specifying the type(s) and dimensions of the closures, including gaskets and any other components needed to ensure that the packaging is capable of successfully passing the applicable performance tests. This information must include any procedures to be followed, including closure instructions for inner packagings and receptacles, to effectively assemble and close the packaging for the purpose of preventing leakage in transportation. For packagings sold or represented as being in conformance with the requirements of this subchapter applicable to transportation by aircraft, this information must include relevant guidance to ensure that the packaging, as prepared for transportation, will withstand the pressure differential requirements in "173.27 of this subchapter.

* * * * *

Issued in Washington, DC on June 3, 2004 under authority delegated in 49 CFR Part 1.

Samuel G. Bonasso,

Deputy Administrator, Research and Special Programs Administration.

[FR Doc. 04–12992 Filed 6–21–04; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 541, 542 and 543

[Docket No. NHTSA–2002–12231]

RIN 2127–A146

Federal Motor Vehicle Theft Prevention Standard; Correction

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Correcting amendments.

SUMMARY: On April 6, 2004, the National Highway Traffic Safety Administration (NHTSA) published a final rule extending anti-theft parts marking requirements pursuant to the Anti Car Theft Act of 1992 and subsequent finding by the Attorney General. The preamble and the regulatory text of the final rule contain several typographical errors and require an application clarification.

This document corrects the typographical errors and clarifies the application of the standard.

DATES: Effective on September 1, 2006.

FOR FURTHER INFORMATION CONTACT: Mr. George Feygin, Office of Chief Counsel (Telephone: 202–366–2992) (Fax: 202–366–3820), 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: On April 6, 2004, the National Highway Traffic Safety Administration (NHTSA) published a final rule extending anti-theft parts marking requirements pursuant to the Anti Car Theft Act of 1992 and subsequent finding by the Attorney General. The final rule extending parts marking requirements applies to all passenger cars; multipurpose passenger vehicles with a gross vehicle weight rating (GVWR) of 6,000 pounds or less; and certain light trucks with a GVWR of 6,000 pounds or less. A portion of the preamble and the regulatory text require additional text to clarify that the final rule applies to all passenger cars regardless of GVWR.

In addition, the final rule contained several typographical errors and outdated citations of authority. NHTSA is publishing this correcting amendment to remedy these errors.

This amendment to the final rule is effective September 1, 2006. Making this clarification and remedying these errors will not impose any additional substantive requirements or burdens on manufacturers. Therefore, NHTSA finds for good cause that notice and opportunity for comment on these amendments are not necessary.

■ In FR Doc. 04–7492 published on April 6, 2004 (69 FR 17960), make the following corrections:

■ 1. On page 17965, in the second column, second paragraph under subsection "3. Gross Vehicle Weight Rating," the second sentence is corrected as follows: "Therefore, NHTSA does not have the authority to apply this standard to multipurpose passenger vehicles with a GVWR greater than 6,000 pounds or to light duty trucks with a GVWR greater than 6,000 pounds."

PART 541—[CORRECTED]

■ 2. On page 17967, first column, the authority citation for part 541 is corrected as follows:

1. The authority citation for part 541 continues to read as follows:

Authority: 49 U.S.C. 322, 33101, 33102, 33103, 33104, 33105; delegation of authority at 49 CFR 1.50.

■ 3. On page 17967, first column, § 541.3(a) is corrected as follows:

§ 541.3 Application.

* * * * *

(a) Passenger motor vehicle parts identified in § 541.5(a) that are present:

(1)(i) In passenger cars; and

(ii) multipurpose passenger vehicles with a gross vehicle weight rating of 6,000 pounds or less; and

(2) In light duty trucks with a gross vehicle weight rating of 6,000 pounds or less, that NHTSA has finally determined pursuant to 49 CFR part 542, to be high theft based on the 1990/91 median theft rate and listed in appendix A of this part; and

(3) In light duty trucks with a gross vehicle weight rating of 6,000 pounds or less, that NHTSA has finally determined pursuant to 49 CFR part 542, to have a majority of major parts interchangeable with those of a passenger motor vehicle identified in § 541.3(a)(1) and (2) and listed in appendix B of this part.

* * * * *

Appendix C to Part 541—[Corrected]

■ 4. On page 17967, third column, the sentence under the subheading "Application" in appendix C to part 541 is corrected to read as follows: "These criteria apply to lines of passenger motor vehicles initially introduced into commerce on or after September 1, 2006."

■ 5. On page 17967, third column, the first sentence under the subheading "Methodology" in appendix C to part 541 is corrected to read as follows: "These criteria will be applied to each line initially introduced into commerce on or after September 1, 2006."

PART 542—[CORRECTED]

■ 6. On page 17967, third column, the authority citation for part 542 is corrected as follows:

1. The authority citation for part 542 continues to read as follows:

Authority: 49 U.S.C. 322, 33101, 33102, 33103, 33104, 33105; delegation of authority at 49 CFR 1.50.

■ 7. On page 17968, first column, § 542.1(b) is corrected to read as follows:

§ 542.1 Procedures for selecting new light duty truck lines that are likely to have high or low theft rates.

* * * * *

(b) Application. These procedures apply to each manufacturer that plans to introduce a new light duty truck line into commerce in the United States on or after September 1, 2006, and to each of those new lines.

* * * * *

PART 543—[CORRECTED]

■ 8. On page 17968, third column, the authority citation for part 543 is corrected as follows:

1. The authority citation for part 543 continues to read as follows:

Authority: 49 U.S.C. 322, 33101, 33102, 33103, 33104, 33105; delegation of authority at 49 CFR 1.50.

Issued: June 16, 2004.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 04–14073 Filed 6–21–04; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 030922237–4183–03; I.D. 082503D]

RIN 0648 AQ98

Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota (IFQ) Program; Community Purchase

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule: effectiveness of collection-of-information requirements.

SUMMARY: NMFS announces approval by the Office of Management and Budget (OMB) of collection-of-information requirements contained in regulations implementing Amendment 66 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). This action provides authority to implement certain reporting requirements necessary to implement the Individual Fishing Quota (IFQ) Community Purchase Program. The intent of this final rule is to inform the public of the effective date of the requirements.

DATES: Sections 679.5(l)(8), 679.41(d)(1), (l)(3), and (l)(4), published at 69 FR 23681 (April 30, 2004) are effective on July 22, 2004.

ADDRESSES: Any comments regarding burden-hour estimates for collection-of-information requirements contained in this final rule should be sent to Lori Durall, NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802, phone: (907)586 7247, e-mail: *lori.durall@noaa.gov*, and to David Rostker, OMB, e-mail: *DavidlRostker@omb.eop.gov*, or fax: (202)395 7285.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, NMFS, 907–586–7228 or e-mail at *patsy.bearden@noaa.gov*.

SUPPLEMENTARY INFORMATION: A final rule that implemented the measures contained in Amendment 66 was published in the **Federal Register** on April 30, 2004 (69 FR 23681), and most of the measures became effective June 1, 2004. On May 18, 2004, OMB approved the reporting requirements submitted under OMB control number 0648–0272 (IFQ Program) that are contained in the final rule implementing Amendment 66. This rule makes the following requirements effective: a Community Quota Entity (CQE) Annual Report (§ 679.5(l)(8)); Approval of Transfer from Governing Body (§ 679.41(l)(4)); Application to Become a Community Quota Entity (CQE) (§ 679.41(l)(3)); Application for Transfer of Quota Share (QS) to CQE (§ 679.41(l)(4)); and Community Petition to Form Governing Body (§ 679.41(l)(3)(v)(E)).

Classification

This final rule has been determined to be not significant for the purposes of Executive Order 12866.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid OMB control number.

This rule contains collection-of-information requirements subject to the PRA that have been approved by OMB under control number 0648–0272. The estimated time per response to submit a CQE annual report is 40 hours; Approval of Transfer from Governing Body is 30 minutes; Application to become a CQE is 200 hours; Application for Transfer of QS to CQE is 2 hours; and Community petition to form governing body is 10 hours.

The estimated response time includes the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these reporting burden estimates or any other aspect of the collection-of-information, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 16, 2004.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 04–14111 Filed 6–21–04; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 69, No. 119
Tuesday, June 22, 2004

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1464

RIN 0560–AH13

Tobacco Loan Program—Removal of Requirement That Producers of Burley and Flue Cured Tobacco Designate Sales Locations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation (CCC) proposes to rescind the price support eligibility provision that requires flue-cured tobacco farmers to designate the auction warehouse(s) where they will sell their tobacco and burley tobacco farmers to designate all locations where they will sell their tobacco, both auction warehouse(s) and the central buying points, known as receiving stations, for non-auction sales. Currently price support loans for producers of those kinds of tobacco are available for eligible tobacco only at designated auction warehouses.

DATES: Submit comments about this proposed rule on or before July 22, 2004, to be assured consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Interested persons are invited to submit comments on this proposed rule. Comments may be submitted by any of the following methods:

- E-mail: Send comments to *tob_comments@wdc.usda.gov.*
- Fax: Submit comments by facsimile transmission to (202) 720–9832.
- Mail: Send comments to Director, Tobacco Division (TD), Farm Service Agency, United States Department of Agriculture (USDA), STOP 0514, Room 5750–S, 1400 Independence Avenue, SW., Washington, DC 20250–0514.
- Hand Delivery or Courier: Deliver comments to the above address.
- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Comments may be inspected in the Office of the Director, TD, FSA, USDA, Room 5750–S, 1400 Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Visitors are encouraged to call ahead at (202) 720–7413 to facilitate entry into the building. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., eastern standard time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ann Wortham, (202) 720–2715 or *ann_wortham@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The tobacco quota and price support program is operated under provisions of the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended. Every three years, producers of burley and flue-cured tobacco vote in a referendum to determine whether or not an annual national marketing quota will be established for their kind of tobacco. An annual price support level is established for each kind of tobacco for which an annual marketing quota is established. Price support is available only on tobacco for which a national quota has been established. Current tobacco program regulations require that in order to receive a price support at an auction warehouse, producers who sell burley or flue-cured tobacco must specify ahead of time—designate—the warehouse(s) where they will sell their crop and how much they will sell at each location. AMS uses the designation records to help schedule personnel they need to conduct their tobacco-related activities at warehouses. The Farm Service Agency (FSA) processes producer designation requests and then provides the producer one or more marketing cards, each of which carries the code number of the warehouse(s) they have selected. Producers must present a properly coded marketing card when delivering their tobacco. Although most producers will sell their entire tobacco crop (or surrender it for a price support loan in the event there is not an adequate bid for the tobacco) at the auction warehouse that was their first choice, many decide later to sell some of their tobacco elsewhere. Current regulations outline the schedule by which such changes—redesignations—may be made.

Since 1998 individual farm quotas have been reduced 47% for burley and 58% for flue-cured. Until 3 years ago most of the burley and flue-cured tobacco produced in the U.S. was sold in auction warehouses. Now, 80 percent of the tobacco is sold at non-auction locations. The reduction in quotas and the corresponding decrease in warehouse sales have shortened the sale season for those warehouses that have managed to remain open. Keeping record of the movement of millions of pounds of tobacco as it is designated from one sale location to another is done on paper, by hand.

Auction locations provide daily sales information collected on paper and mailed to the FSA, where the data is manually keyed into a database. Some auction warehouses have not made the technological improvements that will electronically transmit daily sales data. Non-auction tobacco sales information, however, is transmitted electronically each sale day. This electronically transmitted sales data tells FSA within 24 hours not only how much of a farmer's tobacco was sold but where. Also, in the past AMS has used Agency designation information, and has worked with local trade boards and tobacco warehouse associations for scheduling tobacco activities in which they are involved.

A designation is not effective for at least two weeks. A farmer can request a redesignation only during one week each month and then must wait an additional two weeks before the change is effective. Producers who need to redesignate may end up waiting as much as 6 weeks before they can sell their tobacco. During this time marketing options and choices may be curtailed. Designation information is no longer generally necessary for the Agency for purposes of recording where tobacco moves in the marketplace. And the benefits of such designations in any event have not proven to be as significant as anticipated. Also, changed marketing circumstances no longer appear to justify designations for flue-cured tobacco, which preceded those for burley when there was a concern about undermarketings to local warehouses.

Many of those warehouses no longer exist and may have been replaced by other marketing opportunities. Further, as in the past, it is expected that sufficient information will be available to allow the proper assignment of inspectors or that appropriate changes can be made to address that problem without the formal designation system of the current provisions of 7 CFR part 723, which, moreover, apply only to burley and flue-cured tobacco. We thus propose to rescind the requirement that calls for burley and flue-cured tobacco farmers to designate where they will sell their tobacco.

Executive Order 12372

This proposed rule is not subject to the provisions of Executive Order 12372, which require consultation with State and local officials. *See* the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Executive Order 12866

This rule has been determined to be not significant for the purposes of Executive Order 12866 and therefore was not reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

The Regulatory Flexibility Act is not applicable to this proposed rule because USDA is not required by 5 U.S.C 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Unfunded Mandates

This rule contains no Federal mandates under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) for State, local and tribal governments or the private sector. Therefore, this rule is not subject to sections 202 and 205 of the UMRA.

Federal Assistance Programs

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance to which this rule applies, are: 10.051—Commodity Loans and Loan Deficiency Payments.

Environmental Evaluation

FSA has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, consistent with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), neither an Environmental Impact Statement nor an environmental assessment is required.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 5501 *et seq.*), the information collection or recordkeeping requirements covered in this proposed rule approved by the Office of Management and Budget (OMB) under OMB control numbers 0560–0058 and 0560–0217. Because this action will reduce the information collected, a reduction in the approved burden estimate will be made.

Accordingly, the Commodity Credit Corporation proposes to amend 7 CFR part 1464 as follows:

PART 1464—TOBACCO

1. The authority citation for 7 part CFR 1464 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1441, 1445, 1445–1 and 1445–2; 15 U.S.C. 714b, 714c.

§ 1464.2 [Amended]

2. Amend § 1464.2 by removing paragraph (b)(2) and redesignating paragraphs (b)(3), (b)(4) and (b)(5) as (b)(2), (b)(3) and (b)(4), respectively.

Signed in Washington, DC on June 10, 2004.

James R. Little,

Executive Vice-President, Commodity Credit Corporation.

[FR Doc. 04–14063 Filed 6–21–04; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1486

RIN 0551–AA62

Emerging Markets Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes to establish regulations applicable to the Emerging Markets Program (EMP). The regulations would provide details concerning program administration, including participant eligibility, application requirements, review and allocation process, reimbursement rules and procedures, financial reporting and project evaluation requirements, appeal procedures, and program controls.

DATES: Written comments must be received by July 22, 2004 to be assured of consideration.

ADDRESSES: Comments should be submitted to: Denise Huttenlocker, Director, Marketing Operations Staff, Foreign Agricultural Service, United States Department of Agriculture, 1400 Independence Avenue SW., Ag Box 1042, Room 4932–S, Washington, DC 20250–1042. Fax: (202) 720–9361; e-mail: *mosadmin@fas.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Douglas Freeman by phone at (202) 720–4327, by fax at (202) 720–9361, or by e-mail at *emo@fas.usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule is issued in conformance with Executive Order 12866. It has been determined significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget (OMB).

Executive Order 12988

This proposed rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. The rule would have preemptive effect with respect to any State or local laws, regulations or policies which conflict with such provisions or which otherwise impede their full implementation; would not have retroactive effect; and would require administrative proceedings before suit may be filed.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (see the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115).

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule because the Commodity Credit Corporation (CCC) is not required by any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this proposed rule.

The Unfunded Mandates Reform Act of 1995

This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 204 of the UMRA.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), CCC requests approval of a new

information collection in support of the Emerging Markets Program.

Title: Emerging Markets Program.

OMB Control Number: Not yet assigned.

Type of Request: Approval of an information collection.

Abstract: This information is needed to administer CCC's Emerging Markets Program. The information will be gathered from applicants seeking assistance under the program to determine the viability of requests for funds.

Information to be Collected:

A. For Proposals

—Date of proposal;
—Name of organization submitting proposal;
—Organization address, telephone and fax numbers, and tax ID and Dun & Bradstreet federal D–U–N–S numbers (for private sector applicants);
—Primary contact person;
—Full title of proposal;
—Target market(s);
—Current conditions in the target market(s) affecting the intended commodity or product;
—Description of problem(s), *i.e.*, constraint(s), to be addressed by the project—inadequate knowledge of the market, insufficient trade contacts, lack of awareness by foreign officials of U.S. products and business practices, impediments: infrastructure, financing, regulatory or other non-tariff barriers, etc.;
—Project objectives;
—Performance measures: benchmarks for quantifying progress in meeting the objectives;
—Rationale: explanation of the underlying reasons for the project proposal and its approach, including especially the anticipated benefits, and any additional pertinent analysis;
—Clear demonstration that successful implementation will benefit a particular industry as a whole, not just the applicant(s);
—Explanation as to what specifically could not be accomplished without federal funding assistance and why participating organization(s) are unlikely to carry out the project without such assistance;
—Specific description of activity/activities to be undertaken;
—Time line(s) for implementation of activity, including start and end dates;
—Information on whether similar activities are or have previously been funded with USDA sources in target country/countries (*e.g.*, under MAP and/or FMD programs);
—Detailed line item activity budget. Cost items should be allocated separately to each participating organization. Expense items constituting a proposed activity's overall budget (*e.g.*, salaries, travel expenses, consultant fees, administrative costs, etc.), with a line item cost for each, should be listed, clearly indicating (a) which items are to be covered by EMP funding; (b) which by the participating U.S. organization(s); and (c) which by third parties (if applicable). Cost items for individual consultant fees should show calculation of daily rate and number of days. Cost items for travel expenses should show number of trips, destinations, cost, and objective for each trip.

B. For Performance Reports

Quarterly progress reports must contain the following information:

—Benchmarks achieved, summary of activities accomplished, including commitments on the part of other organizations, U.S. and/or foreign, which may be participating in the project;
—Problems encountered in implementation, if any; and
—Activities projected for the following reporting period.

The final report must contain the following information:

—Introduction including an acknowledgement of the funding received from the Emerging Markets Program;
—Concise executive summary;
—Objectives of the project and description of the activities undertaken;
—Specific accomplishments, *e.g.*, research results, impact on markets and/or exports, results of training, seminars, etc. and successes, failures, and lessons learned.

Note: Successes are specific, measurable results that are a direct outcome of a project or activity, *e.g.*, increases in existing U.S. agricultural exports (amounts of trade, actual and/or projected sales in dollars or tonnage), entry of U.S. products into new markets, elimination of specific market constraints/barriers, adoption of U.S. regulations and standards, etc.

—Description of the difficulties encountered in implementing the project;
—Description of the cooperation received from participating parties (U.S. organizations, foreign governments, or other entities); principal persons and organizations involved in the project (U.S. and foreign); and
—Recommendations for follow up (if appropriate).

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 177 hours per year per respondent.

Respondents: U.S. government agencies, State and local government agencies, non-profit trade associations, universities, agricultural cooperatives, and private companies.

Estimated Number of Respondents: 130.

Estimated Number of Responses per Respondent: 13.

Estimated Total Annual Burden on Respondents: 42,430 hours.

Proposed topics for comments are: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; or (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology. Comments should be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget at *david_rostker@omb.eop.gov* and to: Director, Marketing Operations Staff, Foreign Agricultural Service, Room 4932–S, Stop 1042, U.S. Department of Agriculture, 1400 Independence Ave., SW., Washington, DC 20250–1042.

Copies of this information collection may be obtained from Kimberly Chisley, FAS' Information Collection Coordinator, at (202) 720–2568.

All responses to this notice will be summarized. All comments will also become a matter of public record.

Executive Order 12612

It has been determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on States or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

Government Paperwork Elimination Act

The Foreign Agricultural Service is committed to compliance with the Government Paperwork Elimination Act (GPEA), which requires Government

agencies, in general, to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. Accordingly, applications for participation in the Emerging Markets Program may be submitted online. Payment transactions will be handled both electronically and in paper form.

Background

The CCC will periodically announce that proposals may be submitted for participation in the EMP. The EMP provides funding for technical assistance activities that develop, maintain, or expand the export of U.S. agricultural commodities to overseas emerging markets, and which benefit primarily U.S. industry as a whole. The EMP is authorized by Section 1542(d) of the Food, Agriculture, Conservation, and Trade Act of 1990. The Act directs the Secretary to make available to emerging markets the expertise of the United States to "identify and carry out specific opportunities and projects," including potential reductions in trade barriers, "in order to develop, maintain, or expand markets for United States agricultural exports."

The EMP is administered by personnel of the Foreign Agricultural Service (FAS). FAS implements this provision by providing CCC funds for specific projects to various entities, including government agencies and U.S. private organizations, representing a wide range of agricultural commodities and products. Proposals from research organizations and consulting entities will be considered for funding assistance with evidence of substantial participation in and financial support by U.S. industry. This support would assure that the particular agricultural industry perceives a market development benefit from the funded activity. Individuals/consultants may not use program funds to conduct private business or to promote private self-interests.

Funds for private organizations are made available on the basis of a competitive application and review process. Approved projects and activities address generic market development and market access issues in emerging markets, focusing on such topics as:

—Technical assistance designed to improve food and rural business systems;
—Marketing and distribution of value-added products, including new products or uses;
—Studies of food distribution channels in emerging markets;
—Constraints to U.S. exports, including food safety/sanitary and phytosanitary issues and other non-tariff barriers;
—Collection and use of market information that benefit American exporters as well as the target country or countries; and
—Training in agriculture and agribusiness trade, including assessments, seminars, workshops, training, research studies, etc.

The definition of "emerging market" in 7 U.S.C. 5622(f) note, includes the requirement that the country has the potential to be a viable and significant market for U.S. agricultural commodities. Therefore, this proposed rule would provide that, in order to best reflect that requirement, an emerging market country or regional country grouping have a population greater than 1 million and a per capita income level below the level of upper-middle income countries as determined by the World Bank.

Under the EMP, CCC will enter into agreements with those organizations whose proposals have been approved. After implementation of an EMP project for which CCC has agreed to provide funding, Recipients may submit claims for reimbursement of the costs associated with completing the project, to the extent that CCC has agreed to pay such costs. A Recipient will be reimbursed after CCC reviews its claim and determines that the claim is complete. Reimbursement claims will be subject to verification by the FAS Compliance Review Staff (CRS). Advances may be authorized by CCC up to 40 percent of an approved project budget.

Significant Provisions

The proposed rule describes the current program and incorporates the majority of the guidelines and procedures currently in effect under the EMP. The proposed regulation would, among other things:

1. Describe procedures for establishing project agreements;
2. List eligible and ineligible contributions and the consequences of a Recipient failing to meet its required contribution level;
3. List reimbursable and non-reimbursable project expenditures;
4. Explain the procedures followed in the submission and payment of reimbursement claims;
5. Provide financial management guidelines for Recipients;
6. Identify the reports FAS requires of Recipients;
7. Explain FAS's position on program evaluations and the associated requirements of Recipients;
8. Detail the steps a Recipient should follow to appeal compliance findings;
9. List the standards of ethical conduct required of Recipients;
10. Describe contracting procedures to be used by Recipients; and
11. Outline the travel limitations placed on Recipients by FAS, including the Federal Travel Regulations and the Fly America Act.

List of Subjects in 7 CFR Part 1486

Agricultural commodities, Exports, Grant programs–agriculture, Technical assistance.

Accordingly, it is proposed that title 7 of the Code of Federal Regulations is amended by adding a new part 1486 to read as follows:

PART 1486—EMERGING MARKETS PROGRAM

Subpart A—General Information

Sec.

Subpart B—Eligibility, Applications, and Funding

Subpart C—Program Operations

Authority: 7 U.S.C. 5622 note.

Subpart A—General Information

§ 1486.100 What is the Emerging Markets Program?

(a) The principal purpose of the EMP is to assist U.S. entities, including public and private agricultural organizations, in developing, maintaining, or expanding the exports of U.S. agricultural commodities and products by providing partial funding for technical assistance activities that promote U.S. agricultural exports to emerging markets, consistent with U.S. foreign policy interests. Technical assistance may include activities such as feasibility studies, market research, sector assessments, orientation visits, specialized training, business workshops, and similar undertakings.

(b) The EMP is a generic program; its resources may be used to support exports of U.S. agricultural commodities and products only through generic activities. Projects that endorse or promote branded products are not eligible for the program.

(c) Only initiatives that support the export of U.S. agricultural commodities and products are eligible for assistance from the program. The program's resources may not be used to support the export of another country's products to the United States, or to promote the development of a foreign economy as a primary objective.

(d) The program is administered by personnel of USDA's Foreign Agricultural Service.

§ 1486.101 What special definitions apply to this program?

For purposes of this subpart, the following definitions apply:

Activities—components of a project which, when implemented collectively, are intended to achieve a specific market development objective.

Administrator—the Administrator of FAS, or designee.

Advisory Committee—a group of representatives from the private sector appointed by the Secretary of Agriculture whose primary mission is to review proposals requesting funding under the EMP and make recommendations on projects and programs that can enhance exports through the use of program funds.

Agreement—a written assistance agreement under this part 1486.

Agricultural Commodity—an agricultural commodity, food, feed, fiber, wood, livestock, or insect, and any product thereof; and fish harvested from a U.S. aquaculture farm or harvested by a vessel as defined in Title 46, United States Code, in waters that are not waters (including the territorial sea) of a foreign country.

Attache/Counselor—the Foreign Agricultural Service employee representing United States Department of Agriculture interests in the foreign country in which promotional activities are conducted.

CCC—Commodity Credit Corporation.

Compliance Review Staff—the office within the Foreign Agricultural Service responsible for performing reviews of Recipients to ensure compliance under this part.

Constraint—a condition in a particular country or region which inhibits the development, expansion, or maintenance of exports of a specific U.S. agricultural commodity or product.

Cost Share/Contribution—the amount of funding (cash and in-kind) U.S. organizations are willing to commit from their own resources in support of an approved project.

Deputy Administrator—the Deputy Administrator, Commodity and Marketing Programs, Foreign Agricultural Service, or designee.

Emerging Market—any country or regional grouping that is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; has the potential to provide a viable and significant market for United States agricultural commodities or products; a population greater than 1 million; and a per capita income level below the level for upper middle-income countries as determined by the World Bank.

EMP—Emerging Markets Program.

FAS—Foreign Agricultural Service.

Generic Promotion—an activity that does not involve the exclusive or predominant use of an individual company name or logo or brand name.

Project—an approach or undertaking made up of one or more activities which, taken together, are intended to achieve a specific market development objective.

Project Funds—the funds made available to a Recipient by the Commodity Credit Corporation under an agreement, and authorized for expenditure in accordance with this part.

Proposal—an application for funding.

Recipient—an organization receiving financial assistance directly from the Commodity Credit Corporation or Foreign Agricultural Service to carry out a project.

SRTG—State Regional Trade Group.

STRE—sales and trade relations expenses including meals, receptions, refreshments, checkroom fees, tips, and dining decorations.

UES—Unified Export Strategy.

USDA—United States Department of Agriculture.

§ 1486.102 Is there a list of eligible emerging market countries?

The World Bank periodically redefines the income limits on upper middle-income economies. Consequently, an absolute list of "emerging market" countries has not been established. However, CCC will provide general guidance on country eligibility in each program announcement.

§ 1486.103 Are regional projects possible under the program?

Projects that focus on regions, such as the Caribbean Basin, rather than individual countries, are eligible for consideration provided such projects target qualifying emerging markets in the specified region. In certain circumstances, the CCC may consider activities which target qualified emerging markets in a specific region, but are conducted in a non-emerging

market because of its importance as a central location and ease of access to that region.

Subpart B—Eligibility, Applications, and Funding

§ 1486.200 What entities are eligible to participate in the program?

To participate in the EMP, U.S. private or government entities must demonstrate a role or interest in the exports of U.S. agricultural commodities or products. Government organizations consist of federal, state, and local agencies. Private organizations include non-profit trade associations, universities, agricultural cooperatives, state regional trade groups, and profit-making entities and consulting businesses.

§ 1486.201 Under what conditions may research and consultant groups and individuals apply to the program?

(a) Proposals from research and consulting organizations will be considered for funding assistance only with evidence of substantial participation in and financial support by U.S. industry to a proposed project. Such support most credibly is provided in the form of actual monetary contributions to the cost of a project.

(b) Consulting individuals or organizations shall not use program funds to conduct private business or to promote private self-interests.

§ 1486.202 Are there any ineligible organizations?

Foreign organizations, whether government or private, may participate as third parties in activities carried out by U.S. organizations, but are not eligible for funding assistance from the program.

§ 1486.203 Which commodities/products are eligible for consideration under the program?

All U.S. agricultural commodities/products except tobacco are eligible for consideration. Agricultural product(s) should be comprised of at least 50 percent U.S. origin content by weight, exclusive of added water, to be eligible for funding.

§ 1486.204 Are multi-year or multi-country proposals eligible for funding?

Proposals for projects exceeding 1 year in duration may be considered. If approved, funding for multi-year projects is normally provided 1 year at a time, with commitments beyond the first year subject to interim evaluations intended to assess the progress of the project toward meeting its intended objectives. Projects which seek support for multiple commodities are also eligible.

§ 1486.205 What types of funding are available under the program?

CCC has established three pools of funding within the EMP "the Central Fund, the Quick Response Marketing Fund, and the Technical Issues Resolution Fund. Each year CCC will inform the public of the process by which interested eligible organizations may submit proposals for funding under the Central Fund. Because of the time sensitive nature of issues intended to be addressed, the Quick Response Marketing Fund and the Technical Issues Resolution Fund will be available with no application deadline.

§ 1486.206 What is the Quick Response Marketing Fund?

(a) This fund is established to address priority constraints to market access that arise because of unforeseen events; market conditions in emerging markets are often less predictable than in more developed countries. It allows responsiveness to time-sensitive marketing problems or opportunities, such as a change in an import regime or the removal of a trade embargo; an unexpected or unusual change in the political or financial situation in a country; or a significant change in crop conditions—any of which may have an immediate impact on the access of particular commodities or products to specific markets. Timing concerns in and of themselves do not justify use of these funds.

(b) Proposals for the Quick Response Marketing Fund must identify specific market access issues that also face time constraints. Application content, evaluation, and reporting requirements are the same as for the Central Fund.

§ 1486.207 What is the Technical Issues Resolution Fund?

(a) This fund was established to address technical barriers to trade in emerging markets worldwide by providing technical assistance, training, and exchange of expertise. These include plant quarantine, animal health, food safety, and other technical barriers to U.S. exports based on unsound or incomplete scientific information.

(b) Funding priorities are principally those issues that are time sensitive and are strategic areas of longer term interest. Funding decisions are determined primarily through a review process that includes FAS and relevant regulatory agencies. The review is based upon the following criteria:

(1) The activity occurs in an eligible country or region of market priority;

(2) The trade constraint warrants intervention;

(3) The proposed activity is likely to achieve an impact in the short- or long-term;

(4) The Recipient is qualified to undertake the proposed activity;

(5) The budget requested is reasonable and includes leveraged resources;

(6) If applicable, a U.S. domestic constraint or trade issue can be resolved in support of a proposed activity; and

(7) The activity has support from USDA field offices.

(c) Because of the time sensitive nature of the issues intended to be addressed by these funds, proposals, whether private or government, may be submitted at any time during the year. Reviews of proposals are scheduled on a monthly basis. An expedited review may be requested but must be justified.

(d) Application content, evaluation, and reporting requirements are the same as for the Central Fund.

§ 1486.208 How does an organization apply to the program?

General. CCC will periodically announce that it is accepting proposals for participation in the EMP. All relevant information, including application deadlines (for the Central Fund) and proposal content, will be noted in the announcement, and proposals shall be submitted in accordance with the terms and requirements specified in the announcement. CCC may request any additional information it deems necessary from any applicant in order to properly evaluate any proposal.

§ 1486.209 How are program applications evaluated and approved?

(a) *General.* Proposals received by the application deadline stated in the announcement for the Central Fund undergo a multi-phase review by FAS staff and the EMP Advisory Committee to determine qualifications, quality and appropriateness of projects, and reasonableness of project budgets.

(b) *Evaluation criteria.* FAS will consider a number of factors when reviewing proposals, including:

(1) The ability of the organization to provide an experienced U.S.-based staff with knowledge and expertise to ensure adequate development, supervision, and execution of the proposed project;

(2) The organization's willingness to contribute resources, including cash and goods and services of the U.S. industry, with greater weight given to cash contributions (for private sector proposals only);

(3) The conditions or constraints affecting the level of U.S. exports and

market share for the agricultural commodity/product;

(4) The degree to which the proposed project is likely to contribute to the development, maintenance, or expansion of U.S. agricultural exports to emerging markets;

(5) Demonstration of how a proposed project will benefit a particular industry as a whole; and

(6) Past program results and evaluations, if applicable. Priority consideration will be given to the following types of technical assistance activities:

(i) Projects and activities which use technical assistance designed specifically to improve market access in emerging markets such as activities intended to mitigate the impact of sudden political events or economic and currency crises in order to maintain U.S. market share;

(ii) Marketing and distribution of value-added products, including new products or new uses. Examples include food service development, market research on potential for consumer-ready foods or new uses of a product, and export feasibility studies.

(iii) Studies of food distribution channels in emerging markets, including infrastructural impediments to U.S. exports; such studies may include cross-commodity activities which focus on problems which affect more than one industry, *e.g.*, grain storage handling and inventory systems development;

(iv) Projects that specifically address various constraints to U.S. exports, including sanitary and phytosanitary issues and other non-tariff barriers;

(v) Assessments and follow-up activities designed to improve country-wide food and business systems, to reduce trade barriers, to increase prospects for U.S. trade and investment in emerging markets, or to determine the potential use for general export credit guarantees;

(vi) Projects that help foreign governments collect and use market information and develop free trade policies that benefit American exporters as well as the target country or countries; and

(vii) Short-term training in agriculture and agribusiness trade that will benefit U.S. exporters, including seminars and training at trade shows designed to expand the potential for U.S. agricultural exports by focusing on the trading system.

(c) *Approval decision.* CCC will approve those applications that it determines best satisfy the criteria and factors specified in paragraph (b) of this section. All decisions regarding the disposition of an application are final.

§ 1486.210 Are there any limits on the scope of proposals?

(a) CCC will not reimburse 100 percent of any project's cost. The program is intended to provide appropriate assistance to projects which also have a significant amount of financial contributions from other sources, especially U.S. private industry.

(b) Funding for continuing and substantially similar projects is generally limited to 3 years. After that time, the project is assumed to have proven its viability and, if necessary, should be continued by the Recipient with its own or alternative sources of funding.

Subpart C—Program Operations

§ 1486.300 How are applicants notified of decisions on their applications?

FAS will notify each applicant in writing of the final decision on its application. For approvals, letters will contain the notice of approval and any required qualifications or adjustments to the original proposal. For rejections, letters will contain details explaining the reasons why the proposals were not approved for funding.

§ 1486.301 How is the working relationship established between CCC and the Recipient of project funding?

(a) FAS will notify all applicants in writing of the final disposition of its application. FAS will send an approval letter followed by a project agreement to each approved applicant. The approval letter and agreement will specify the terms and conditions applicable to the project, including the levels of EMP funding and cost-share contribution requirements. The applicant is authorized to begin implementation of the project as of the date of the approval letter.

(b) The agreement will specify the terms and conditions applicable to the project, including the levels of EMP funding and cost-share contribution requirements. An applicant who accepts the terms and conditions contained in the agreement should so indicate by having the appropriate authorizing official sign the agreement and submit it to the Director, Marketing Operations Staff, FAS, USDA. The agreement will become effective when the Recipient's authorizing official has signed on behalf of the organization and the Deputy Administrator has countersigned the agreement on behalf of CCC.

§ 1486.302 Can changes be made to a project once it has been approved?

(a) Approved projects may be modified if circumstances change in such a way that they would likely affect the progress and ultimate success of a project. All requests for project modifications must be made in writing to FAS and must include:

(1) A justification as to why changes to the project as originally designed are needed;

(2) An explanation of the necessary adjustments in approach or strategy;

(3) A description of necessary changes in the project's time line(s); and

(4) Necessary changes to the project's budget (*e.g.*, shifting of budgetary resources from one line item to another in order to accommodate the changes).

(b) Extensions of project time lines must be approved and made by FAS.

§ 1486.303 What specific contracting procedures must be adhered to?

(a) The Recipient has full and sole responsibility for the legal sufficiency of all contracts it may enter into with one or more third parties in order to carry out an approved project and shall assume financial liability for any costs or claims resulting from suits, challenges, or other disputes based on contracts entered into by the Recipient. Neither CCC nor any other agency of the United States Government or any official or employee of CCC or the United States Government has any obligation or responsibility with respect to Recipient contracts with third parties.

(b) Recipients are responsible for ensuring to the extent possible that the terms, conditions, and costs of contracts constitute the most economical and effective use of project funds.

(c) All fees for professional and consulting services paid to third parties in any part with project funds must be covered by written contracts.

(d) A Recipient shall:

(1) Ensure that all expenditures for goods and services in excess of $25 reimbursed by CCC are documented by a purchase order, invoice, or contract;

(2) Ensure that no employee or officer participates in the selection or award of a contract in which such employee or officer, or the employee's or officer's family or partners has a financial interest;

(3) Conduct all contracting in an open manner. Individuals who develop or draft specifications, requirements, statements of work, invitations for bids, or requests for proposals for procurement of any goods or services shall be excluded from competition for such procurement;

(4) Base each solicitation for professional or consulting services on a

clear and accurate description of the requirements for the services to be procured;

(5) Perform some form of fee, price, or cost analysis, such as a comparison of price quotations to market prices or other price indicia, to determine the reasonableness of the offered fees or prices; and

(6) Document the decision-making process.

Subpart D—Contributions and Reimbursements

§ 1486.400 What are the rules on cost sharing?

(a) The EMP is intended to complement, not supplant, the efforts of the U.S. private sector. Therefore, no private sector proposal will be considered without the element of cost-share from the participant and/or U.S. partners.

(b) There is no minimum or maximum amount of cost share. The degree of commitment to a proposed project represented by the amount and type of private funding are both used in determining which proposals will be approved for funding. The type of cost share is also not specified, though some contributions are ineligible (§ 1486.402). Cost-share may be actual cash invested or professional time of staff assigned to the project. Proposals in which private industry is willing to commit funds, rather than in-kind items such as staff resources, will be given priority consideration.

(c) Cost-sharing is not required for proposals from U.S. Government agencies, but is mandatory from all other eligible organizations, even when they may be party to a joint proposal with a U.S. Government agency.

(d) Contributions from USDA or other U.S. Government agencies or programs may not be counted toward the stated cost share requirement. Similarly, contributions from foreign (non-U.S.) organizations may not be counted toward the cost share requirement, but may be counted in the total cost of the project.

(e) An activity that is initiated by FAS, and undertaken by an organization at the request of FAS, may be exempted from the contribution requirement. This determination is made at the discretion of FAS.

§ 1486.401 What cost share contributions are eligible?

(a) Eligible contributions are those cost items that:

(1) Have not been or will not be reimbursed by any source outside of the Recipient organization;

(2) Are made during the period covered by the project agreement;

(3) Are directly related to activities necessary to implement an approved project; and

(4) Are not proscribed under § 1486.402.

(b) Contributions must be included in a project's line item budget.

§ 1486.402 What are ineligible contributions?

(a) The following are not eligible as contributions:

(1) Normal operating expenses and other costs not directly related to the project;

(2) Any portion of salary or compensation of an individual who is the focus of a promotional activity;

(3) Depreciation, *e.g.*, office equipment;

(4) The cost of insuring articles owned by private individuals;

(5) The cost of product development or product modifications;

(6) Slotting fees or similar sales expenditures;

(7) Funds, services, capital goods, or personnel provided by any U.S. government agency;

(8) Capital investments made by a third party, such as permanent structures, real estate, and the purchase of office equipment and furniture;

(9) The value of any services generated by a third party which involve no expenditure by the Recipient or third party, *e.g.*, free publicity;

(10) The cost of developing any application/proposal for EMP funding;

(11) Costs included as contributions for any other federally-assisted project or program;

(12) Membership fees in clubs and social or professional organizations; and

(13) Any expenditure made prior to approval of an EMP-funded project.

(b) The Deputy Administrator shall determine, at his or her discretion, whether any cost not expressly listed in this section may be included as an eligible contribution.

§ 1486.403 What expenditures may CCC reimburse under the program?

(a) A Recipient may seek reimbursement for an expenditure if:

(1) The expenditure is reasonable and has been made in furtherance of an approved activity or project; and

(2) The Recipient has not been or will not be reimbursed for such expenditure by any other source.

(b) Subject to paragraph (a) of this section, CCC will reimburse, in whole or in part, the cost of:

(1) Salaries and benefits of the Recipient's existing personnel or any other participating organization that are assigned to EMP-funded projects; however, reimbursement is limited to:

(i) The actual daily rate paid by the Recipient for the employee's salary or the daily rate of a General Schedule U.S. Government employee, GS–15/Step 10 in effect during the calendar year in which the project or activity is approved for funding, whichever is less;

(ii) The actual assigned time of the employee to the project; and

(iii) For benefits, a maximum rate of 30 percent of the existing salary paid to each assigned employee. In addition, reimbursement for an employee's time spent on an EMP-funded project must be in lieu of compensation from the Recipient or any other participating organization.

(2) Consulting fees for professional services; however, reimbursement for consulting fees is limited to the daily rate of a General Schedule U.S. Government employee, GS–15/Step 10 in effect during the calendar year in which the project or activity is approved for funding. Reimbursement is authorized only for actual days worked. Benefits are not reimbursable.

(3) STRE, including breakfast, lunch, dinner, and refreshments when part of an approved overseas trade activity; miscellaneous courtesies such as checkroom fees, taxi fares, and tips; and representation expenses such as the costs of social events or receptions that are primarily attended by foreign officials, and which are held at foreign venues. STRE incurred in the United States is not authorized for reimbursement, but may be counted as a cost-share contribution to the project.

(4) Travel expenses, subject to the following:

(i) Air travel is limited to the full-fare economy class rate;

(ii) Per diem is limited to the allowable rate for each domestic or foreign locale (41 CFR Chapter 301);

(iii) All other expenses while in travel status must conform to U.S. Federal Travel Regulations (41 CFR Chapters 301 and 304); and

(iv) Air travel must comply with the Fly America Act, 49 U.S.C. App. 1517. Expenses in excess of the authorized per diem rates may be allowed in special or unusual circumstances (41 CFR part 301, subpart D), and must be approved in advance. The CCC will not reimburse any portion of air travel in excess of the full fare economy rate or when the participant fails to notify the Counselor/Attache in the destination country in advance of the travel unless the Deputy Administrator determines it was impractical to provide such notification.

(5) Direct administrative expenses other than those included in overhead costs.

(6) Indirect costs (overhead expenses) include those administrative expenses not identified elsewhere in a project's budget but which are necessary to the implementation and completion of the project. Such expenses may include the cost of rent, utilities, telephone and fax, postage, express couriers, photocopying, office supplies, etc., on a pro-rated basis. Any indirect cost not identified will not be eligible for reimbursement. Indirect costs for overhead and administrative expenses incurred by both private (excluding market development cooperators, state regional trade groups, and for-profit organizations) and government Recipients (excluding FAS) may be reimbursed up to a maximum of 10 percent of the portion of the project budget funded by the EMP. Indirect costs shall be calculated on the basis of project costs before adding the indirect charges. These expenses may be charged only for those items not covered elsewhere in the project budget, and must be specified. Overhead costs are not reimbursable for any project funded under the Technical Issues Resolution Fund or the Quick Response Marketing Fund.

(7) Rental costs for equipment necessary to carry out approved projects. Equipment rentals must be returned by the Recipient to the supplier in accordance with the lease agreements, but in no case later than 90 calendar days from the completion date of the project.

§ 1486.404 What expenditures are not eligible for program funding?

(a) CCC will not reimburse expenditures made prior to approval of a Recipient's proposal, unreasonable expenditures, or any cost of:

(1) Branded product promotions—in-store, restaurant, advertising, etc.; this includes labeling and supplementing normal company sales activities designed to increase awareness and stimulate sales of branded products;

(2) Administrative and operational expenses for trade shows;

(3) Advertising;

(4) Preparation and printing of magazines, brochures, flyers, posters, etc., except in connection with specific technical assistance activities such as training seminars;

(5) Design and development of Internet web sites;

(6) Purchase and depreciation of equipment, *e.g.* office equipment or other fixed assets;

(7) Subsidizing or otherwise providing funds for graduate programs at colleges and/or universities (salaries or fees for individual students who are directly assigned to specific project activities appropriate to their backgrounds may be covered on a pro-rated basis);

(8) Subsidizing normal, day-to-day operating costs of an organization;

(9) Honoraria for speakers;

(10) The costs of new product development;

(11) Costs of developing technical assistance proposals submitted to the program;

(12) Refundable deposits or advances;

(13) STRE expenses within the United States;

(14) Expenses, fines, settlements, or claims resulting from suits, challenges or disputes emanating from employment terms, conditions, contract provisions, and related formalities;

(15) Legal fees, including fees and costs associated with trade disputes;

(16) Real estate costs other than allowable costs for office space whose use is assigned specifically to a project funded by the EMP; and

(17) Any expenditure which has been or will be reimbursed by any other source.

(b)The Deputy Administrator may determine whether any cost not expressly listed in this section will be reimbursed.

§ 1486.405 How are Recipients reimbursed for project expenditures?

(a) After implementation of an EMP project for which CCC has agreed to provide funding, Recipients may submit claims for reimbursement of the expenses incurred to the extent CCC has agreed to pay for such costs. Reimbursement for approved project expenses is limited to 85 percent of the amount specified in the project agreement. The Recipient may be reimbursed for the remaining 15 percent of the funds after the final performance report containing the information required by the agreement is submitted to and approved by FAS.

(b) A format for reimbursement claims is available from the Marketing Operations Staff, FAS, USDA.

(c) Final reimbursement claims must be made no later than 90 days after the completion date of the project, and are subject to a complete final performance report acceptable to FAS.

(d) Any duplicate payment or overpayment made by CCC shall be returned by the Recipient promptly after discovery of the overpayment by the Recipient or within 30 days after notification by FAS, either by submitting a check made payable to the Commodity Credit Corporation and referencing the applicable project, or by offsetting as a credit on the next reimbursement claim. All checks shall be mailed to the Director, Marketing Operations Staff, FAS, USDA.

§ 1486.406 Will CCC make advance payments to Recipients?

(a) *Policy.* In general, CCC operates the EMP on a cost reimbursable basis.

(b) *Exception.* Upon request, CCC may make advance payments to a Recipient against an approved project budget. Up to 40 percent of the approved project budget may be provided as an advance, either at one time or in incremental payments. Advances should be limited to the minimum amounts needed and requested as close as is administratively feasible to the actual time of disbursement by the Recipient. Reimbursement claims will be used to offset advances. Recipients shall deposit and maintain advances in insured, interest-bearing accounts.

(c) *Refunds due CCC.* A Recipient shall expend all advances within 90 calendar days after the date of disbursement by CCC. A Recipient shall return all interest earned by advances plus any unexpended portion of the advance within 90 calendar days after the date of disbursement by CCC by submitting a check payable to CCC. All checks shall be mailed to the Director, Marketing Operations Staff, FAS, USDA.

Subpart E—Reporting, Evaluation, and Compliance

§ 1486.500 What are the reporting requirements of the program?

(a) *Performance reports.* (1) Recipients are required to submit regular progress reports in accordance with the project agreement. Quarterly progress reports are required for all projects with a duration of 6 months or longer. Projects of less than 6 months in duration generally require a mid-term report.

(2) Final performance reports must be submitted no later than 90 days after completion of the project, both electronically (preferably in PDF format) and in hard copy.

(3) Reporting requirements and formats for both quarterly progress reports and final performance reports are specified in the project agreement between CCC and the Recipient organization.

(4) All final performance reports will be made available to the public.

(b) *Financial reports.* Final financial reports must be submitted no later than 90 days after completion of the project. Such reports must provide a final

accounting of all project expenditures by cost category, and include the accounting of actual contributions made to the project by the Recipient and participating organization(s).

§ 1486.501 What is the rule on notifying field offices of international travel?

The Recipient must advise the Agricultural Counselor(s) or Attache(s) in the country or countries of any planned visits by the Recipient or its consultants or other participants to such country or countries under terms of its agreement. Failure to notify the Counselor/Attache may result in disallowance of the travel expenditures.

§ 1486.502 How is project effectiveness measured?

Project evaluations may be carried out by FAS at its option with or without Recipients. FAS may also seek outside expertise to conduct or participate in evaluations.

§ 1486.503 How is program compliance monitored?

(a) The CRS, FAS, performs periodic on-site reviews of Recipients to ensure compliance with this part, applicable federal regulations and the terms of the project agreements. Program funds spent inappropriately or on unapproved activities must be returned to CCC. The CRS will review contributions from Recipients for compliance with project budgets as approved and specified in the agreements.

(b) The Director, CRS, will notify a Recipient through a compliance report when it appears that CCC may be entitled to recover funds from that Recipient. The report will state the basis for this action.

§ 1486.504 How does a Recipient respond to a compliance report?

(a) A Recipient shall, within 60 days of the date of the compliance report, submit a written response to the Director, CRS. The Director, CRS, at his or her discretion, may extend the period for response up to an additional 30 days. If the Recipient does not respond to the compliance report within the required time period or, if after review of the Recipient's response, the Director, CRS, determines that CCC may be entitled to recover funds from the Recipient, the Director, CRS, will refer the compliance report to the Deputy Administrator.

(b) If after review of the compliance report and response, the Deputy Administrator determines that the Recipient owes money to CCC, the Deputy Administrator will so inform the Recipient. The Deputy Administrator may initiate action to collect such amount pursuant to 7 CFR part 1403, Debt Settlement Policies. Determinations of the Deputy Administrator will be in writing and in sufficient detail to inform the Recipient of the basis for the determination. The Recipient has 30 days from the date of the Deputy Administrator's determination to submit any money owed to CCC or to request reconsideration.

§ 1486.505 Can a Recipient appeal the determinations of the Deputy Administrator?

(a) A Recipient may appeal the determinations of the Deputy Administrator to the Administrator. An appeal must be in writing and be submitted to the Office of the Administrator within 30 days following the date of the determination by the Deputy Administrator. The Recipient may request a hearing.

(b) If the Recipient submits its appeal and requests a hearing, the Administrator, or the Administrator's designee, will set a date and time, generally within 60 days. The hearing will be an informal proceeding. A transcript will not ordinarily be prepared unless the Recipient bears the cost of the transcript; however, the Administrator may have a transcript prepared at FAS's expense.

(c) The Administrator will base the determination on appeal upon information contained in the administrative record and will endeavor to make a determination within 60 days after submission of the appeal, hearing, or receipt of any transcript, whichever is later. The determination of the Administrator will be the final determination of FAS. The Recipient must exhaust all administrative remedies contained in this section before pursuing judicial review of a determination by the Administrator.

§ 1486.506 When will a project be reviewed?

Any project or activity funded under the program is subject to review or audit at any time during the course of implementation or after the completion of the project.

§ 1486.507 What is the effect of failing to make required contributions?

A Recipient's contribution requirement is specified in the project agreement. If a Recipient fails to contribute the total specified in the agreement, the difference between the amount contributed and the total must be repaid to the CCC in U.S. dollars. If a Recipient is reimbursed by CCC for less than the amount of funds approved in the agreement, then the final cost share shall equal, on a percentage basis, the original ratio of private contributions to the authorized EMP funding level.

§ 1486.508 How long must Recipients maintain original project records?

Each Recipient shall maintain all original records and documents relating to the project for 3 calendar years following the end of the project's completion. All documents and records related to the project, including records pertaining to contractors, shall be made available upon request.

§ 1486.509 Are Recipients allowed to charge fees for specific activities in approved projects?

Reasonable activity fees or registration fees, if identified as such in a project budget, may be charged for projects approved for program funding. Income or refunds generated from an activity, however, for which the expenditures have been wholly or partially reimbursed, shall be repaid by submitting a check payable to CCC or offsetting the Recipient's reimbursement claim. Any activity fees charged must be used to offset activity expenses. Such fees may not be used as profit or counted as cost-share. The intent to charge a fee must be part of the original proposal, along with an explanation of how such fees are to be used.

§ 1486.510 What is the policy regarding disclosure of program information?

(a) Documents submitted to CCC by Recipients are subject to the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. 552, 7 CFR Part 1, Subpart A—Official Records, and specifically 7 CFR 1.11, Handling Information from a Private Business.

(b) Progress reports, final performance reports, and the results of any research or other activity conducted by a Recipient under an agreement, shall be the property of the U.S. Government.

§ 1486.511 What is the general policy regarding ethical conduct?

(a) The Recipient shall maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent and any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has

a financial or other interest in the firm selected for an award. The officers, employees, and agents of the Recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to sub-agreements. However, Recipients may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the Recipient.

(b) A Recipient shall conduct its business in accordance with the laws and regulations of the country in which an activity is carried out.

Dated: June 14, 2004.

A. Ellen Terpstra,

Administrator, Foreign Agricultural Service and Vice President, Commodity Credit Corporation.

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AC96

Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Minimum Blowout Prevention (BOP) System Requirements for Well-Workover Operations Performed Using Coiled Tubing With the Production Tree in Place

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would upgrade BOP and well control requirements for well-workover operations performed using coiled tubing with the production tree in place. Since 1997 there have been eight incidents on Outer Continental Shelf (OCS) facilities in the Gulf of Mexico OCS Region while coiled tubing operations were being conducted. The proposed rule would contribute to preventing losses of well control, and lead to increased OCS safety and environmental protection.

DATES: MMS will consider all comments received by August 23, 2004. MMS will begin reviewing comments then and may not fully consider comments received after August 23, 2004.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817; Attention: Rules Processing Team (RPT). If you wish to e-mail comments, the RPT's e-mail address is: *rules.comments@mms.gov*. Reference 1010–AC96 Coiled Tubing Safety Measures in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt. Materials submitted as part of comments will not be returned.

FOR FURTHER INFORMATION CONTACT: Joseph R. Levine, Engineering and Operations Division, at (703) 787–1033, FAX: (703) 787–1555, or e-mail at *joseph.levine@mms.gov*.

SUPPLEMENTARY INFORMATION:

Background

MMS is authorized to issue and enforce rules to promote safe operations, environmental protection, and resource conservation on the OCS by the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1331 *et seq*. Under this authority, MMS regulates all safety aspects of oil and gas drilling, production, and well-workover operations on the OCS.

A search of MMS's Technical Information Management System (TIMS) database shows that eight coiled tubing related incidents occurred on the OCS from 1997 through March 2003. One of these incidents resulted in a personal injury. Six coiled tubing incidents resulted in losses of well control. Two coiled tubing incidents resulted in fires that caused extensive damage to the facilities. No fatalities were reported to MMS as a result of these incidents.

Based on these eight coiled tubing incidents, MMS has determined that the regulations under 30 CFR 250 subpart F—Oil and Gas Well-Workover Operations, do not adequately address coiled tubing operations with the production tree in place. As such, MMS proposes to amend its rules. These incidents might have been prevented if the proposed rule had been in effect.

One example was the September 9, 1999, loss of well control and fire resulting from coiled tubing operations on Newfield Exploration Inc.'s Ship Shoal Block 354, (OCS–G 15312, Well A–2). An MMS investigation team published OCS Report MMS 2001–009: "Investigation of Blowout and Fire—Ship Shoal Block 354 OCS–G 15312 Well A–2 September 9, 1999," concerning this incident in January 2001. This report is available from the Gulf of Mexico OCS Regional Office, New Orleans, Louisiana at the following Web address: *http://www.gomr.mms.gov/homepg/offshore/safety/acc_repo/accindex.html*.

In the Newfield Exploration, Inc., Ship Shoal Block 354 incident, coiled tubing was being snubbed into Well A–2 when it encountered an unidentified obstruction. This obstruction caused it to stop abruptly at about 915 feet. Simultaneously, the coiled tubing buckled, split open between the stripper and the injector head, ultimately resulting in a loss of well control. The coiled tubing contractor closed the pipe and shear rams in the BOP unit, and spooled the coiled tubing string on to the reel. The buckled and parted section of the coiled tubing remained stuck between the stripper assembly and the injector head, preventing the blind rams from completely sealing the well. The contractor then attempted to close the bottom manual valve on the BOP riser assembly, the crown (swab) valve, the surface safety valve, the bottom master valve, and the subsurface safety valve. None of the valves fully closed because coiled tubing remained below the shear rams and across the valve assemblies, resulting in an uncontrolled flow. The operator activated the platform emergency shutdown system (ESD) and all personnel were evacuated. The well ignited on September 12, 1999, and burned intermittently until September 17, 1999. Newfield Exploration, Inc., succeeded in killing the well on September 20, 1999.

In OCS Report MMS 2001–009, the MMS investigation panel found that "The immediate cause of the accident, which led to the uncontrolled flow, was the parting of the coiled tubing above the stripper assembly and the subsequent inability to contain the wellbore fluids." The panel also found that a contributing cause of the accident was that back pressure valves (BPVs), also referred to as "check valves," were not installed in the coiled tubing string. BPVs allow the flow of fluids inside the coiled tubing only in the downhole direction, and close immediately if the flow direction reverses. In this example, when the fluid flow reversed its direction there were no BPVs installed to block the flow. BPVs may have prevented the flow of hydrocarbons from the well through the coiled tubing. The uncontrolled flow quickly eroded the coiled tubing string, the BOP stack, and the production tree, creating an unrestricted flow path to the atmosphere that subsequently allowed the well to ignite.

OCS Report MMS–2001–009 further found that Newfield Exploration, Inc., and the coiled tubing contractor had

inadequately provided for well control procedures prior to commencing the workover operations. The MMS panel noted that industry-recognized well control practices outlined in American Petroleum Institute (API) Recommended Practice 5C7 "Recommended Practice for Coiled Tubing Operations in Oil and Gas Well Services" (API RP 5C7, First Edition, December 1996) were not followed by Newfield Exploration, Inc. The report stated that:

"Specifically, the slip rams were not set, pipe rams were not manually locked, and the kill line was not installed. Although not currently referenced by the Code of Federal Regulations, the industry guidelines provide safe and prudent practices that should be followed."

As a result of this statement, MMS reviewed the API RP 5C7 standard for possible incorporation by reference into 30 CFR 250 subpart F—Oil and Gas Well-Workover Operations. The review found that Appendix C—Emergency Responses and Contingency Planning was adequate. However, the main body of the document did not reflect current coiled tubing technologies. Therefore, MMS decided not to incorporate this industry standard into the regulations.

MMS also reviewed the Department of Energy Coiled Tubing Guide for possible incorporation into MMS regulations. After completing its review, MMS concluded that this guide should not be incorporated into the regulations because it addressed only onshore coiled tubing procedures and did not include those used in the offshore oil and gas industry.

As a result of the eight incidents, and after consultations with MMS, API formed a Well Intervention/Well Control Task Group, which is in the process of developing a new industry standard for coiled tubing, hydraulic workover, and wireline operations. The group assisted MMS in understanding the technological aspects of coiled tubing operations and provided the agency with valuable information on this subject, which was used in preparing this proposed rule. MMS has a representative on the Task Group.

The Purpose of This Rule

This proposed rule would update subpart F—Oil and Gas Well-Workover Operations, BOP, and well control requirements for coiled tubing operations with the production tree in place. It would amend 30 CFR 250.601, 250.615(e), and 250.616(a), and add new §§ 250.616(d) and (e). The proposed changes include adding a new definition for expected surface pressures, adding more specific requirements for BOP system components, and updating BOP pressure testing procedures. Some of the key points of this proposal include the following:

- The use of a flow tee or cross, and one set of hydraulically-operated pipe rams placed directly below the flow tee or cross when returns are taken through an outlet on the BOP stack;
- The use of additional BOP equipment for expected surface pressures above 3,500 psi;
- The use of a dual check valve (also known as a back pressure valve or BPV) assembly attached to the coiled tubing connector at the downhole end of the coiled tubing string;
- The use of a kill line and a separate choke line, each equipped with two full-opening valves;
- A pressure test of the coiled tubing connector and dual check valves;
- The use of a hydraulic-actuating system with sufficient accumulator capacity to close-open-close each component in the BOP stack;
- A recording of pressure conditions during BOP tests on a pressure chart or with a digital recorder, unless otherwise approved by the District Manager;
- The ability to hold the required pressure on coil tubing BOP tests for 10 minutes;
- A certification of pressure charts as correct by the operator's representative at the facility;
- A submittal of a stump test plan for approval by the District Manager if such a test is conducted; and
- A definition for expected surface pressure to more clearly articulate what factors should be considered in designing and operating the coil tubing BOP system, and to make the coil tubing section of this subpart consistent with the other types of well-workover operations addressed in the regulations (tree removed).

Procedural Matters

Public Comment

MMS's practice is to make comments, including the names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which will be honored to the extent allowable by law. If you wish your name and/or address to be withheld, you must state this prominently at the beginning of your comment. However, MMS will not consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Regulatory Planning and Review (Executive Order 12866)

This is not a significant rule under Executive Order 12866 and does not require review by the Office of Management and Budget (OMB).

a. The proposed rule will not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The proposed rule will not create an adverse effect upon the ability of the United States offshore oil and gas industry to compete in the world marketplace, nor will the proposal adversely affect investment or employment factors locally. The economic effects of the rule will not be significant. This rule will not add significant dollar amounts to the cost of each well-workover operation involving the use of coiled tubing with the production tree in place. During February 2003, MMS surveyed, by phone, five of the eight coiled tubing operating companies working on the OCS to collect information on the impact this proposed rule would have on their operations. All data indicate that, since the September 9, 1999, Newfield Exploration, Inc., loss of well control incident, these offshore coiled tubing companies have upgraded their field procedures and equipment to the same or a similar process as required by proposed rule. None of the companies in this survey could provide dollar values for the implementation of this proposed rule because they incorporated most of the suggested measures into their work processes in 1999. Some of the coiled tubing operating companies contacted stated that they are already using dual check valves (BPVs) in the bottom of their coiled tubing string. According to these companies, this practice was put into place several years ago for OCS operations. For these reasons, the MMS survey conclusion was that direct annual costs to industry for the entire proposed rule cannot be assessed in dollar value and will have a minor economic effect on the offshore oil and gas industry.

b. This proposed rule will not create inconsistencies with other agencies' actions. The rule does not change the relationships of the OCS oil and gas leasing program with other agencies. These relationships are all encompassed

in agreements and memoranda of understanding that will not change with this proposed rule.

c. This proposed rule will not affect entitlements, grants, loan programs, or the rights and obligations of their recipients. The rule includes specific well-workover process standards to prevent accidents and environmental pollution on the OCS.

d. This rule will not raise novel legal or policy issues. There is a precedent for actions of this type under regulations dealing with the OCSLA and the Oil Pollution Act of 1990.

Regulatory Flexibility (RF) Act

MMS has determined that this proposed rule will not have a significant economic effect on a substantial number of small entities. While the rule will affect some small entities, the economic effects of the rule will not be significant.

The regulated community for this proposal consists of about eight companies specializing in offshore oil and gas coiled tubing technologies. Of these companies, three are considered to be "small." Of the small companies to be affected by the proposed rule, almost all are represented by the North American Industry Classification System (NAICS) code 211111 (crude petroleum and natural gas extraction). None of these small companies is represented primarily by NAICS codes 486110 (crude petroleum pipelines) and 486210 (natural gas transmission pipelines).

MMS's analysis of the economic impacts of this proposed rule indicates that direct implementation costs to both large and small companies cannot be accurately assessed because the industry has already implemented a majority of the technological requirements required in this proposed rule. The proposed rule will have a minor economic effect on some oil and gas offshore platform operators on the OCS, regardless of company size. This is because, in the overwhelming majority of cases, operators choose to perform improved and safer well-workover procedures involving coiled tubing operations on their own initiative, not because of an MMS safety inspection or regulation. The proposed rule would add relatively little to the cost of a well-workover operation. Thus, there would not be a significant impact on a substantial number of small entities under the RF Act (5 U.S.C. 601 *et seq.*). The proposed rule will not cause the business practices of any of these companies to change.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free (888) 734–3247.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This proposed rule is not a major rule under 5 U.S.C. 804(2), the SBREFA. The proposed rule would not increase significantly the cost of well-workovers. If there is an increase, it is not a large cost compared to the overall cost of a well-workover. Moreover, it may reduce significantly the possibility of a fatal or environmentally damaging accident during the course of a well-workover. Such an accident could be economically disastrous for a small entity. Based on economic analysis:

a. This rule does not have an annual effect on the economy of $100 million or more. As indicated in MMS's cost analysis, direct annual costs to industry for the entire proposed rule could not be assessed adequately. The proposed rule will have a minor economic effect on the offshore oil and gas industries.

b. This rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

c. This rule does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises.

Paperwork Reduction Act (PRA) of 1995

The proposed revisions to 30 CFR part 250, subpart F, Oil and Gas Well-Workover Operations, do not change the information collection requirements in current regulations.

OMB has approved the referenced information collection requirements under OMB control numbers 1010–0043 (expiration date August 31, 2004) for 30 CFR 250 subpart F and 1010–0045 (expiration date October 31, 2005) for Form MMS–124, Application for Permit to Modify. The revised sections in the proposed rule do not affect the currently approved burdens (19,205 approved hours for 1010–0043 and 16,963 for 1010–0045). Therefore, an information collection request (form OMB 83–I) has not been submitted to OMB for review and approval under section 3507(d) of the PRA.

Federalism (Executive Order 13132)

According to Executive Order 13132, the rule does not have significant Federalism effects. The proposed rule does not change the role or responsibilities of Federal, State, and local governmental entities. The rule does not relate to the structure and role of States and will not have direct, substantive, or significant effects on States.

Takings (Executive Order 12630)

DOI certifies that this rule does not represent a governmental action capable of interference with constitutionally protected property rights.

Civil Justice Reform (Executive Order 12988)

DOI has certified to OMB that this regulation meets the applicable civil justice reform standards provided in sections 3(a) and 3(b) (2) of Executive Order 12988.

Unfunded Mandates Reform Act (UMRA) of 1995

This rule does not contain any unfunded mandates to State, local, or tribal governments, nor would it impose significant regulatory costs on the private sector. Anticipated costs to the private sector will be far below the $100 million threshold for any year that was established by UMRA.

National Environmental Policy Act (NEPA) of 1969

MMS has analyzed this rule according to the criteria of NEPA and 516 Departmental Manual 6, Appendix 10.4C, "issuance and/or modification of regulations." MMS has reviewed the criteria of the Categorical Exclusion Review (CER) for this action during February 2003, and concluded: "The proposed rulemaking does not represent an exception to the established criteria for categorical exclusion, and its impacts are limited to administrative, economic, or technological effects. Therefore, preparation of an environmental document will not be required, and further documentation of this CER is not required."

Clarity of This Regulation

Executive Order 12866 requires each agency to write regulations that are easy to understand. MMS invites your comments on how to make this proposed rule easier to understand, including answers to questions such as the following:

(1) Are the requirements in the rule clearly stated?

(2) Does the rule contain technical language or jargon that interferes with its clarity?

(3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, *etc.*) aid or reduce its clarity?

(4) Is the description of the rule in the "Supplementary Information" section of this preamble helpful in understanding the rule? What else can be done to make the rule easier to understand?

Send a copy of any comments on how this rule could be made easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW., Washington, DC 20240. You may also e-mail the comments to this address: *Exsec@ios.doi.gov*

Consultation and Coordination With Indian Tribal Governments (Executive Order 13175)

In accordance with Executive Order 13175, this proposed rule does not have tribal implications that impose substantial direct compliance costs on Indian tribal governments.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Public lands-mineral resources, Public lands-rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: April 21, 2004.

Rebecca W. Watson,

Assistant Secretary—Land and Minerals Management.

For the reasons stated in the preamble, MMS proposes to amend 30 CFR Part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for Part 250 continues to read as follows:

Authority: 43 U.S.C. 1331, *et seq.*

2. In § 250.601, add the following definition for expected surface pressure in alphabetical order:

§ 250.601 Definitions.

* * * * *

Expected surface pressures means the highest pressure predicted to be exerted upon the surface of a well. In calculating expected surface pressures, you must consider reservoir pressure as well as applied surface pressures.

* * * * *

3. In § 250.615, revise paragraph (e) of the section to read as follows:

§ 250.615 Blowout prevention equipment.

* * * * *

(e) For coiled tubing operations with the production tree in place, you must meet the following minimum requirements for the BOP system:

(1) Surface BOP system components must be in the following order from the top down:

BOP system when expected surface pressures are less than 3,500 psi	BOP system when expected surface pressures are greater than 3,500 psi	BOP system for wells with returns taken through an outlet on the BOP stack
Stripper or annular-type well control component	Stripper or annular-type well control component.	Stripper or annular-type well control component.
Hydraulically operated blind rams	Hydraulically operated blind rams	Hydraulically operated blind rams.
Hydraulically operated shear rams	Hydraulically operated shear rams	Hydraulically operated shear rams.
Kill line outlet	Kill line outlet	Kill line outlet.
Hydraulically operated two-way slip rams	Hydraulically operated two-way slip rams	Hydraulically operated two-way slip rams.
Hydraulically operated pipe rams	Two sets of hydraulically operated pipe rams	Hydraulically operated pipe rams.
	Hydraulically operated blind-shear rams. These rams should be located as close to the tree as practical.	A flow tee or cross.
		Hydraulically operated pipe rams.
		Hydraulically operated blind-shear rams (on wells with surface pressures > 3,500 psi). These rams should be located as close to the tree as practical.

(2) You may use a set of hydraulically operated combination rams for the blind rams and shear rams.

(3) You may use a set of hydraulically operated combination rams for the hydraulic two-way slip rams and the hydraulically operated pipe rams.

(4) You must attach a dual check valve assembly to the coiled tubing connector at the downhole end of the coiled tubing string for all coiled tubing well-workover operations. If you plan to conduct operations without downhole check valves, you must describe alternate procedures and equipment in Form MMS–124, Application for Permit to Modify.

(5) You must have a kill line and a separate choke line. You must equip each line with two full-opening valves. One of the full-opening valves on each line must be a remotely controlled valve, and the other valve must be a manual valve. The valves must have a working pressure rating equal to or greater than the working pressure rating of the connection to which they are attached, and you must connect them to the well control stack. For operations with expected surface pressure of 3,500 psi or greater, the kill line must be connected to a pump. You must not use the kill line outlet on the BOP stack for taking fluid returns from the wellbore.

(6) You must have a hydraulic-actuating system that provides sufficient accumulator capacity to close-open-close each component in the BOP stack. This cycle must be completed with at least 200 psi above the pre-charge pressure without assistance from a charging system.

(7) All connections used in the surface BOP system must be flanged.

* * * * *

4. Amend §250.616 by:

A: Revising paragraph (a);

B: Redesignating paragraphs (d) and (e) as paragraphs (f) and (g); and

C. Revising redesignated paragraph (f); and

D. Adding new paragraphs (d) and (e).

The revised and added paragraphs read as follows:

§ 250.616 Blowout preventer system testing, records, and drills.

(a)(1) Before conducting high pressure tests, all BOP system components must be successfully tested to a low pressure between 200 and 300 psi.

If . . .	Then . . .
Initial pressure on the BOP system is < 300 psi * * *.	You may initiate the BOP test.
Initial pressure on the BOP system is > 300 psi but < 500 psi * * *.	You must bleed the pressure back to a value between 200 and 300 psi before you begin the test.
Initial pressure on the BOP system is > 500 psi * * *.	You must bleed the pressure to zero before you begin the test.

(2) Ram-type BOPs, related control equipment, including the choke and kill manifolds, and safety valves must be successfully tested to the rated working pressure of the BOP equipment or as otherwise approved by the District Manager. Variable bore rams must be pressure-tested against all sizes of drill pipe in the well excluding drill collars. Surface BOP systems must be pressure tested with water. The annular-type BOP must be successfully tested at 70 percent of its rated working pressure or as otherwise approved by the District Manager. Each valve in the choke and kill manifolds must be successfully, sequentially pressure tested to the ram-type BOP test pressure.

* * * * *

(d) You may conduct a stump test for the BOP system on location. A plan describing the stump test procedures must be included in your Form MMS–124, Application for Permit to Modify, and must be approved by the District Manager.

(e) You must test the coiled tubing connector to a low pressure of 200 to 300 psi, followed by a high pressure test to the rated working pressure of the connector or the expected surface pressure. There must be no leaks during the test. You must successfully pressure test the dual check valves to the rated working pressure of the connector, the rated working pressure of the dual check valve, expected surface pressure, or the collapse pressure of the coiled tubing, whichever is less.

(f) You must record test pressures during BOP tests on a pressure chart, or with a digital recorder, unless otherwise approved by the District Manager. The test interval for each BOP system component must be 5 minutes, except for coiled tubing, which must be for 10 minutes. Your representative at the facility must certify the charts as correct.

* * * * *

[FR Doc. 04–13943 Filed 6–21–04; 8:45 am]
BILLING CODE 4310–MR–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 36 and 54

[WC Docket No. 03–109; FCC 04–87]

Lifeline and Link-Up

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seeks comment on whether the inclusion of a broader income-based criterion in the federal default eligibility criteria would further increase Lifeline/Link-Up subscription rates. The actions the Commission takes will result in a more inclusive and robust Lifeline/Link-Up program, consistent with the statutory goals of maintaining affordability and access of low-income consumers to supported services, while ensuring that support is used for its intended purpose.

DATES: Comments are due on or before August 23, 2004. Reply comments are due on or before October 5, 2004.

ADDRESSES: All filings must be sent to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. See **SUPPLEMENTARY INFORMATION** for further filing instructions.

FOR FURTHER INFORMATION CONTACT: Shannon Lipp, Attorney, and Karen Franklin, Attorney, Wireline Competition Bureau, Telecommunications Access Policy, (202) 418–7400.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking in WC Docket No. 03–109, FCC 04–87, released on April 29, 2004. A companion Report and Order was also released in WC Docket No. 03–109, FCC 04–87 on April 29, 1004. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554.

I. Introduction

1. In this *Further Notice of Proposed Rulemaking*, we seek comment on whether the inclusion of a broader income-based criterion in the federal default eligibility criteria would further increase Lifeline/Link-Up subscription rates. The actions we take will result in a more inclusive and robust Lifeline/Link-Up program, consistent with the statutory goals of maintaining affordability and access of low-income consumers to supported services, while ensuring that support is used for its intended purpose.

II. Further Notice of Proposed Rulemaking

A. Income-based Criterion

2. We seek comment on whether the income-based criterion in the federal default eligibility criteria should be increased to 150% of the Federal Poverty Guidelines (FPG) to make phone service affordable to more low-income individuals and families. Although most commenters supported adding an income-based criterion, a number of those commenters supported a higher income-based standard than the interim measure that we adopt. Specifically, those commenters preferred that a consumer whose household income is at or below 150% of the FPG should be eligible for Lifeline/Link-Up support. Commenters argue that adding a higher FPG level would bring Lifeline/Link-Up support in line with Low Income Home Energy Assistance Program (LIHEAP), a current qualifying Lifeline/Link-Up program that uses an income-based standard of 150% as an eligibility criterion. Commenters also point out the inequity that currently exists between a hypothetical low-income consumer who does not participate in LIHEAP and therefore does not qualify for Lifeline, and another hypothetical low-income consumer with the same income who participates in LIHEAP and Lifeline. In particular, low-income consumers are not eligible for LIHEAP if they rent a house or apartment with utilities included, yet they may have essentially the same income as consumers who pay for utilities separately. It is possible that a non-trivial number of low-income consumers may fall into this category. Furthermore, adding a higher FPG level may also help to increase participation among low-income consumers who do not currently qualify for Lifeline/Link-Up because they are on waiting lists for Section 8 housing, are not eligible for Supplemental Security Income (SSI) because they are not elderly or disabled, have been cut off from Food Stamps because of work requirements, or do not qualify for Medicaid due to complex eligibility requirements. Adding a higher FPG level could also help respond to the decrease in participation rates prevalent in at least one current Lifeline/Link-Up qualifying program and one adopted in this Order, Food Stamps and Temporary Assistance for Needy Families (TANF), respectively.

3. Applying the same methodology used to analyze the 135% of the FPG

income-based criterion, our staff analysis estimates that broadening the income-based criterion to 150% of the FPG may only have a minimal impact on national telephone penetration rates, but could add many new Lifeline subscribers; potentially resulting in an additional $200 million increase in Lifeline expenditures over the levels predicted for implementation of a 135% standard. We seek comment on this analysis. Commenters should discuss the staff analysis contained in Appendix K (see full document), the advantages and disadvantages of a broader income-based standard and the potential burden to the fund. When considering their response, commenters should refer to Appendix F (see full document) for estimated income requirements for various sizes of households at or below 150% of the FPG.

B. Lifeline Advertising Requirements

4. Although we adopt the Joint Board's recommendation to issue outreach *guidelines,* rather than specific *requirements,* on further reflection, we think it would be beneficial to explore whether adoption of rules governing the advertisement of the Lifeline/Link-Up program would strengthen the operation of these programs. For instance, we seek comment on whether the Commission should require eligible telecommunication carriers (ETCs) to print and distribute posters, flyers, or other print media advertising Lifeline/Link-Up to State, Federal, or tribal public assistance agencies in their service areas. If a percentage of the population in a given area speaks a language other than English, should ETCs be required to distribute materials in that language? If so, what should the benchmark percentage be?

III. Procedural Matters

A. Regulatory Flexibility Analysis

5. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared the present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this *FNPRM.* Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *FNPRM.* The Commission will send a copy of the *FNPRM,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the *FNPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

B. Need for, and Objectives of, the Proposed Rules

6. The Commission is required by section 254 of the Act to promulgate rules to implement the universal service provisions of section 254. On May 8, 1997, the Commission released an *Order,* 62 FR 32862, June 17, 1997, that adopted rules that reformed its system of universal service support mechanisms so that universal service is preserved and advanced as markets move toward competition. Among other things, the Commission adopted a mechanism to provide discounted monthly telephone service and installation charges to low-income households. Over the last few years, important changes in the low-income community and the Joint Board's *Recommended Decision* prompt us to review the low-income universal service support mechanism.

7. In this *FNPRM,* we seek comment on whether the income-based criterion in the federal default eligibility criteria should be increased to 150% of the FPG to make phone service more affordable to more low-income individuals and families. Applying the same methodology used to analyze the 135% of the FPG income-based criterion, the Commission staff analysis estimates that broadening the income-based criterion to 150% of the FPG may only have a minimal impact on national telephone penetration rates, but could add many new Lifeline subscribers. Therefore, we seek comment on whether a broader income-based criterion should be added even when there could be only a minimal impact to the national telephone penetration rate.

C. Legal Basis

8. This *FNPRM* is adopted pursuant to sections 1, 4(i), (4j), 201–205, 251, 252, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), (j), 201–205, 251, 252, and 303.

D. Description and Estimate of the Number of Small Entities To Which Rules Will Apply

9. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act, unless the Commission has developed one or more definitions that are appropriate to its activities. Under the Small Business Act, a "small business concern" is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA).

10. We have described in detail, *supra,* in the FRFA, the categories of entities that may be directly affected by any rules or proposals adopted in our efforts to reform the universal service low-income support mechanism. For this IRFA, we hereby incorporate those entity descriptions by reference.

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

11. The *FNPRM* seeks comment on potential changes to the Federal default income-based eligibility criterion for the low-income support mechanism. This potential change will not impact reporting or recordkeeping requirements; however, it could impact the overall pool of eligible applicants.

F. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

12. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach impacting small business, which may include the following four alternatives (among others): (1) the establishment of differing compliance and reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or part thereof, for small entities.

13. In this *FNPRM,* we seek comment on whether the Commission should adopt a broader income-based criterion. If a broader income-based criterion is adopted, this could change the size of the overall pool of eligible applicants for universal service support for low-income subscribers.

G. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

14. None.

H. Filing Procedures

15. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, interested

parties may file comments are due on or before August 23, 2004. Reply comments are due on or before October 5, 2004. In order to facilitate review of comments and reply comments, parties should include the name of the filing party and the date of the filing on all pleadings. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

16. Comments filed through the ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/cgb/ecfs.* Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov,* and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Or you may obtain a copy of the ASCII Electronic Transmittal Form (FORM–ET) at *http://www.fcc.gov/e-file/email.html.*

17. Parties that choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at a new location in downtown Washington, DC. The address is 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location will be 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

18. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

If you are sending this type of document or using this delivery method . . .	It should be addressed for delivery to . . .
Hand-delivered or messenger-delivered paper filings for the Commission's Secretary.	236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002 (8 a.m. to 7 p.m.)
Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail).	9300 East Hampton Drive, Capitol Heights, MD 20743 (8 a.m. to 5:30 p.m.)
United States Postal Service first-class mail, Express Mail, and Priority Mail.	445 12th Street, SW., Washington, DC 20554.

19. Parties who choose to file by paper should also submit their comments on diskette. These diskettes, plus one paper copy, should be submitted to: Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications, at the filing window at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. Such a submission should be on a 3.5-inch diskette formatted in an IBM compatible format using Word or compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labeled with the commenter's name, proceeding (including the docket number, in this case WC Docket No. 03–109, type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase "Disk Copy—Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CYB402, Washington, DC 20554 (*see* alternative addresses for delivery by hand or messenger).

20. Regardless of whether parties choose to file electronically or by paper, parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., CY–B402, Washington, DC 20554 (*see* alternative addresses for delivery by hand or messenger) (telephone 800–378–3160) or via Web site *http://www.BCPIWEB.com.*

21. The full text of this document is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone (800) 378–3160, or via Web site *http://www.BCPIWEB.com.*

I. Further Information

22. Alternative formats (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418–7426 voice, (202) 418–7365 TTY, or *bmillin@fcc.gov.* This *FNPRM* can also be downloaded in Microsoft Word and ASCII formats at *http://www.fcc.gov/wcb/universal_service/lowincome.html.*

IV. Ordering Clauses

23. Pursuant to the authority contained in sections 1, 4(i), 201–205, 214, 254, and 403 of the Communications Act of 1934, as amended, this *Further Notice of Proposed Rulemaking* is adopted.

List of Subjects

47 CFR Part 36

Communications common carrier, Reporting and recordkeeping requirements, Telephone.

47 CFR Part 54

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 04–13997 Filed 6–21–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–1284; MB Docket No. 04–194; RM–10729]

Radio Broadcasting Services; Creede, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rulemaking filed by Jacor Broadcasting of Colorado, Inc. requesting the allotment of Channel 261C2 at Creede, Colorado. The coordinates for Channel 261C2 at Creede are 37–52–56 and 106–45–38. There is a site restriction 15 kilometers (9.3 miles) east of the community.

DATES: Comments must be filed on or before August 9, 2004, and reply comments on or before August 24, 2004.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Marissa G. Repp, Hogan & Hartson L.L.P., 555 Thirteenth Street, NW., Washington, DC 20004–1109.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04–194, adopted May 19, 2004, and released May 21, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 Twelfth Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, or via e-mail *qualexint@aol.com*.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by adding Creede, Channel 261C2.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–13995 Filed 6–21–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–1281; MB Docket No. 03–5; RM–10393]

Radio Broadcasting Services; Maplesville, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Alatron Corporation, Inc., proposing the allotment of Channel 292A at Maplesville, Alabama, as the community's first local aural transmission service. The coordinates for requested 292A at Maplesville are 32–41–06 NL and 86–53–30 WL. An engineering analysis has determined that Channel 292A can be allotted at Maplesville at a site 11.6 kilometers (7.2 miles) south of the community at petitioner's proposed site.

DATES: Comments must be filed on or before August 9, 2004, and reply comments on or before August 24, 2004.

ADDRESSES: Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve Petitioner as follows: Christopher W. Johnson Vice President, Alatron Corp., Inc., P.O. Box 83, Clanton, Alabama 35046.

FOR FURTHER INFORMATION CONTACT: Victoria McCauley, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 03–5, adopted May 19, 2004, and released May 21, 2004. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC's Reference Information Center at Portals II, 445 12th Street, SW., CY–A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com*.

The provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *See* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alabama, is amended by adding Maplesville, Channel 292A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–13994 Filed 6–21–04; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[DOT Docket No. NHTSA–01–9765]

RIN 2127–AE59

Federal Motor Vehicle Safety Standard; Radiator and Coolant Reservoir Caps, Venting of Motor Vehicle Coolant System

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Withdrawal of rulemaking.

SUMMARY: The purpose of this document is to announce the withdrawal of a rulemaking in which the agency had considered establishing a new Federal motor vehicle safety standard for radiator and coolant reservoir caps. After reviewing the available information and given the possible limited and uncertain safety benefits associated with the proposed requirement, the agency has decided to withdraw this rulemaking.

FOR FURTHER INFORMATION CONTACT: For non-legal issues: Mr. Kenneth O. Hardie, Office of Crash Avoidance Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, Telephone No. (202) 366–6987. His FAX number is (202) 493–2739. For legal issues: Ms. Dorothy Nakama, Office of Chief Counsel (202) 366–2992. Her FAX number is (202) 366–3820. You may send mail to both of these officials at National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Background

In April 1992, NHTSA received a petition for rulemaking submitted by Mr. John Giordano, recommending the establishment of a new safety standard that would require the use of thermal locking safety radiator caps. Mr. Giordano brought to our attention the RadLock thermal locking radiator cap. He contended that his suggested new safety standard would prevent the accidental scalding of persons who hastily open the cap of a hot motor vehicle radiator.

During operation, a motor vehicle engine becomes very hot. Motor vehicle engine cooling fluid (also known as coolant) can reach temperatures as high as 118 to 129 degrees Celsius (245 to 265 degrees Fahrenheit) and pressure levels as high as 110 to 117 kilopascals (kPa) (16 to 17 pounds of pressure per square inch). Under such high temperature and pressure conditions, a person's removal of a standard radiator cap will allow hot fluid and steam to rush out of the neck of the radiator. When the system is under pressure, especially high pressure, removing a radiator cap can cause it to "explode," *i.e.*, the cap can be forcibly ejected or dislodged from the neck of the radiator in some way. A person close to the radiator may be sprayed with the hot fluid or steam that is ejected, and be scalded, possibly severely.

In support of his petition, Mr. Giordano asserted that over 100,000 radiator cap scald incidents occur annually in the U.S. resulting in over 20,000 victims requiring treatment at hospital emergency rooms and burn care facilities each year. [DOT Docket NHTSA 2001–9765–07 and (June 1, 2001 66 FR 29749)]. Mr. Giordano submitted four medical journal articles, and a letter from the Burn Special Projects Coordinator at the Washington Hospital Center, DC. The most relevant and informative article was authored by Dr. C.G. Ward and Dr. J.S. Hammond of the University of Miami School of Medicine. The article stated that during a three-year period from January 1979 through December 1981, a total of 86 patients (an average of 29 a year) with radiator-associated injuries required hospital admission to the University of Miami/Jackson Memorial Burn Center. The article stated that twice that number of patients (an average of 58 per year) were treated, but not hospitalized, during that three-year period for radiator-associated injuries. The article suggested a considerable number of the involved vehicles were manufactured between 1970 and 1975.

Mr. Giordano also provided a May 20, 1992 letter from Mr. Mark S. Lewis, MS, RRT, Burn Special Projects Coordinator at the Washington Hospital Center Burn Center, in Washington, DC. Mr. Lewis provided information that approximately 10 percent of scald injuries in the District of Columbia can be attributed to removing radiator caps.

None of the articles included extrapolation of these data to national estimates of the number of injuries associated with radiator cap removal. No similar attempt to extrapolate the data was made by the petitioner.

In order to obtain information to assess the validity of the assertions in Mr. Giordano's petition, we published a "Request for Comments" document in the **Federal Register**, requesting comments on the necessity and feasibility of rulemaking to prevent scald injuries by requiring thermal locking radiator caps or other devices on motor vehicles with water-cooled engines. (June 10, 1993; 58 FR 32504.) NHTSA received 18 comments. The data in the public comments did not provide useful information on the total annual number of radiator cap-related scald incidents. In 1993, we changed the status of action on this petition from the "rulemaking phase" to the "research phase."

To gather more information on the extent of scalds resulting from radiator cap incidents, NHTSA entered into an interagency agreement with the Consumer Product Safety Commission (CPSC) in July 1993 to collect radiator cap-related injury data by using the CPSC's National Electronic Injury Surveillance System (NEISS). The NEISS data are collected from a sample of 91 hospitals of the 6,127 hospitals in the United States and its territories with at least six beds that provide emergency care on a 24-hour/day basis. These data are used to estimate the number of persons non-fatally injured and treated in hospital emergency rooms nationwide.

Injury data were collected by the CPSC from October 1, 1993 to September 30, 1994. The CPSC's data collection effort was completed and the resulting data were delivered to the NHTSA's National Center for Statistics and Analysis (NCSA). In November 1997, NCSA published a technical report, DOT HS 808 598, titled "Injuries Associated with Specific Motor Vehicle Hazards: Radiators, Batteries, Power Windows, and Power Roofs" that compiled the data from the CPSC's injury data collection effort. The technical report includes estimates of the number of persons injured as a result of incidents involving motor vehicle radiators.

The technical report estimated that during the period of study (October 1, 1993 through September 30, 1994), 19,638 persons received scald injuries nationwide in incidents involving motor vehicle radiators. Of the 19,638 persons, approximately 77 percent (15,118 out of 19,638) were injured during activities associated with the radiator cap.

Regarding the types of vehicles in which the radiator cap injuries were incurred, passenger cars represented 91 percent of the cases, pickup trucks approximately 7 percent of the cases and trucks and vans comprised the remaining cases. As for the model years of the vehicles involved, 65 percent of the motor vehicles were 1980–89 model years, with 52 percent of these being model years 1980–84. About 26 percent of the incidents involved 1975–79 models, about 8 percent involved

models older than 1975, and less than 1 percent involved newer vehicles, *i.e.*, model years 1990–1994. The report did not compare the absolute numbers of injuries for a given model year of vehicles to the number of those vehicles on the road to determine if there was any trend in the rate of occurrence of those injuries.

The small number of injuries (1 percent) for model years 1990–1994 vehicles appeared to be anomalous. NHTSA is not sure how to account for the small number for MY 1990–1994. One possible explanation is that these newer vehicles experienced fewer mechanical failures overall. Also, not all MY 1994 vehicles were taken into account because the CPSC data collection period ended in September 1994, by which time not all MY 1994 vehicles were sold and on the road.

During the 1993/1994 data collection effort, NHTSA and CPSC implemented a telephone callback questionnaire system that permitted NHTSA to authenticate cases for which information in the NEISS record of the case, particularly in the text field allowed for describing the incident involved, was not clear as to exactly what happened. The total number of radiator cap cases reflected in the 1993/1994 data includes a number of cases that are based on information gathered by telephone callback. Information on the model year of the involved vehicles was also obtained through telephone callback.

Based upon these estimates, NHTSA decided to further investigate the cost and feasibility of developing and implementing a new Federal motor vehicle safety standard to regulate radiator and coolant reservoir cap performance. Accordingly, NHTSA contracted with Ludtke & Associates in early 1997 to determine the variable manufacturing costs, weights, lead time, and capital investment associated with incorporating the use of temperature or pressure-locking radiator and coolant recovery tank caps as standard equipment in motor vehicles. Since no pressure-locking caps were found to exist, NHTSA requested that Ludtke & Associates design a prototype pressure-locking cap and provide an estimate of the expected increase in cost associated with requiring a pressure-locking cap for all motor vehicles under 10,000 lbs. Ludtke & Associates estimated the additional cost to consumers to be $0.65 for a radiator cap and $0.43 for a coolant reservoir cap.

On June 1, 2001, NHTSA published a NPRM (66 FR 29747) [DOT Docket No. NHTSA–2001–9765] proposing to regulate radiator and coolant reservoir caps on new passenger cars, multi-purpose passenger vehicles and light trucks with such caps. To accompany this proposal, NHTSA also published a Preliminary Regulatory Evaluation titled "FMVSS No. 402 Radiator and Coolant Reservoir Caps Venting of Motor Vehicle Coolant Systems". The purpose of the proposed rulemaking was to reduce the number of scald injuries that occur when people remove radiator caps or coolant reservoir caps from motor vehicle engines, and to reduce the likelihood that the discharge of hot fluids from a manually operated pressure venting system will scald persons removing the radiator cap. The proposed rulemaking contained three significant proposals:

(1) The cap removal must be accomplished with a combination of motions, including a downward force coupled with rotary movement,

(2) The radiator cap or pressurized reservoir cap must not be removable when the system pressures is at or exceeds 14 kPa (2 psi) and

(3) The venting path for hot fluids must be downward and toward the center of the vehicle.

NHTSA proposed a radiator cap safety standard based upon pressure, not temperature as suggested by Mr. Giordano. The agency tentatively concluded that the locking requirements for caps should be based upon pressure, instead of temperature. We took this approach because, although the temperature of the fluid in the radiator is related to the safety problems addressed by the proposal, we believed the most important safety consideration in providing a solution to radiator-related scalds was the pressure in the coolant system. If there were little pressure to force liquid or steam up when the cap is removed, the risk of hot scalding fluid or steam being ejected from the radiator filler neck or coolant system reservoir would be essentially eliminated. Also, ambient temperature under the hood of a vehicle without the engine running could approach 125 degrees Fahrenheit (51.6 degrees Celsius) during the hot part of a summer day in many States in the southern tier of the United States. Thus, Mr. Giordano's suggestion might result in persons' not being able to add radiator fluid (because of a locked cap) in circumstances in which there is no danger of hot liquid or steam being ejected from the coolant system during cap removal.

II. Comments on the NPRM

We received comments both supporting and opposing the proposed radiator safety cap standard. Advocates for Highway and Auto Safety stated that it supports the main features of NHTSA's proposed rule, and argued that substantial redesign of current radiator and coolant reservoir caps must be ensured by establishing performance requirements for preventing removal of the caps while the potential for effluent ejection is still high. Other commenters supporting the proposal included the Burn Foundation and Angela Rabbitts and Nicole E. Alden of the New York Presbyterian Hospital Burn Center.

While the auto industry, including members of the Alliance of Automobile Manufacturers, supported the intent of the proposal—to reduce the incidence and severity of burn and scald injuries associated with engine cooling systems—they argued that a radiator cap and coolant system reservoir standard is not necessary at this time for the following reasons:

(1) The data used to support the NPRM is based on vehicles that utilized older designs of engine coolant systems. Over the last ten years, there have been a large number of significant design changes and improvements in reliability that reduce the risk of vehicles overheating, and thus, the need to remove the radiator cap has been reduced. The Alliance stated these changes included:

a. Incorporation of a reservoir cap (the screw type) that requires more than one hand motion (turns) to allow pressure bleed down before complete removal.

b. Incorporation of caps that have brims, baffles, or other conveyances that direct escaping coolant/steam away from the hand of a person removing the cap.

c. Incorporation of de-gas reservoir (without separate radiator caps) that vent air first—not liquid and reduce entrained air in coolant, maintaining cooling capability.

d. Incorporation of a "limp-home" cooling function in engine electronics to keep customers from getting "stranded" by overheating or coolant loss (reduces need for customers to have to remove any pressurized caps).

e. Reduction in some vehicles of maximum cooling system operating temperatures under extreme conditions such as trailer towing, extended idling, and when traversing significant grades.

f. Changes in cooling system design and materials to reduce incidence of overheating (*e.g.*, long life coolants, long life hoses, corrosion resistant aluminum engine components and radiators, and translucent reservoirs to allow visual checking without opening system).

(2) NHTSA cost estimate in the NPRM is too low: The Ludtke & Associates design of a prototype pressure-locking

radiator cap (used as the basis for NHTSA's cost estimate) is deficient because its design does not contain all the required functions necessary to operate with current coolant systems.

(3) NHTSA is unable to demonstrate in the field that the technology proposed in the NPRM will work in a real world environment since there are no commercially available pressure-locking caps.

(4) The proposal incorrectly assumes that a pressure-locking system is the only technology that will address this issue and, as such, is too design restrictive and will preclude other suitable technologies.

III. Decision To Withdraw Rulemaking

After carefully considering the comments, we have decided to withdraw this rulemaking. After reviewing the available information, we believe the potential safety benefits associated with the proposed requirement are limited and uncertain.

In July 2000, the CPSC began routinely to collect data on injuries involving motor vehicles and motor vehicle equipment and made this information available through its website. NHTSA was able to search the CPSC NEISS database for scald injuries associated with the removal of a radiator cap. NHTSA used the word "radiator" and other key words to search the text fields in NEISS for radiator cap related scald injuries that occurred between January 1, 2001 and December 31, 2001. This search produced a national projection for the year 2001 of 4,949 persons injured in scalding incidents involving motor vehicle radiator caps. The vast majority of patients were treated and released.

The data were acquired from a representative sampling of scald injuries reported in emergency rooms monitored by NEISS. When the injury data were compared to the radiator cap related scald injuries estimated through the NHTSA/CPSC 1993/1994 data collection effort (15,118 injuries), the year 2001 injury data (4,949 injuries) suggest that the scald injury rate for a 12 month-period decreased by approximately 66% since September 1994.

The CPSC 2001 injury data do not include information on the make, year of manufacture, or model year of the motor vehicles involved or information on the type of cap involved. NHTSA is thus unable to analyze in detail whether this reduction in documented injuries resulted from changes made to motor vehicle cooling systems as suggested by the automobile manufacturers in their comments on this rulemaking. However, the agency would expect that the various changes cited by the manufacturers to provide benefits in this area.

NHTSA notes that the CPSC year 2001 data contained cases that were listed as a scald or burn injury, but the text field of the NEISS file does not contain enough information to determine whether the injury is associated with a radiator cap. It is possible that our year 2001 data underestimates the number of scald injuries related to radiator caps. It is clear, however, that vehicle manufacturers have made improvements in the design and reliability of motor vehicle cooling systems and, at the same time, the documented injuries associated with radiator caps have declined.

We also believe, based on our review of the comments, that the proposed rule may be unnecessarily design-restrictive, *i.e.*, there may be alternatives to pressure-locking caps that would meet the agency's safety objectives in this area but could not be used to comply with the proposed requirement. If we were planning to proceed further with this rulemaking, this is an issue that we would need to evaluate carefully.

Accordingly, in light of the substantial reduction in the number of cases of radiator cap related scald injuries, the resources that would be needed to further refine the requirements proposed in the NPRM, and limited and uncertain benefits, the agency has decided to withdraw this rulemaking. NHTSA can revisit the issue of radiator cap scalding, if sufficient grounds exist in the future.

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8(f).

Issued on: June 16, 2004.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 04–14074 Filed 6–21–04; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 69, No. 119
Tuesday, June 22, 2004

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. FV04–205]

Notice of Request for New Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announced the agricultural Marketing Service's (AMS) intention to request a new information collection: Fruit and Vegetable market News Survey link on Web site.

DATES: Comments received by August 23, 2004 will be considered.

ADDITIONAL INFORMATION OR COMMENTS: Contact Terry C. Long, Chief; Fruit and Vegetable Market News Branch, Fruit and Vegetable Programs, AMS–USDA, 1400 Independence Avenue, SW., Stop-0238, Washington, DC 20250–0238; Telephone: (202) 720–2175, Fax: (202) 720–0547. All comments will be available for public inspection at this address during the hours of 8 a.m. to 4 p.m. Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title: Fruit and Vegetable Market News Survey.

OMB Number: 0581-New.

Expiration Date of Approval: 3 years from date of OMB approval.

Type of Request: New information collection.

Abstract: The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*), section 203(g) directs and authorizes the collection and dissemination of marketing information including adequate outlook information, on a market area basis, for the purpose of anticipating and meeting consumer requirements, aiding in the maintenance of farm income and to bring about a balance between production and utilization. Market News provides all interested segments of the market chain with timely, accurate information from an unbiased third party. Market News has been given additional resources to expand its global marketing reporting, and seeks input from the fruit and vegetable industry in order to best meet their needs.

The information collection requirements in this request are needed for the improvement and expansion of information and services of international markets of interest to the public. Information includes but is not limited to, a firm's level of interest in international marketing; specified regions of the world, countries and products of greatest interest in other services such as currency, metric and language conversions. Fruit and Vegetable Market News intends to post a brief survey on its Web site regarding international markets and marketing of fruits and vegetables abroad. Participation in this international markets survey is voluntary, and information gathered will be confidential.

Response to the Fruit and Vegetable Market News survey will help establish a focus in the Branch's efforts to expand global market reporting. The survey will provide a forum for the fruit and vegetable industry to share their specific interests in international markets so that Market News can best meet their needs. A Web site link to the Fruit and Vegetable Market News survey provides an easy method of gathering information to assess our global market reporting needs. Participants will only be able to access the survey via the Market News Web site, however, they have the option to submit the survey electronically, facsimile or by mail.

The fruit and vegetable market news reports are used by academia, but are primarily used by the fruit, vegetable and ornamental trade, which includes packers, processors, brokers, retailers, and producers. The fruit and vegetable industry requested that the Department of Agriculture issue price and supply market reports for commodities of regional, national and international significance in order to assist them in making immediate production and marketing decisions and as a guide to the amount of product in the supply channel.

All users of the Market News Web site will be able to access the Fruit and Vegetable Market News survey through a direct link for 120 days. Participants will not be required to identify themselves.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .05 hours per response.

Respondents: Fruit, vegetable, and ornamental industry, or other for-profit businesses, individuals or households, farms.

Estimated Number of Respondents: 500.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 25.

Comments are invited on: (12) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of he agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical,or other technological collection techniques or other forms of information technology. Comments may be sent to: Terry C.Long, Chief, Fruit and Vegetable Market News Branch, Fruit and Vegetable Programs, AMS–USDA, 1400 Independence Avenue, SW, Stop-0238, Washington, DC 20250–0238.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: June 16, 2004.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 04–14058 Filed 6–21–04; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Federal Invention Available for Licensing and Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of Availability and Intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Forest Service, intends to grant to Anchor Industries, Inc. of Evansville, Indiana and to Weckworth Manufacturing, Inc. of Wichita, Kansas, co-exclusive licenses to the invention disclosed in U.S. Patent No. 5,921,388 (S.N. 09/199,610) issued on July 13, 1999, entitled "Quick Deployment Fire Shelter" and U.S. Patent Application Serial No. 10/286,176, filed November 1, 2002, entitled "Radiant and Convective Heat Resistant Materials and Emergency Fire Shelter Made Therefrom", and U.S. Patent Application Serial No. 10/741,794, filed December 19, 2003, entitled "An Emergency Fire Shelter Storage System" and foreign equivalents. Notice of availability for U.S. Patent No. 5,921,388 (S.N. 09/199,610) was published in the **Federal Register** on August 23, 1999.

DATES: Comments must be received within ninety (90) calendar days of the date of publication of this notice in the **Federal Register**.

ADDRESSES: Send comments to: Janet I. Stockhausen, USDA Forest Service, One Gifford Pinchot Drive, Madison, Wisconsin 53705–2398.

FOR FURTHER INFORMATION CONTACT: Janet I. Stockhausen of the USDA Forest Service at the Madison address given above; telephone: 608–231–9502; fax: 608–231–9508; or e-mail: *jstockhausen@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Weckworth Manufacturing, Inc. and Anchor Industries, Inc. have submitted a complete and sufficient application for a license. The prospective license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within ninety (90) days from the date of this published Notice, the Forest Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Michael D. Ruff,

Assistant Administrator.

[FR Doc. 04–14095 Filed 6–21–04; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Federal Invention Available for Licensing and Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of availability and intent.

SUMMARY: Notice is hereby given that the Federally owned invention disclosed in U.S. Patent Application Serial No. 10/767,979, "Food Products Containing Partially and/or Totally Denatured Milk Proteins", filed on January 29, 2004, is available for licensing and that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Harden Foods of Philadelphia, Pennsylvania, an exclusive license to this invention.

DATES: Comments must be received on or before September 20, 2004.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Harden Foods of Philadelphia, Pennsylvania, has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within ninety (90) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Michael D. Ruff,

Assistant Administrator.

[FR Doc. 04–14094 Filed 6–21–04; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Request for Comments on Whether the Food Stamp Program Should Be Renamed

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice invites the general public to comment on whether the Food Stamp Program (FSP) should be renamed to more accurately describe its current method of operation and goal of providing nutritional assistance and promoting health among low-income families. The Department and many stakeholders involved with the FSP believe that the Program's name is outdated because "food stamps" have not been used for issuing benefits since the early 1940s. Today, all benefits are issued electronically through an Electronic Benefit Transfer (EBT) system. Additionally, many States that administer the Federally-funded Program have asked the Department to rename the Program in consideration of its purpose and in recognition of the benefit issuance system. Although outdated, the Program's name is widely known and changing it may create confusion. Recognizing these different perspectives, the Department intends to proceed with care before making a decision on a name change by requesting public comment.

DATES: Written comments must be received on or before August 23, 2004.

ADDRESSES: Comments may be sent to John Knaus, Chief, Program Design Branch, Program Development Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302. Comments may also be faxed to (703) 305–2486 or e-mailed to *john.knaus@fns.usda.gov.* All written comments will be open for public inspection at the offices of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m. eastern time, Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia, 22302, Room 810.

FOR FURTHER INFORMATION CONTACT: Questions regarding this notice may be

directed to John Knaus at (703) 305–2098.

SUPPLEMENTARY INFORMATION:

Use of Public Comments

Your comments, in their entirety or summarized, may be posted on our Web site. If you wish to request that we withhold your name, street address, or other contact information from public review or from Web posting, you must state this prominently at the beginning of your comment. We will honor requests for confidentiality on a case-by-case basis to the extent allowed by law.

Discussion

The Department and many stakeholders involved with the FSP believe that the Program's name is outdated and reflects neither the current benefit delivery technology nor the mission of the nation's primary and largest nutrition assistance program. One of the common themes heard during nationwide "listening sessions" conducted by the Department in preparation for the Program's Fiscal Year (FY) 2003 reauthorization was that the FSP should be renamed to reflect its operation and purpose. Although the FSP continues to serve as the cornerstone of the national nutrition safety net to reduce hunger and improve nutrition and health among low-income people, the use of actual "stamps" to issue benefits ended decades ago. The FSP currently reaches over 23 million Americans each month. Unlike most other assistance programs, the FSP is available to most low-income households with few resources wherever they live regardless of age, disability status or family structure. In FY 2002, over two thirds of all FSP participants were either children, elderly or disabled individuals. Even so, more food stamp households relied on work (28 percent) to make ends meet than on cash welfare (21 percent). Nearly 30 percent of households received Supplemental Security Income and almost one quarter (24 percent) received Social Security benefits.

Over the years, the FSP has demonstrated its responsiveness to economic changes, expanding to meet increased need when the economy slows and contracting when the economy grows, making sure that food gets to people when they need it most. Because benefits automatically flow into communities, the economic gain is not only to low-income families, but also to the community at large. Every $5 in Federal food stamps issued generates an average of $9.20 in local and State economic activity.

The FSP delivers billions of dollars in benefits with a high degree of accuracy and accountability. Since 1974, FNS has used a statistical sampling system called the Quality Control system to annually measure payment accuracy or the amount of overpayments (too many benefits issued) and underpayments (too few benefits issued). Based on FY 2002 data from this system, 98 percent of all participating households are entitled to receive benefits and almost 94 cents of every food stamp dollar was issued correctly.

In spite of the FSP's many recent accomplishments, its name remains linked to the original program that was operating in 1939 when benefits were issued to individuals on welfare in the form of orange and blue stamps. That program ended four years later when wartime conditions reduced the nation's widespread unemployment. From the time a pilot FSP was reinstated in 1961, and made permanent in 1964, food stamp benefits were issued to recipients in the form of paper coupons. Today, with advancements in modern technology, paper coupons have been replaced by electronic issuances through an EBT system.

In addition to the name being outdated in describing the method by which benefits are issued, the FSP is not widely recognized by recipients and the general public as a nutrition assistance program with a focus on fighting hunger and improving nutrition and health among low-income people. Some State program administrators and advocacy groups have expressed that this misunderstanding creates a barrier to participation and is a reason why nationwide only 3 of 5 persons eligible for the Program are participating. Concerned about the misperception, some State agencies have already renamed the FSP within their States. For example, in Washington State, the FSP is now called the "Washington Basic Food Program" or "Basic Food". The Michigan Family Independence Agency and the Minnesota Department of Human Services have renamed the FSPs in those States the "Food Assistance Program" and the "Food Support Program," respectively. Although these names are descriptive of the services provided, the Department believes that a national program should have a name that is recognized across States to promote a consistent message about the FSP's mission of providing nutritional assistance and promoting health.

The Department also believes that any name change should be descriptive while reflecting the purposes of the Program to: provide nutrition or food assistance; ensure availability to all who are eligible; and promote a healthy diet. To this point, it appears that most people support changing the Program's current name. However, it has been difficult to reach a consensus on a specific alternative. Some suggestions for a new Program name that we have heard include the "National Food Assistance Program" (NFAP), the "Food Security Program" (FSP), the "Nutrition Support Program" (NSP), the "Food Support Program" (FSP), and the "Food and Nutrition Program" (FNP). While a new name for the Program is not limited to these suggestions, we encourage commenters to consider these names.

To help us in making a decision about the possible renaming of the FSP, the Department is requesting responses to the following questions.

(1) Should the FSP be renamed?

(2) If not, why not?

(3) If so, do you have a name you would propose or recommend?

(4) How does the name change reflect the purpose of the program?

Once we have compiled the results, the Department will post a summary of the responses on its Web site at *http://www.fns.usda.gov/fns/*. If the Department decides to proceed with a name change, we will work with the appropriate Congressional committees to pursue the required legislative changes. Any final decision on whether the FSP should be renamed and, if so, what its new name should be, rests with the Congress.

Dated: June 7, 2004.

Eric M. Bost,

Under Secretary, Food, Nutrition and Consumer Services.

[FR Doc. 04–13761 Filed 6–21–04; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

WTO Agricultural Safeguard Trigger Levels

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of product coverage and trigger levels for safeguard measures provided for in the World Trade Organization (WTO) Agreement on Agriculture.

SUMMARY: This notice lists the updated quantity trigger levels for products, which may be subject to additional import duties under the safeguard provisions of the WTO Agreement on Agriculture. It also includes the relevant

period applicable for trigger levels on each of those products.

DATES: *Effective Date:* June 22, 2004.

FOR FURTHER INFORMATION CONTACT: Charles R. Bertsch, Multilateral Trade Negotiations Division, Foreign Agricultural Service, room 5524—South Building, U.S. Department of Agriculture, Washington, DC 20250–1022, telephone at (202) 720–6278, or e-mail *charles.bertsch@usda.gov.*

SUPPLEMENTARY INFORMATION: Article 5 of the WTO Agreement on Agriculture provides that additional import duties may be imposed on imports of products subject to tariffication as a result of the Uruguay Round if certain conditions are met. The agreement permits additional duties to be charged if the price of an individual shipment of imported products falls below the average price for similar goods imported during the years 1986–88 by a specified percentage. It also permits additional duties to be imposed if the volume of imports of an article exceeds the average of the most recent 3 years for which data are available by 5, 10, or 25 percent, depending on the article. These additional duties may not be imposed on quantities for which minimum or current access commitments were made during the Uruguay Round negotiations, and only one type of safeguard, price or quantity, may be applied at any given time to an article.

Section 405 of the Uruguay Round Agreements Act requires that the President cause to be published in the **Federal Register** information regarding the price and quantity safeguards, including the quantity trigger levels, which must be updated annually based upon import levels during the most recent 3 years. The President delegated this duty to the Secretary of Agriculture in Presidential Proclamation No. 6763, *Quantity Based Safeguard Trigger* dated December 23, 1994. The Secretary of Agriculture further delegated the duty to the Administrator of the Foreign Agricultural Service (7 CFR 2.43 (a)(2)). The Annex to this notice contains the updated quantity trigger levels.

Additional information on the products subject to safeguards and the additional duties which may apply can be found in subchapter IV of Chapter 99 of the Harmonized Tariff Schedule of the United States and in the Secretary of Agriculture's Notice of Safeguard Action, published in the **Federal Register** at 60 FR 427, January 4, 1995.

Notice: As provided in section 405 of the Uruguay Round Agreements Act, consistent with Article 5 of the Agreement on Agriculture, the safeguard quantity trigger levels previously notified are superceded by the levels indicated in the Annex to this notice.

Issued at Washington, DC, this 14th day of June, 2004.

A. Ellen Terpstra,

Administrator, Foreign Agricultural Service, Annex.

The definitions of these products were provided in the Notice of Safeguard Action published in the **Federal Register**, at 60 FR 427, January 4, 1995.

QUANTITY-BASED SAFEGUARD TRIGGER

Product	Trigger level	Period
Beef	1,193,903 mt	January 1, 2004 to December 31, 2004.
Mutton	20,668 mt	January 1, 2004 to December 31, 2004.
Cream	5,839,930 liters	January 1, 2004 to December 31, 2004.
Evaporated or Condensed Milk	7,019,525 kilograms	January 1, 2004 to December 31, 2004.
Nonfat Dry Milk	3,677,993 kilograms	January 1, 2004 to December 31, 2004.
Dried Whole Milk	4,116,442 kilograms	January 1, 2004. to December 31, 2004
Dried Cream	40,845 kilograms	January 1, 2004. to December 31, 2004
Dried Whey/Buttermilk	90,263 kilograms	January 1, 2004 to December 31, 2004.
Butter	13,754,490 kilograms	January 1, 2004 to December 31, 2004.
Butter Oil and Butter Substitutes	10,516,706 kilograms	January 1, 2004 to December 31, 2004.
Dairy Mixtures	5,131,250 kilograms	January 1, 2004 to December 31, 2004.
Blue Cheese	4,561,399 kilograms	January 1, 2004 to December 31, 2004.
Cheddar Cheese	16,309,700 kilograms	January 1, 2004 to December 31, 2004.
American-Type Cheese	25,288,825 kilograms	January 1, 2004 to December 31, 2004.
Edam/Gouda Cheese	8,242,960 kilograms	January 1, 2004 to December 31, 2004.
Italian-Type Cheese	20,435,015 kilograms	January 1, 2004 to December 31, 2004.
Swiss Cheese with Eye Formation	35,995,675 kilograms	January 1, 2004 to December 31, 2004.
Gruyere Process Cheese	8,309,266 kilograms	January 1, 2004 to December 31, 2004.
Lowfat Cheese	3,598,612 kilograms	January 1, 2004 to December 31, 2004.
NSPF Cheese	59,837,314 kilograms	January 1, 2004 to December 31, 2004.
Peanuts	54,853 mt	April 1, 2004 to March 31, 2005.
Peanut Butter/Paste	20,512 mt	January 1, 2004 to December 31, 2004.
Raw Cane Sugar	1,267,407 mt	October 1, 2003 to September 30, 2004.
	1,297,851 mt	October 1, 2004 to September 30, 2005.
Refined Sugar and Syrups	95,196 mt	October 1, 2003 to September 30, 2004.
	95,785 mt	October 1, 2004 to September 30, 2005.
Blended Syrups	5 mt	October 1, 2003 to September 30, 2004.
	8 mt	October 1, 2004 to September 30, 2005.
Articles Over 65% Sugar	23 mt	October 1, 2003 to September 30, 2004.
	23 mt	October 1, 2004 to September 30, 2005.
Articles Over 10% Sugar	80,886 mt	October 1, 2003 to September 30, 2004.
	80,886 mt	October 1, 2004 to September 30, 2005.
Sweetened Cocoa Powder	841 mt	October 1, 2003 to September 30, 2004.
	531 mt	October 1, 2004 to September 30, 2005.
Chocolate Crumb	25,555,455 kilograms	January 1, 2004 to December 31, 2005.
Lowfat Chocolate Crumb	460,840 kilograms	January 1, 2004 to December 31, 2004.
Infant Formula Containing Oligosaccharides	106,234 kilograms	January 1, 2004 to December 31, 2004.
Mixes and Doughs	5,375 mt	October 1, 2003 to September 30, 2004.
	6,757 mt	October 1, 2004 to September 30, 2005.

QUANTITY-BASED SAFEGUARD TRIGGER—Continued

Product	Trigger level	Period
Mixed Condiments and Seasonings	560 mt	October 1, 2003 to September 30, 2004.
	402 mt	October 1, 2004 to September 30, 2005.
Ice Cream	4,404,744 liters	January 1, 2004 to December 31, 2004.
Animal Feed Containing Milk	28,962 kilograms	January 1, 2004 to December 31, 2004.
Short Staple Cotton	233,399 kilograms	September 20, 2003 to September 19, 2004.
	94,717 kilograms	September 20, 2004 to September 19, 2005.
Harsh or Rough Cotton	0 mt	August 1, 2003 to July 31, 2004.
	0 mt	August 1, 2004 to July 31, 2005.
Medium Staple Cotton	483,797 kilograms	August 1, 2003 to July 31, 2004.
	485,971 kilograms	August 1, 2004 to July 31, 2005.
Extra Long Staple Cotton	7,231,773 kilograms	August 1, 2003 to July 31, 2004.
	8,982,620 kilograms	August 1, 2004 to July 31, 2005.
Cotton Waste	0 kilograms	September 20, 2003 to September 19, 2004.
	0 kilograms	September 20, 2004 to September 19, 2005.
Cotton, Processed, Not Spun	2,083 kilograms	September 11, 2003 to September 10, 2004.
	5,343 kilograms	September 11, 2004 to September 10, 2005.

[FR Doc. 04–14064 Filed 6–21–04; 8:45 am]
BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest, Mystic Ranger District, South Dakota, Deerfield Project Area Proposal and Analysis

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement on a proposal for multiple resource management actions within the Deerfield Project Area to implement the Black Hills National Forest Land and Resource Management Plan. The Deerfield Project Area covers about 41,000 acres of National Forest System land and about 5,200 acres of interspersed private land approximately 11 miles northwest of Hill City, South Dakota. The proposed action is to conduct vegetation management within the project area consisting of both commercial and non-commercial removal of trees, reduction of existing fuels and created activity fuels, and prescribed burning. Specific actions proposed for the Deerfield Project Area include the following: Commercial timber harvest of trees 7 inches or greater in diameter to thin stand densities, lower the potential for large scale mountain pine beetle infestations and crown fires, to create a mosiac of tree sizes and age classes, and to remove pine encroachment from meadows and hardwoods. These treatments would occur on approximately 14,000 acres. Non-commercial removal of trees smaller than 7 inches in diameter to reduce stand densities, eliminate ladder fuels, and improve the health and vigor of remaining trees would occur on approximately 4,200 areas, most of which overlap with commercial timber harvest acres. Forest fuels that currently exist and those created by harvest and thinning activities would be reduced by actions such as lopping, chipping, crushing, or piling and burning. Fuel breaks approximately 200 to 300 feet wide would be constructed adjacent to private land to provide some measure of protection to private land or structures in the event of a wildfire. These fuel breaks would consist of thinning existing trees of all sizes on approximately 1,400 acres. Some of these acres may overlap with other commercial and non-commercial treatments described above. Prescribed burning would be conducted on approximately 7,000 to 10,000 acres to reduce the continuity and amount of fuels, reduce the potential for large scale crown fires, and restore fire to its natural ecological role. Many of these acres will overlap with the vegetation treatments already described.

DATES: Comments concerning the scope of the analysis would be most useful if received by 30-days following the date of this notice. Comments submitted by individuals and groups during the initial May 2004 scoping period have been incorporated and there is no need to resubmit comments in response to this NOI. The draft environmental impact statement is expected to be available for public review by November 2004 and the final environmental impact statement is expected to be completed by February 2004.

ADDRESSES: Send written comments to Robert J. Thompson, District Ranger, Black Hills National Forest, Mystic Ranger District, Deerfield Project Area, 800 Soo San Drive, Rapid City, South Dakota 57702. Telephone Number: (605) 343–1567. E-mail: *comments-rocky-mountain-black-hills-mystic@fs.fed.us* with "Deerfield" as the subject. Electronic comments must be readable in Word, RichText or pdf formats.

FOR FURTHER INFORMATION CONTACT: Katie Van Alstyne, Project Coordinator, Black Hills National Forest, Mystic Ranger District, at above address, phone (605) 343–1567.

SUPPLEMENTARY INFORMATION: The actions proposed are in direct response to management direction provided by the Black Hills National Forest Land and Resource Management Plan (Forest Plan). The site specific actions are designed based on Forest Plan Standards and Guidelines to move existing resource conditions in the Deerfield Project Area toward meeting Forest Plan Goals and Objectives. The project areas includes the Deerfield Recreation Area with Deerfield Lake, Reynolds Prairie, and Hat and Flag Mountains and lies approximately 11 miles northwest of Hill City, South Dakota. Anticipated issues include: an increasing mountain pine beetle (MPB) infestation and pine tree mortality; fire and fuels hazard reduction; support and opposition to vegetation treatment such as timber harvest; impacts of vegetation treatment and multiple forest uses on wildlife habitat.

Purpose and Need for Action

The purpose of and need for the actions proposed in the Deerfield Project is to: Reduce the potential for large scale MPB infestations, to break up the continuity of dense timber stands, reduce the potential for large scale wildfire, and restore hardwoods and meadows. This project will address Goals 2 and 3 of the Forest Plan—to provide for biologically diverse

ecosystems and provide for sustained commodity uses, consistent with Forest Plan Standards and Guidelines.

Proposed Action

Proposed actions include the following:

- Commercial timber harvest of trees 7 inches or greater in diameter to thin stand densities, lower the potential for large scale MPB infestations and crown fires, to create a mosiac of tree sizes and age classes, and to remove pine encroaching on meadows and hardwoods. These treatments would occur on approximately 14,000 acres.
- Non-commercial removal of trees smaller than 7 inches in diameter to reduce stand densities, eliminate ladder fuels, and improve the health and vigor of remaining trees. These treatments would occur on approximately 4,200 acres, most of which overlap with commercial timber harvest acres.
- Reduce forest fuels that currently exist and those created by harvest and thinning activities. This might include lopping, chipping, crushing, or piling and burning.
- Construct fuel breaks approximately 200 to 300 feet wide adjacent to private land to provide some measure of protection to private land or structures in the event of a wildfire. These fuel breaks would consist of thinning existing trees of all sizes on approximately 1,400 acres. Some of these acres may overlap with other commercial and non-commercial treatments described above.
- Conduct prescribed burning on approximately 7,000 to 10,000 acres to reduce the continuity and amount of fuels, reduce the potential for large scale crown fires, and restore fire to its natural ecological role. Many of these acres will overlap with the vegetation treatments already described.

Responsible Official

John C. Twiss, Forest Supervisor, Black Hills National Forest, 25041 N. Highway 16, Custer, SD 57730.

Nature of Decision To Be Made

The decision to be made is whether or not to implement the proposed action or alternatives at this time.

Scoping Process

Comments and input regarding the proposal have been received via direct mailing from the public, other groups and agencies during the initial 30-day (plus) public comment period in May 2004. Comments submitted based on this NOI, will be most useful if received within 30 days from the date of this notice. Response to the draft EIS will be sought from the interested public beginning in November 2004.

Comment Requested

This notice of intent provides information that the agency will prepare an environmental impact statement in response to public comment and feedback during the May 2004 scoping period. Comments submitted by individuals and groups during the initial May 2004 scoping period have been incorporated and there is no need to resubmit comments in response to this NOI. Additional comments received will assist the planning team to identify key issues and opportunities used to develop project alternatives and mitigation measures. Comments on the DEIS will be requested ruing the 45 days comment period following the Notice of Availability to be published in the **Federal Register** in November 2004 (See discussion below).

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft environmental impact statement will be prepared for comment. The comment period on the draft environmental impact statement will be for 45 days (beginning around November 1,2 2004) form the date the Environmental Protection Agency publishes the Notice of Availability in the **Federal Register**.

The Forest Service believes, at this early state, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21.

Dated: June 16, 2004.

Brad Exton,

Acting Forest Supervisor, Black Hills National Forest.

[FR Doc. 04–14040 Filed 6–21–04; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Tri-County Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Public Law 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Beaverhead-Deerlodge National Forest's Tri-County Resource Advisory Committee will meet on Wednesday, July 21, 2004, from 10 a.m. to 4 p.m. in Deer Lodge, Montana, for a business meeting. The meeting is open to the public.

DATES: Wednesday, July 21, 2004.

ADDRESSES: The meeting will be held at the USDA Service Center, 1 Hollenback Road, Deer Lodge, Montana.

FOR FURTHER INFORMATION CONTACT: Thomas K. Reilly, Designated Forest Official (DFO), Forest Supervisor, Beaverhead-Deerlodge National Forest, at (406) 683–3973.

SUPPLEMENTARY INFORMATION: Agenda topics for this meeting include an orientation on committee responsibilities for new members, electing a chair for the committee, administrative information for members, public comment, and discussion about project proposals, as authorized under Title II of Public Law 106–393. If the

meeting location is changed, notice will be posted in local newspapers, including the The Montana Standard.

Dated: June 14, 2004.

Thomas K. Reilly,

Designated Federal Official, Forest Supervisor.

[FR Doc. 04–14041 Filed 6–21–04; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Bayou Des Cannes Watershed, Acadia, Evangeline, and St. Landry Parish, Louisiana

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR part 1500); and the Natural Resources Conservation Service Regulation (7 CFR part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bayou Des Cannes Watershed, Acadia, Evangeline, and St. Landry Parish, Louisiana.

FOR FURTHER INFORMATION CONTACT: Donald W. Gohmert, State Conservationist, Natural Resources Conservation Service, 3737 Government Street, Alexandria, Louisiana 71302, telephone (318) 473–7751.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Donald W. Gohmert, State Conservationist has determined that the preparation and review of an environmental impact statement are not needed for this project.

The recommended plan will consist of land treatment measures that are management type and enduring practices. The plan will treat approximately 23,350 acres or about 70 percent of the 33,500 acre problem area. Project measures will be installed under 75 long term contracts and will allow for the installation of 1,184 grade stabilization structures, 42 filter strips, 23 miles of irrigation pipelines and 18,860 acres of irrigation land leveling.

The notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Britt Paul, Assistant State Conservationist/Water Resources/Rural Development, Natural Resources Conservation Service, 3737 Government Street, Alexandria, Louisiana 71302, telephone (318) 473–7756.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under NO.10.904, Watershed Protection and Flood Prevention, and is subject to the provision of Executive Order 12372, which requires intergovernmental consultation with State and local officials.)

Dated: June 4, 2004.

Donald W. Gohmert,

State Conservationist.

[FR Doc. 04–14096 Filed 6–21–04; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration (EDA).

ACTION: To give all interested parties an opportunity to comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD APRIL 24, 2004–MAY 21, 2004

Firm name	Address	Date petition accepted	Product
Helac Corporation	225 Battersby Avenue, Enumclaw, WA 98022.	4/26/2004	Rotary actuators.
Kansas American Tooling, Inc	1101 West First Street, McPherson, KS 67460.	4/26/2004	Custom molds for extrusion machine tools.
Unilens Corporation, USA	10431 72nd Street, Largo, Fl 33777	4/27/2004	Specialty contact lenses.
Unique Originals, Inc	3550 NW 59th Street, Miami, FL 33142	4/27/2004	Specialty and accent furnishings.
F. M. Eagle Tool Company, Inc.	8810 Yermoland Drive, El Paso, Texas 79907.	5/4/2004	Plates, sticks, tips and the like for tools, unmounted, of sintered metal carbides.
Shick Tube-Veyor Corporation	4346 Clary Boulevard, Kansas City, MO 64130.	5/4/2004	Pneumatic conveyor systems.
Silvanus Products, Inc	40 Merchants Street, St. Genevieve, MO 63670.	5/4/2004	Loose-leaf binders, binders/registers, and index tags.
Pool Pak Technologies Corporation	3491 Industrial Drive, York, PA 17402	5/4/2004	Dehumidification equipment for indoor swimming pools.
Woodland Furniture L.L.C	P. O. Box 2007, Idaho Falls, ID 83403	5/4/2004	Kitchen tables.
Gem Manufacturing Co., Inc	78 Brookside Road, Waterbury, CT 06704.	5/5/2004	Precision deep drawn eyelets, metal stampings, cans and ferrules.
Avanti Jewelry, Inc	140 Comstock Parkway, Cranston, RI 02920.	5/5/2004	Religious jewelry pendants in 14 karat gold, sterling silver and brass.
Magic Novelty Company, Inc	308 Dyckman Street, New York, NY 10034.	5/10/2004	Metal findings of base and precious metal for costume jewelry.
RNE Corporation d.b.a. Aunt Weedas Closet.	P. O. Box 808 Madison Heights, VA 24572.	5/10/2004	Health care uniforms for women.
Empire Candle	2925 Fairfax Tfwy, Kansas Ctiy, KS 66115.	5/11/2004	Candles.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD APRIL 24, 2004–MAY 21, 2004—Continued

Firm name	Address	Date petition accepted	Product
R. A. Pearson Company d.b.a Pearson Packaging Systems.	8120 West Sunset Highway, Spokane, WA 99224.	5/17/2004	Secondary packaging machinery.
Dallco Industries, Inc	Elm & Albemarle Streets, York, PA 17403.	5/18/2004	Women's and girl's blouses, and pillows and cushions.
Dart Manufacturing Co., Inc	4012 Bronze Way, Dallas, TX 75237	5/21/2004	Imprinted business accessories made of leather.

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm. Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by Trade Adjustment Assistance, Room 7315, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: June 16, 2004.

Anthony J. Meyer,

Senior Program Analyst, Office of Strategic Initiatives.

[FR Doc. 04–14042 Filed 6–21–04; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 25–2004]

Foreign-Trade Zone 40—Cleveland, OH, Area; Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board), by the Cleveland-Cuyahoga County Port Authority, grantee of Foreign-Trade Zone 40, requesting authority to expand its zone in the Cleveland, Ohio, area, within the Cleveland Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on June 10, 2004.

FTZ 40 was approved on September 29, 1978 (Board Order 135, 43 FR 46886, 10/11/78) and expanded in June 1982 (Board Order 194, 47 FR 27579, 6/25/82); April 1992 (Board Order 574, 57 FR 13694, 4/17/92); February 1997 (Board Order 870, 62 FR 7750, 2/20/97); June 1999 (Board Order 1040, 64 FR 33242, 6/22/99); April 2002 (Board Order 1224, 67 FR 20087, 4/15/02); August 2003 (Board Order 1289, 68 FR 52384, 9/3/03; Board Order 1290, 68 FR 52384, 9/3/03; and, Board Order 1295, 68 FR 52383, 9/3/03); and, March 2004 (Board Order 1320, 69 FR 13283, 3/22/04 and Board Order 1322, 69 FR 17642, 4/5/04).

The general-purpose zone project currently consists of the following sites in the Cleveland, Ohio, area: *Site 1* consists of 1,339 acres in Cleveland, which includes the Port of Cleveland complex (Site 1A–94 acres), the Cleveland Bulk Terminal (Site 1B–45 acres), and the Tow Path Valley Business Park (Site 1C—1,200 acres); *Site 2* (175 acres)—the IX Center in Brook Park, adjacent to Cleveland Hopkins International Airport; *Site 3* consists of 2,091 acres, which includes the Cleveland Hopkins International Airport Complex (Site 3A–1,727 acres), the Snow Road Industrial Park in Brook Park (Site 3B–42 acres), and the Brook Park Road Industrial Park (Site 3C—322 acres) in Brook Park; *Site 4* (450 acres)—Burke Lakefront Airport, 1501 North Marginal Road, Cleveland; *Site 5* (298 acres)—Emerald Valley Business Park, Cochran Road and Beaver Meadow Parkway, Glenwillow; *Site 6* (17 acres)—within the Collinwood Industrial Park, South Waterloo (South Marginal) Road and East 152nd Street, Cleveland; *Site 7* consists of 193 acres in Strongsville, which includes the Strongsville Industrial Park (Site 7A—174 acres) and the Progress Drive Business Park (Site 7B—19 acres); *Site 8* (13 acres)—East 40th Street between Kelley & Perkins Avenues (3830 Kelley Avenue), Cleveland; *Site 9* (4 acres)—within the Frane Properties Industrial Park, 2399 Forman Road, Morgan Township; *Site 10* (60 acres)—within the Solon Business Park, Solon; *Site 11* (170 acres, 2 parcels)—within the 800-acre Harbour Point Business Park, Baumhart Road, at the intersections of U.S. Route 6 and Ohio Route 2, Vermilion; and, *Temporary Site* (11 acres)—3 warehouse locations: 29500 Solon Road (250,000 sq. ft.), 30400 Solon Road (110,000 sq. ft.), and 31400 Aurora Road (117,375 sq. ft.) located within the Solon Business Park in Solon (expires 4/1/05). Three applications are currently pending with the FTZ Board: to expand Site 3 to include the Cleveland Business Park in Cleveland (Docket 54–2003); to expand the zone to include the Broad Oak Business Park (Proposed Site 12) in the Village of Oakwood (Docket 19–2004); and, to expand Site 10 (Solon Business Park) and Site 7B (Progress Drive Business Park) and to reorganize the overall zone project (Docket 20–2004).

The applicant is now requesting authority to expand existing Site 7 to include the Strongsville Commerce Center (proposed Site 7C, 212 acres) located in an area bounded by Drake Road to the north, Boston Road to the south, Marks Road to the west and Prospect Road to the east. All of the property is located entirely within the City of Strongsville. The site is owned by the City of Strongsville (182 acres) and Geis Development Corporation (30 acres). (A pending application to reorganize FTZ 40 (Docket 20–2004) proposes to consolidate and renumber the FTZ sites, and under this plan the proposed Strongsville Commerce Center site would become proposed Site 6C.) No specific manufacturing authority is being requested at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's

Executive Secretary at one of the following addresses:

1. *Submissions via Express/Package Delivery Services:* Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building–Suite 4100W, 1099 14th Street, NW., Washington, DC 20005; or

2. *Submissions via the U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB–Suite 4100W, 1401 Constitution Avenue, NW., Washington, DC 20230.

The closing period for their receipt is August 23, 2004. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to September 7, 2004).

A copy of the application and accompanying exhibits will be available during this time for public inspection at address Number 1 listed above, and at the U.S. Department of Commerce Export Assistance Center, 600 Superior Avenue East, Suite 700, Cleveland, OH 44114.

Dated: June 10, 2004.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 04–13987 Filed 6–21–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1338]

Approval of Manufacturing Authority Foreign-Trade Zone 37, Minolta Advance Technology, Inc. (Toner Products); Goshen, NY

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, Orange County, New York, grantee of Foreign-Trade Zone 37, on behalf of Minolta Advance Technology, Inc., has requested authority to manufacture bulk toner, toner cartridges for computer printers and copiers, and remanufacture toner cartridges, under FTZ procedures within FTZ 37–Site 7;

Whereas, notice inviting public comment has been given in the **Federal Register** (68 FR 57405, 10/3/03);

Whereas, the application was amended 5/13/04 to withdraw HTSUS categories: 5807.10, 5906.10.0000 and 8524, from the requested scope of authority for imported materials;

Whereas, pursuant to section 400.32(b)(1) of the FTZ Board regulations (15 CFR 400), the Secretary of Commerce's delegate on the FTZ Board has the authority to act for the Board in making decisions regarding manufacturing activity within existing zones when the proposed activity is the same, in terms of products involved, to activity recently approved by the Board and similar in circumstances (15 CFR 400.32(b)(1)(i)); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the request, as amended, is in the public interest;

Now, therefore, the Board hereby orders:

The application, as amended, on behalf of Minolta Advance Technology, Inc., to manufacture bulk toner, toner cartridges for computer printers and copiers, and remanufacture toner cartridges, under zone procedures within FTZ 37–Site 7, is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 14th day of June 2004.

James J. Jochum,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 04–13986 Filed 6–21–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–853]

Bulk Aspirin From the People's Republic of China: Final Results of 2002/2003 Antidumping Duty Administrative Review and Final Determination To Revoke the Order In Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review and revocation of the order in part.

SUMMARY: On April 8, 2004, the Department of Commerce published the preliminary results of the 2002/2003 administrative review of the antidumping duty order on bulk aspirin from the People's Republic of China with respect to Shandong Xinhua Pharmaceutical Co., Ltd. This review covers sales of bulk aspirin to the United States during the period July 1, 2002, through June 30, 2003. Based on our analysis of comments received, we conclude that the final results do not differ from the preliminary results of review, in which we found that the respondent made sales in the United States at prices not below normal value. We also find that the antidumping duty order with respect to Shandong Xinhua Pharmaceutical Co., Ltd. should be revoked.

DATES: *Effective Date:* June 22, 2004.

FOR FURTHER INFORMATION CONTACT: Julie Santoboni or Scott Holland, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–4194 or (202) 482–1279, respectively.

SUPPLEMENTARY INFORMATION:

Background

Since the publication of the preliminary results of this review (*Bulk Aspirin from the People's Republic of China: Preliminary Results of 2002/2003 Antidumping Duty Administrative Review And Notice Of Intent To Revoke Order In Part*, 69 FR 18520 (April 8, 2004) ("*Preliminary Results*")), the following events have occurred:

On May 10, 2004, the Department of Commerce ("the Department") issued the verification report for Shandong Xinhua Pharmaceutical Co., Ltd. ("Shandong"). *See* Memorandum to the File, "Shandong Xinhua Pharmaceutical Co., Ltd. Verification Report," dated May 10, 2004. This report is on file in the Central Records Unit, Room B–099 of the main Department Building ("CRU").

On May 10, 2004, Perrigo Company ("Perrigo"), an interested party, and Shandong submitted case briefs. No rebuttal briefs were submitted, nor was a public hearing held.

Scope of the Order

The product covered by the order is bulk acetylsalicylic acid, commonly referred to as bulk aspirin, whether or not in pharmaceutical or compound form, not put up in dosage form (tablet, capsule, powders or similar form for direct human consumption). Bulk aspirin may be imported in two forms, as pure ortho-acetylsalicylic acid or as mixed ortho-acetylsalicylic acid. Pure ortho-acetylsalicylic acid can be either in crystal form or granulated into a fine powder (pharmaceutical form). This product has the chemical formula ($C_9H_8O_4$. It is defined by the official monograph of the United States Pharmacopoeia 23 ("USP"). It is currently classifiable under the *Harmonized Tariff Schedule of the United States* ("HTSUS") subheading 2918.22.1000.

Mixed ortho-acetylsalicylic acid consists of ortho-acetylsalicylic acid combined with other inactive substances such as starch, lactose, cellulose, or coloring materials and/or other active substances. The presence of other active substances must be in concentrations less than that specified for particular nonprescription drug combinations of aspirin and active substances as published in the *Handbook of Nonprescription Drugs*, eighth edition, American Pharmaceutical Association. This product is currently classifiable under HTSUS subheading 3003.90.0000.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under review is dispositive.

Period of Review

The period of review ("POR") is July 1, 2002, through June 30, 2003.

Verification

As stated in the *Preliminary Results* and provided in section 782(i) of the Act, we verified information submitted by Shandong using standard verification procedures, including on-site inspection of the manufacturer's facility and examination of the relevant sales, cost, and financial records.

Determination To Revoke

The Department "may revoke, in whole or in part" an antidumping duty order upon completion of a review under section 751(d)(1) of the Tariff Act of 1930, as amended ("the Act"). While Congress has not specified the procedures that the Department must follow in revoking an order, the Department has developed a procedure for revocation that is described in 19 CFR 351.222. Under 351.222(b), the Department may revoke an antidumping duty order in part if it concludes that (i) an exporter or producer has sold the merchandise at not less than normal value for a period of at least three consecutive years, (ii) the exporter or producer has agreed in writing to its immediate reinstatement in the order if the Secretary concludes that the exporter or producer, subsequent to the revocation, sold the subject merchandise at less than normal value, and (iii) the continued application of the antidumping duty order is no longer necessary to offset dumping. Section 351.222(b)(3) states that, in the case of an exporter that is not the producer of subject merchandise, the Department normally will revoke an order in part under section 351.222(b)(2) only with respect to subject merchandise produced or supplied by those companies that supplied the exporter during the time period that formed the basis for revocation.

A request for revocation of an order in part must address three elements. The company requesting the revocation must do so in writing and submit the following statements with the request: (1) The company's certification that it sold the subject merchandise at lot less than normal value during the current review period and that, in the future, it will not sell at less than normal value; (2) the company's certification that, during each of the consecutive years forming the basis of the request, it sold the subject merchandise to he United States in commercial quantities; and (3) the agreement to reinstatement in the order if the Department concludes that the company, subsequent to revocation, has sold the subject merchandise at less than normal value. See 19 CFR 351.222(e)(1).

Consistent with the *Preliminary Results*, we continue to find that the request from Shandong meets all of the criteria under 19 CFR 351.222(e)(1). Shandong's revocation request includes the necessary certifications in accordance with section 351.222(e) of the Department's regulations. Shandong has also agreed in writing to the immediate reinstatement in the order, as long as any exporter or producer is subject to the order, if the Department concludes that Shandong, subsequent to the revocation, has sold the subject merchandise at less than normal value. With regard to the criteria of section 351.222(b)(2) of the Department's regulations, our final margin calculations show that Shandong sold bulk aspirin at not less than normal value during the current review period. *See Final Results* section below. In addition, Shandong sold bulk aspirin at not less than normal value in the two previous administrative reviews in which it was involved. *See Notice of Amended Final Results of Antidumping Duty Administrative Review: Bulk Aspirin from the People's Republic of China*, 68 FR 12036 (March 13, 2003), covering the period July 6, 2000, through June 30, 2001, and *Notice of Amended Final Results of Antidumping Duty Administrative Review: Bulk Aspirin from the People's Republic of China*. 68 FR 54890 (September 19, 2003), covering the period July 1, 2001, through June 30, 2002. Based on our examination of the sales data submitted by Shandong, we determine that Shandong sold the subject merchandise in the United States in commercial quantities in each of the consecutive years cited by Shandong to support its request for revocation. *See Final Results Calculation Memorandum Shandong Xinhua Pharmaceutical Co.*, dated June XX, 2004, which is on file in the Department's CRU. Also we determine that application of the antidumping order to Shandong is no longer necessary for the following reasons: (1) The company had zero or *de minimis* margins for a period of at least three consecutive years; (2) the company has agreed to immediate reinstatement of the order if the Department finds that it has resumed making sales at less than normal value; and (3) the continues application of the order is not otherwise necessary to offset dumping.

Therefore, we determine that Shandong qualifies for revocation of the order on bulk aspirin from the PRC pursuant to 19 CFR 351.222(b)(2) and that the order with respect to merchandise produced and exported by Shandong should be revoked. In accordance with 19 CFR 351.222(f)(3), we will terminate the suspension of liquidation for bulk aspirin produced and exported by Shandong that was entered, or withdrawn from warehouse, for consumption on or after July 1, 2003, and will instruct the U.S. Customs and Border Protection ("CBP") to refund with interest any cash deposits for such entries.

Analysis of Comments Received

In the May 10, 2004, submissions by Perrigo and Shandong, both parties agreed with the Department's findings in the *Preliminary Results* and asserted that the order should be revoked with respect to Shandong. Furthermore, Perrigo and Shandong also requested that the Department issue the final results on an expedited basis.

We received no other comments on the *Preliminary Results*.

Fair Value Comparisons

We calculated export price ("EP"), and normal value ("NV") based on the same methodologies used in the *Preliminary Results*.

Final Results of the Review

We have determined that no changes to our analysis are warranted for purposes of these final results. As a result of this review, we find that the following dumping margin exists for the period July 1, 2002, through June 30, 2003:

Exporter/Manufacturer	Weighted-average margin percentage
Shandong Zinhua Pharmaceutical Co., Ltd	0.00

Assessment Rates

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated importer (or customer)-specific assessment rates for merchandise subject to this review. To determine whether the duty assessment rates were *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(1), we calculated importer (or customer)-specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to that importer (or customer) and dividing this amount by the total value of the sales to that importer (or customer). Where an importer (or customer)-specific *ad valorem* rate was greater than *de minimis*, we calculated a per-unit assessment rate by aggregating the dumping margins calculated for all U.S. sales to that importer (or customer) and dividing this amount by the total quantity sold to that importer (or customer).

All other entries of the subject merchandise during the POR will be liquidated at the antidumping duty rate in place at the time of entry.

The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of this notice of final results of review.

Cash Deposit Rates

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of bulk aspirin from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) Because Shandong is excluded from the antidumping duty order, no cash deposit shall be required; (2) for a company previously found to be entitled to a separate rate and for which no review was requested, the cash deposit rate will be the rate established in the most recent review of that company; (3) for all other PRC exporters of subject merchandise, the rate will be the PRC country-wide rate, which is 144.02 percent, the PRC-wide rate established in the less-than-fair-value ("LTFV") investigation. *See Notice of Antidumping Duty Order: Bulk Aspirin from the People's Republic of China*, 65 FR 4267-3 (July 11, 2000); and (4) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that exporter.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 14, 2004.

James J. Jochum

Assistant Secretary for Import Administration.

[FR Doc. 04–13991 Filed 6–21–04; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–816]

Corrosion-Resistant Carbon Steel Flat Products From Korea: Partial Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of partial rescission of the antidumping duty administrative review; correction.

SUMMARY: On May 5, 2004, the Department of Commerce ("Department") published a notice in the **Federal Register** regarding a partial rescission of antidumping duty administrative review of corrosion-resistant carbon steel flat products from Korea. *See Corrosion-Resistant Carbon Steel Flat Products From Korea: Partial Rescission of Antidumping Duty Administrative Review* 69 FR 25059, 25060 (May 5, 2004) ("*Rescission Notice*"). This document inadvertently did not address a comment raised by an interested party.

EFFECTIVE DATE: June 22, 2004.

FOR FURTHER INFORMATION CONTACT: John D. A. LaRose, Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230; telephone: 202–482–3794.

SUPPLEMENTARY INFORMATION:

Background

On August 29, 2003, International Steel Group requested that the Department conduct an administrative review of the antidumping duty order on Korean CORE for the period August 1, 2002 through July 31, 2003. On July 1, 2003, the Department published a notice of initiation of the antidumping administrative review of Korean CORE, in accordance with 19 CFR 351.221(c)(1)(i). *See Initiation of Antidumping and Countervailing Duty Administrative Reviews, Requests for Revocations in Part*, 68 FR 56262 (September 30, 2003). This review covers several exporters of the subject merchandise, including SeAH. On October 9, 2003, SeAH submitted a timely letter stating that the company and its affiliates did not have exports or sales of the subject merchandise to the United States during the POR. The letter also requested that the Department terminate the administrative review with respect to SeAH.

After receiving SeAH's letter, the Department examined the online U.S. Customs and Border Protection ("CBP") listing of entries suspended under the order and confirmed that SeAH had no entries during the POR. On October 23, 2003, the Department also sent an electronic message to CBP requesting that CBP officials report any known entries of subject merchandise from SeAH during the POR. In its message to CBP, the Department stated that no reply was required if CBP officials were not aware of any entries. By the deadline stated in our request, the Department received no reply. On March 15, 2004, the Department provided interested parties with a draft rescission, soliciting comments by March 22, 2004. *See Memorandum to Edward Yang from Lisa Shishido Regarding Intent to Partially Rescind the*

Antidumping Duty Administrative Review of Korean Core, dated March 15, 2004.

Comments From Interested Parties

On March 23, 2004, United States Steel Corporation ("Petitioner") submitted comments. The Petitioner argues that it is incorrect to assume that because the Department received no reply from CBP, there were no entries by SeAH of subject merchandise. Petitioner argues that CBP simply may not have completed its investigation. Moreover, Petitioner argues that CBP may not have even begun to examine this issue and that unless the Department receives an affirmative response from CBP stating that SeAH had no entries of subject merchandise during the POI, the Department should not rescind this review.

Department's Position

Pursuant to the Department's regulations, the Department will rescind an administrative review "with respect to a particular exporter or producer, if the Secretary concludes that, during the period covered by the review, there were no entries, exports, or sales of the subject merchandise, as the case may be." *See* 19 CFR 351.213(d)(3).

There is sufficient information on the record to establish that SeAH had no entries, exports or sales of subject merchandise during the period of review. Specifically, SeAH submitted a letter asserting that neither the company nor its affiliates had any entries, exports or sales of subject merchandise during the POR. Moreover, after receiving SeAH's letter, the Department conducted an independent review of CBP data and confirmed that SeAH had no entries of subject merchandise during the POR. As noted in the preliminary rescission notice, "the Department also examined the online CBP listing of entries suspended under the order and found no SeAH entries during the POR." *See Rescission Notice* at 25059. Finally, after being notified of our findings, CBP has not provided the Department with any information indicating that SeAH had any entries of subject merchandise during the POR.

The Department has determined that SeAH's certification and the Department's inquiry, as structured, are sufficient evidence on the record to establish the lack of entries, exports or sales for SeAH during the period of review. In reaching this conclusion, we note that the CIT has stated that it will defer to the Department's "sensibility as to the depth of the inquiry needed" in such matters. *See Allegheny Ludlum Corp.* v. *United States,* 276 F.Supp.2d 1344, 1356, (2003).

Therefore, because we received no information from CBP that SeAH has entries of subject merchandise during the POR, found no evidence of such entries in a review of import data and there is no evidence on the record to suggest otherwise, we affirm our determination to rescind the administrative review for the period August 1, 2002 through July 31, 2003, with respect to SeAH and will issue appropriate assessment instructions to CBP.

Administrative Protective Orders

This notice serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation. This determination is issued in accordance with 19 CFR 351.213(d)(4) and section 777(i)(1) of the Tariff Act of 1930, as amended.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 04–14123 Filed 6–21–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–802]

Preliminary Results of Antidumping Duty Administrative Review: Gray Portland Cement and Clinker From Mexico

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests from interested parties, the Department of Commerce is conducting an administrative review of the antidumping duty order on gray portland cement and clinker from Mexico. The review covers exports of subject merchandise to the United States during the period August 1, 2002, through July 31, 2003, and one firm, CEMEX, S.A. de C.V., and its affiliate, GCC Cemento, S.A. de C.V. We have preliminarily determined that sales were made below normal value during the period of review.

We invite interested parties to comment on these preliminary results. Parties who submit arguments in this proceeding are requested to submit with the argument (1) a statement of the issues, and (2) a brief summary of the argument.

EFFECTIVE DATE: June 22, 2004.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla or Brian Ellman, Office of AD/CVD Enforcement 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–3477, (202) 482–4852, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 2003, the Department published in the **Federal Register** the *Notice of Opportunity to Request Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation* concerning the antidumping duty order on gray portland cement and clinker from Mexico (68 FR 45218). In accordance with 19 CFR 351.213, the petitioner, the Southern Tier Cement Committee (STCC), requested a review of CEMEX, S.A. de C.V. (CEMEX), and CEMEX's affiliate, GCC Cemento, S.A. de C.V. (GCCC). In addition, CEMEX and GCCC requested reviews of their own sales during the period of review. On September 30, 2003, we published in the **Federal Register** the *Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews, Request for Revocation in Part and Deferral of Administrative Review* (68 FR 56262). The period of review is August 1, 2002, through July 31, 2003. We are conducting a review of CEMEX and GCCC pursuant to section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products subject to the antidumping duty order include gray portland cement and clinker. Gray portland cement is a hydraulic cement and the primary component of concrete. Clinker, an intermediate material product produced when manufacturing cement, has no use other than of being ground into finished cement. Gray portland cement is currently classifiable under *Harmonized Tariff Schedule of the United States* (HTSUS) item number 2523.29 and cement clinker is currently classifiable under HTSUS item number

2523.10. Gray portland cement has also been entered under HTSUS item number 2523.90 as "other hydraulic cements." Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Verification

As provided in section 782(i) of the Act, we verified certain home-market and U.S. sales information submitted by GCCC using standard verification procedures, including an examination of relevant sales and financial records and the selection of original documentation containing relevant information. The verification took place recently and, therefore, the report is still pending completion. We will issue the report shortly after the issuance of these preliminary results of review and interested parties can comment on the applicability of the verification findings to our calculations. Once issued, the public version of the verification report will be on file in the Central Records Unit (CR), Room B–099 of the main Department of Commerce building.

Collapsing

Section 771(33) of the Act defines when two or more parties will be considered affiliated for purposes of an antidumping analysis. Moreover, the regulations describe when the Department will treat two or more affiliated producers as a single entity (*i.e.*, "collapse" the firms) for purposes of calculating a dumping margin (*see* 19 CFR 357.401(f)). In previous administrative reviews of this order, we analyzed the record evidence and collapsed CEMEX and GCCC in accordance with the regulations.[1]

The regulations state that we will treat two or more affiliated producers as a single entity where those producers have production facilities for similar or identical products that would not require substantial retooling of either facility in order to restructure manufacturing priorities and we conclude that there is a significant potential for the manipulation of price or production. In identifying a significant potential for the manipulation of price or production, the factors we may consider include the following: (i) The level of common ownership; (ii) the extent to which managerial employees or board members of one firm sit on the board of directors of an affiliated firm; (iii) whether operations are intertwined, such as through the sharing of sales information, involvement in production and pricing decisions, the sharing of facilities or employees, or significant transactions between the affiliated producers. See 19 CFR 351.401(f).

Having reviewed the current record, we find that the factual information underlying our decision to collapse these two entities has not changed from previous administrative reviews. CEMEX's indirect ownership of GCCC exceeds five percent; therefore, these two companies are affiliated pursuant to section 771(33)(E) of the Act. In addition, both CEMEX and GCCC satisfy the criteria for treatment of affiliated parties as a single entity described at 19 CFR 351.401(f)(1); both producers have production facilities for similar and identical products such that substantial retooling of their production facilities would not be necessary to restructure manufacturing priorities. Consequently, any minor retooling required could be accomplished swiftly and with relative ease.

We also find that a significant potential for manipulation of prices and production exists as outlined under 19 CFR 351.401(f)(2). CEMEX owns indirectly a substantial percentage of GCCC. Also, CEMEX's managers or directors sit on the board of directors of GCCC and its affiliated companies. Accordingly, CEMEX's percentage ownership of GCCC and the interlocking boards of directors give rise to a significant potential for affecting GCCC's pricing and production decisions. See Memorandum from International Trade Compliance Analyst to File entitled, "Collapsing CEMEX, S.A. de C.V. and GCC Cemento, S.A. de C.V. for the Current Administrative Review," dated January 8, 2004. Therefore, we have collapsed CEMEX and GCCC into one entity and calculated a single weighted-average margin using the information the firms provided in this review.

Constructed Export Price

Both CEMEX and GCCC reported constructed export price (CEP) sales. We calculated CEP based on delivered prices to unaffiliated customers in accordance with section 772(b) of the Act. Where appropriate, we made adjustments to the starting price for discounts, rebates, and billing adjustments. In accordance with section 772(d) of the Act and 19 CFR 351.402(b), we deducted those expenses, including inventory carrying costs, that were associated with commercial activities in the United States and related to the sale to an unaffiliated purchaser. We also made deductions for foreign brokerage and handling, foreign inland freight, U.S. inland freight and insurance, U.S. warehousing expenses, U.S. brokerage and handling, and U.S. duties, pursuant to section 772(c)(2)(A) of the Act. Finally, we made an adjustment for CEP profit, in accordance with section 772(d)(3) of the Act. No other adjustments to CEP were claimed or allowed.

With respect to subject merchandise to which value was added in the United States prior to sale to unaffiliated U.S. customers (*i.e.*, cement that was imported and further-processed into finished concrete by U.S. affiliates of foreign exporters), we preliminarily determine that the special rule under section 772(e) of the Act for merchandise with value added after importation is applicable.

Section 772(e) of the Act provides that, where the subject merchandise is imported by a person affiliated with the exporter or producer and the value added in the United States by the affiliated person is likely to exceed substantially the value of the subject merchandise, we will determine the CEP for such merchandise using the price of identical or other subject merchandise if there is a sufficient quantity of sales to provide a reasonable basis for comparison and we determine that the use of such sales is appropriate. The regulations at 19 CFR 351.402(c)(2) provide that normally we will determine that the value added in the United States by the affiliated person is likely to exceed substantially the value of the subject merchandise if we estimate the value added to be at least 65 percent of the price charged to the first unaffiliated purchaser for the merchandise as sold in the United States. Normally we will estimate the value added based on the difference between the price charged to the first unaffiliated purchaser for the merchandise as sold in the United States and the price paid for the subject merchandise by the affiliated person. We will base this determination normally on averages of the prices and the value added to the subject merchandise. If there is not a sufficient quantity of such sales or if we determine that using the price of identical or other subject merchandise is not appropriate, we may use any other reasonable basis to determine the CEP. See section 772(e) of the Act.

[1] See, *e.g.*, *Preliminary Results and Rescission in Part of Antidumping Duty Administrative Review: Gray Portland Cement and Clinker From Mexico*, 68 FR 25327, 25328 (May 12, 2003). No changes were made in the final results of review (see *Gray Portland Cement and Clinker From Mexico: Final Results of Antidumping Duty Review*, 68 FR 54203 (September 16, 2003)).

During the course of this administrative review, the respondent submitted information which allowed us to determine whether, in accordance with section 772(e) of the Act, the value added in the United States by its U.S. affiliates is likely to exceed substantially the value of the subject merchandise. To determine whether the value added is likely to exceed substantially the value of the subject merchandise, we estimated the value added based on the difference between the averages of the prices charged to the first unaffiliated purchaser for the merchandise as sold in the United States and the averages of the prices paid for subject merchandise by the affiliate. Based on this analysis, we estimate that the value added was at least 65 percent of the price the respondent charged to the first unaffiliated purchaser for the merchandise as sold in the United States. Therefore, we preliminarily determine that the value added is likely to exceed substantially the value of the subject merchandise. Also, the record indicates that there is a sufficient quantity of subject merchandise to provide a reasonable and appropriate basis for comparison. Accordingly, for purposes of determining dumping margins for the further-manufactured sales, we have applied the preliminary weighted-average margin reflecting the rate calculated for sales of identical or other subject merchandise sold to unaffiliated purchasers.

Normal Value

A. Comparisons

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating normal value, we compared the respondent's volume of home-market sales of the foreign like product to the volume of U.S. sales of the subject merchandise in accordance with section 773(a)(1)(C) of the Act. Since the respondent's aggregate volume of home-market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market was viable. Therefore, we have based normal value on home-market sales.

During the period of review, the respondent sold Type II LA and Type V LA cement in the United States. The statute expresses a preference for matching U.S. sales to identical merchandise in the home market. The respondent sold cement produced as CPC 30 R, CPC 40, CPO 20, CPO 40, and CPO30R BRA cement in the home market. We have attempted to match the subject merchandise to identical merchandise sold in the home market. In situations where identical product types cannot be matched, we have attempted to match the subject merchandise to sales of similar merchandise in the home market. See sections 773(a)(1)(B) and 771(16) of the Act.

We were able to find home-market sales of identical and similar merchandise to which we could match sales of Type II LA and Type V LA cement sold in the U.S. market. In the two most recent administrative reviews of this proceeding, we determined that CPO 40 cement produced and sold in the home market is the identical match to Type V LA cement sold in the United States. See, *e.g., Gray Portland Cement and Clinker From Mexico; Final Results of Antidumping Duty Administrative Review,* 67 FR 12518 (March 19, 2002), and the accompanying Issues and Decision Memorandum at Comment 7. We have reviewed the information on the record and have determined that CPO 40 cement produced and sold in the home market is the identical match to Type V LA cement sold in the United States during this review period.

If we could not find an identical match to the cement types sold in the United States in the same month in which the U.S. sale was made or during the contemporaneous period, we based normal value on similar merchandise. During the period of review, GCCC had sales of Type II LA cement in the United States and asserted that the merchandise it sells in the home market as CPO30R BRA cement is identical. We have reviewed the information on the record of this review and, based on our analysis, we have determined that GCCC's sales of CPO30R BRA cement in the home market were made outside the ordinary course of trade. See "Ordinary Course of Trade" section below.

In the 2000/2001 administrative review of this proceeding, we determined that the chemical and physical characteristics of type CPO 40 cement produced and sold in Mexico are most similar to Type II LA cement sold in the United States. We have reviewed the information on the record and have determined that it is appropriate to match sales of CPO 40 cement produced and sold in Mexico to all sales of Type II LA sold in the United States.

Further, in accordance with section 771(16)(B) of the Act, we find that both bulk and bagged cement are produced in the same country and by the same producer as the types sold in the United States, both bulk and bagged cement are like the types sold in the United States in component materials and in the purposes for which used, and both bulk and bagged cement are approximately equal in commercial value to the types sold in the United States. The questionnaire responses submitted by the respondent indicate that, with the exception of packaging, sales of cement in bulk and sales of cement in bags are physically identical and both are used in the production of concrete. Also, since there is no difference in the cost of production between cement sold in bulk or in bagged form, both are approximately equal in commercial value. See CEMEX's and GCCC's responses to the Department's original and supplemental questionnaires. Therefore, we find that matching the U.S. merchandise which is sold in both bulk and bag to the foreign like product sold in bulk is appropriate.

B. Ordinary Course of Trade

Section 773(a)(1)(B) of the Act requires the Department to base normal value on "the price at which the foreign like product is first sold (or in the absence of a sale, offered for sale) for consumption in the exporting country, in the usual commercial quantities and in the ordinary course of trade." Ordinary course of trade is defined as "the conditions and practices which, for a reasonable time prior to the exportation of the subject merchandise, have been normal in the trade under consideration with respect to merchandise of the same class or kind." See section 771(15) of the Act.

In the instant review, we analyzed home-market sales of cement produced as CPO30R BRA cement. Pursuant to section 773(a)(1)(B) of the Act, we based our examination on the totality of circumstances surrounding the respondent's sales in Mexico that are produced as CPO30R BRA cement and we find that the respondent's home-market sales of CPO30R BRA cement made during the instant review period are outside the ordinary course of trade. See memorandum from Laurie Parkhill to Jeffrey May, entitled "Ordinary Course of Trade Memorandum for the Preliminary Results of the 2002/2003 Administrative Review of the Antidumping Duty Order on Gray Portland Cement and Clinker from Mexico," dated June 14, 2004.

Consequently, we have disregarded the respondent's sales of CPO30R BRA cement in Mexico and, as in previous reviews, matched sales of CPO 40 cement produced and sold in Mexico to sales of Type II LA sold in the United States. See "Comparisons" section above.

C. Arm's-Length Sales

To test whether sales to affiliated customers were made at arm's length, we compared the prices of sales to affiliated and unaffiliated customers, net of all movement charges, direct selling expenses, discounts, and packing. Where the price to the affiliated party was, on average, within a range of 98 to 102 percent of the price of the same or comparable merchandise to the unaffiliated parties, we determined that the sales made to the affiliated party were at arm's length. See *Modification Concerning Affiliated Party Sales in the Comparison Market*, 67 FR 69186 (November 15, 2002). Consistent with 19 CFR 351.403, we only included in our margin analysis those sales to affiliated parties that were made at arm's length.

D. Cost of Production

The petitioner alleged on December 10, 2003, that the respondent sold gray portland cement and clinker in the home market at prices below the cost of production (COP). Upon examining the allegation, we determined that the petitioner had provided a reasonable basis to believe or suspect that CEMEX was selling cement in Mexico at prices below the COP. Therefore, pursuant to section 773(b)(1) of the Act, we initiated a COP investigation to determine whether the respondent made home-market sales of cement during the period of review at below-cost prices. See the memorandum from Mark Ross to Laurie Parkhill entitled "Gray Portland Cement and Clinker from Mexico: Request to Initiate Cost Investigation in the 2002/2003 Review," dated February 26, 2004.

In accordance with section 773(b)(3) of the Act, we calculated the COP based on the sum of the costs of materials and fabrication employed in producing cement, plus amounts for home-market selling, general, and administrative (SG&A) expenses. We used the home-market sales data and COP information provided by CEMEX in its questionnaire response.

After calculating the weighted-average COP, in accordance with section 773(b)(3) of the Act, we tested whether CEMEX's home-market sales were made at prices below the COP within an extended period of time in substantial quantities and whether such prices permitted recovery of all costs within a reasonable period of time. We compared the COP appropriate to the home-market prices less any applicable direct selling expenses, movement charges, discounts and rebates, and indirect selling expenses.

Pursuant to section 773(b)(2)(C) of the Act, if less than 20 percent of the respondent's sales of a certain type were at prices less than the COP, we do not disregard any below-cost sales of that product because the below-cost sales were not made in substantial quantities within an extended period of time. If 20 percent or more of the respondent's sales of a certain type during the period of review were at prices less than the COP, such below-cost sales were made in substantial quantities within an extended period of time pursuant to sections 773(b)(2)(B) and (C) of the Act. Based on comparisons of home-market prices to the appropriate weighted-average COP for the period of review, we determined that below-cost sales were not made in substantial quantities within an extended period of time, and, therefore, we did not disregard any below-cost sales.

E. Adjustments to Normal Value

Where appropriate, we adjusted home-market prices for discounts, rebates, packing, handling revenue, interest revenue, and billing adjustments to the invoice price. In addition, we adjusted the starting price for inland freight, inland insurance, and warehousing expenses. We also deducted home-market direct selling expenses from the home-market price and home-market indirect selling expenses as a CEP-offset adjustment (see Level of Trade/CEP Offset section below). In addition, in accordance with section 773(a)(6) of the Act, we deducted home-market packing costs and added U.S. packing costs.

Section 773(a)(6)(C)(ii) of the Act directs us to make an adjustment to normal value to account for differences in the physical characteristics of merchandise where similar products are compared. The regulations at 19 CFR 351.411(b) direct us to consider differences in variable costs associated with the physical differences in the merchandise. Where we matched U.S. sales of subject merchandise to similar models in the home market, we adjusted for differences in merchandise.

F. Level of Trade/CEP Offset

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine normal value based on sales in the home market at the same level of trade as the CEP. The home-market level of trade is that of the starting-price sales in the home market or, when normal value is based on constructed value (CV), that of sales from which we derive SG&A expenses and profit. For CEP, it is the level of the constructed sale from the exporter to an affiliated importer after the deductions required under section 772(d) of the Act (the CEP level).

To determine whether home-market sales are at a different level of trade than CEP level, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different level of trade and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which normal value is based and comparison-market sales at the level of trade of the export transaction, we make a level-of-trade adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales, if the normal value level is more remote from the factory than the CEP level and there is no basis for determining whether the difference in the levels between normal value and CEP level affects price comparability, we adjust normal value under section 773(a)(7)(B) of the Act (the CEP-offset provision). *See Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731, 61732–33 (November 19, 1997).

With respect to U.S. sales (respondent reported CEP sales in the U.S. market), we conclude that CEMEX's and GCCC's sales constituted one level of trade. We based our conclusion on our analysis of each company's reported selling functions and sales channels after making deductions for selling expenses under section 772(d) of the Act. We found that, with some minor exceptions, CEMEX and GCCC performed the same selling functions to varying degrees in similar channels of distribution. We also concluded that the variations in the intensities of selling functions performed were not substantial when all selling expenses were considered.

Based on our analysis of the respondent's reported selling functions and sales channels, we conclude that CEMEX's and GCCC's home-market sales to various classes of customers constitute two separate levels of trade (the CEMEX home-market level of trade and the GCCC home-market level of trade). We found that CEMEX and GCCC performed significantly different sales functions for sales to their home-market customers. Specifically, we found that the two home-market levels of trade differed with respect to selling activities such as after-sales service/warranties, customer approval, sales promotion/discount programs, sales forecasting, personnel training/exchange, and procurement and sourcing services. See

the memorandum entitled "Gray Portland Cement and Clinker from Mexico: Level-of-Trade Analysis for the 02/03 Administrative Review," dated June 14, 2004.

Further, we compared the CEMEX home-market level of trade to the CEP level and found that significantly different selling functions are performed at each level of trade and that fewer selling functions are performed for the U.S. sales than for the home-market sales. For example, sales at the CEP level do not include activities such as market research, strategic and economic planning, advertising, and after-sales service/warranties, whereas sales in the CEMEX home-market level of trade include these activities. Based on this analysis, we concluded that the CEMEX home-market level of trade is different, is at a more advanced stage of distribution, and is more remote from the factory than the CEP level.

Next, we compared the GCCC home-market level of trade to the CEP level and also found that significantly different selling functions are performed at these levels of trade and that fewer selling functions are performed for the U.S. sales than for the home-market sales. For example, sales at the CEP level do not include activities such as advertising, customer approval, sales promotion, sales forecasting, strategic and economic planning, personnel training/exchange, and procurement and sourcing services, whereas sales in the GCCC home-market level of trade include these activities. Based on this analysis, we have concluded that the GCCC home-market level of trade is different, is at a more advanced stage of distribution, and is more remote from the factory than the CEP level.

We could not match the CEP sales to sales at the same level of trade in the home market. In addition, we could not make a level-of-trade adjustment because the differences in price between the CEP level of trade and the home-market level of trade cannot be quantified due to the lack of an equivalent to the CEP level in the home market. Also, there are no other data on the record which would allow us to make a level-of-trade adjustment. Thus, we made a CEP-offset adjustment to normal value in accordance with section 773(a)(7)(B) of the Act. In accordance with section 773(a)(7) of the Act, we calculated the CEP offset as the smaller of the indirect selling expenses on the home-market sale or the indirect selling expenses deducted from the starting price in calculating CEP.

Currency Conversion

Pursuant to section 773A(a) of the Act, we made currency conversions into U.S. dollars based on the exchange rates in effect on the dates of U.S. sales as certified by the Federal Reserve Bank.

Preliminary Results of Review

As a result of our review, we preliminarily determine the dumping margin for the collapsed parties, CEMEX and GCCC, for the period August 1, 2002, through July 31, 2003, to be 62.15 percent.

Case briefs or other written comments in at least six copies must be submitted to the Assistant Secretary for Import Administration no later than one week after the issuance of the Department's last verification report in this review. The Department will notify all parties of the applicable briefing schedule. Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs are due no later than five days after the submission of case briefs. A list of authorities used, a table of contents, and an executive summary of issues should accompany any briefs submitted to the Department. Executive summaries should be limited to five pages total, including footnotes. In accordance with 19 CFR 351.310, we will hold a public hearing to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs, provided that such a hearing is requested by an interested party. If we receive a request for a hearing, we plan to hold the hearing three days after the deadline for submission of the rebuttal briefs at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days after the date of publication of the preliminary results of this review in the **Federal Register.** Requests should contain the following information: (1) the party's name, address, and telephone number; (2) the number of participants; (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs.

The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal briefs, within 120 days of publication of this notice. *See* 19 CFR 351.213(h).

Assessment Rates

Upon completion of this review, the Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated an importer-specific assessment rate for merchandise subject to this review. If these preliminary results are adopted in the final results of review, we will direct CBP to assess the resulting assessment rates against the entered customs values for the subject merchandise on the importer's entries during the review period.

Cash-Deposit Requirements

In conducting recent reviews of CEMEX/GCCC, the Department has observed a pattern of significant differences between the weighted-average margins and the assessment rates it has determined for this respondent in those reviews. This pattern of differences suggests that the collection of a cash deposit for estimating antidumping duty based on net U.S. price may result in the undercollection of estimated antidumping duties at the time of entry. For the reasons discussed at Comment 10 of the "Issues and Decision Memorandum for the Administrative Review of Gray Portland Cement and Clinker from Mexico—August 1, 2001, through July 31, 2002," dated September 16, 2003, we have determined that it is appropriate to require a per-unit cash-deposit amount for entries of subject merchandise produced or exported by CEMEX/GCCC.

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of review, as provided by section 751(a)(1) of the Act: (1) The cash-deposit amount for CEMEX/GCCC will be the amount per metric ton determined in the final results of review; (2) for previously reviewed or investigated companies not mentioned above, the cash-deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or in the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash-deposit rate for all other manufacturers or exporters will be 61.85 percent, the all-others rate from the LTFV investigation. *See Final Determination of Sales at Less Than Fair Value: Gray Portland Cement and Clinker from Mexico,* 55 FR 29244 (July 18, 1990).

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Interested Parties

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this period of review. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 14, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 04–13985 Filed 6–21–04; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–001]

Sorbitol From France; Final Results of Expedited Sunset Review of the Antidumping Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Extension of Time Limit for the Final Results of Expedited Sunset Review: Sorbitol from France.

SUMMARY: The Department of Commerce ("the Department") is extending the time limit for its final results in the expedited sunset review of the antidumping order on sorbitol from France.[1] The Department intends to issue final results of this sunset review on or about June 30, 2004.

EFFECTIVE DATE: June 22, 2004.

FOR FURTHER INFORMATION CONTACT: Hilary E. Sadler, Esq., Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4340.

Extension of Final Determination

On February 2, 2004, the Department initiated a sunset review of the antidumping order on Sorbitol from France. See Initiation of Five-Year (Sunset) Reviews, 69 FR 4921 (February 2, 2004). The Department determined that it would conduct an expedited (120 day) sunset review of this order based on responses from the domestic and respondent interested parties to the notice of initiation. The Department's final results of this review were scheduled for June 1, 2004. However, issues have arisen over the appropriate magnitude of the dumping margin likely to prevail for certain companies subject to the sunset review. Because of these complex issues, the Department will extend the deadline. Thus, the Department intends to issue the final results not later than June 30, 2004 in accordance with section 751(c)(5)(B).

Dated: June 15, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 04–13990 Filed 6–21–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar From India; Notice of Extension of Time Limits for Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce is extending the time limit for the final results in the antidumping duty administrative review of stainless steel bar from India. The review covers five producers/exporters of the subject merchandise to the United States. The period of review is February 1, 2002, through January 31, 2003.

EFFECTIVE DATE: June 22, 2004.

FOR FURTHER INFORMATION CONTACT: Irina Itkin or Elizabeth Eastwood, Office of AD/CVD Enforcement, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0656 and (202) 482–3874, respectively.

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act) requires the Department of Commerce (the Department) to make a final determination in an administrative review within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the final results to 180 days (or 300 days if the Department does not extend the time limit for the preliminary results) from the date of publication of the preliminary results.

Extension of the Time Limit for Final Results of Administrative Review

The Department issued the preliminary results of this administrative review of the antidumping duty order on stainless steel bar from India on March 8, 2004 (69 FR 10666). The current deadline for the final results in this review is July 6, 2004. In accordance with section 751(a)(3)(A) of the Act, and 19 CFR 351.213(h)(2), the Department finds that it is not practicable to complete the review within the original time frame due to the complexity of certain issues raised in the case briefs, including several issues involving the application of adverse facts available and revocation of the antidumping duty order.

Because it is not practicable to complete this administrative review within the time limit mandated by section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), the Department is extending the time limit for completion of the final results of this administrative review until September 7, 2004.

Dated: June 16, 2004.

Jeffrey May,

Deputy Assistant Secretary for Import Administration, Group I.

[FR Doc. 04–14124 Filed 6–21–04; 8:45 am]

BILLING CODE 3510–DS–P

[1] The Department normally will issue its final results in an expedited sunset review not later than 120 days after the date of publication in the **Federal Register** of the notice of initiation. However, if the Secretary determines that a sunset review is extraordinarily complicated under section 751(c)(5)(C) of the Act, the Secretary may extend the period for issuing final results by not more than 90 days. *See* section 751(c)(5)(B) of the Act.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–604 and A–588–054]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan; and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan: Amended Final Results of Antidumping Duty Administrative Reviews Pursuant to Final Court Decision

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final court decision and amended final results of antidumping duty administrative reviews.

SUMMARY: On August 12, 2002, the United States Court of International Trade (CIT) affirmed the Department of Commerce's (the Department's) redetermination on remand of the final results of the October 1, 1995 through September 30, 1996 administrative review of the antidumping duty order on tapered roller bearings (TRBs) and parts thereof, finished and unfinished, from Japan and the antidumping finding on TRBs, four inches or less in outside diameter, and components thereof, from Japan. *See NTN Bearing Corp. et al* v. *United States*, Consol. Court No. 98–01–00146, Slip Op. 02–88 (CIT August 12, 2002) (*NTN II*). Subsequent to the CIT's decision in *NTN II*, two respondents, NTN Corporation (NTN) and NSK Ltd. (NSK), appealed to the Court of Appeals for the Federal Circuit (Federal Circuit); the petitioner, The Timken Company (Timken), cross-appealed to the Federal Circuit. On May 21, 2004, the Federal Circuit affirmed the CIT's decision in *NTN II*. *See NTN Bearing Corp. et al* v. *United States*, 03–1041, –1048, –1072 (Fed. Cir. May 21, 2004) (*NTN CAFC*). Because all litigation has concluded, the Department is now issuing these amended final results reflecting the CIT's decision.

EFFECTIVE DATE: June 22, 2004.

FOR FURTHER INFORMATION CONTACT: Deborah Scott at (202) 482–2657 or Robert James at (202) 482–0649, Antidumping and Countervailing Duty Enforcement Group III, Office Eight, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On January 15, 1998, the Department published the final results of its administrative reviews of the antidumping duty order on TRBs and parts thereof, finished and unfinished, from Japan (A–588–604) and the antidumping finding on TRBs, four inches or less in outside diameter, and components thereof, from Japan (A–588–054) for the period October 1, 1995 through September 30, 1996. *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan; and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Final Results of Antidumping Duty Administrative Reviews*, 63 FR 2558 (January 15, 1998), as amended, *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Amended Final Results of Antidumping Duty Administrative Reviews*, 63 FR 13391 (March 19, 1998) (*1995–96 TRBs from Japan Final Results*). Respondents NTN, NSK, and Koyo Seiko Co., Ltd. (Koyo) and petitioner Timken filed lawsuits challenging these results. On January 24, 2002, the CIT issued an Order and Opinion remanding two issues to the Department. *See NTN Bearing Corp. et al* v. *United States*, 186 F. Supp. 2d 1257 (CIT January 24, 2002) (*NTN I*). Specifically, the CIT ordered the Department to (1) annul all findings and conclusions made pursuant to the duty-absorption inquiry conducted for the subject reviews; and (2) exclude any transactions that were not supported by consideration from NTN's United States sales database and to adjust the dumping margin accordingly. *See NTN I*, 186 F. Supp. 2d 1257. In accordance with the CIT's order in *NTN I*, the Department filed its remand results on June 24, 2002. On August 12, 2002, the CIT affirmed the Department's final results of remand redetermination in their entirety. *See NTN II*. Subsequently, NTN and NSK appealed the CIT's decision in *NTN II* to the Federal Circuit, and Timken cross-appealed the CIT's decision to the Federal Circuit. On May 21, 2004, the Federal Circuit concluded that the Department's final results of remand redetermination were supported by substantial evidence and were not erroneous as a matter of law, and affirmed the CIT's decision. *See NTN CAFC*. Because all litigation has concluded, we are amending our final results of review in this matter and we will instruct U.S. Customs and Border Protection (CBP) to liquidate entries, as appropriate, in accordance with our remand results.

Amendment to Final Results

Pursuant to section 516A(e) of the Tariff Act of 1930, as amended, as there is now a final and conclusive court decision, we are now amending the *1995–96 TRBs from Japan Final Results* to reflect the revised weighted-average margin for NTN.[1] We determine that the following weighted-average margins exist for NTN and NSK for the period October 1, 1995 through September 30, 1996 for the A–588–604 antidumping duty order on TRBs from Japan and the A–588–054 antidumping finding on TRBs from Japan:

[1] NTN was not subject to the antidumping finding (A–588–054) on TRBs from Japan. Therefore, the CIT's order to exclude any transactions that were not supported by consideration from NTN's United States sales database and to adjust the dumping margin accordingly affected only the calculation of the NTN's margin for the antidumping duty order (A–588–604) on TRBs from Japan.

Producer/exporter	Period of review	Weighted-average margin (%)	
		Original:	Revised:
A–588–604			
NTN	10/1/1995—9/30/1996	21.41	21.48
NSK	10/1/1995—9/30/1996	10.17	n/a
A–588–054			
NSK	10/1/1995—9/30/1996	1.64	n/a

Accordingly, the Department has determined and CBP will assess appropriate antidumping duties on the relevant entries of the subject merchandise from NTN and NSK covered by the reviews of the period listed above. The Department will issue assessment instructions directly to CBP within 15 days of publication of this notice.

Dated: June 8, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 04–13988 Filed 6–21–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 A.M. and 5 P.M. in Suite 4100W, U.S. Department of Commerce, Franklin Court Building, 1099 14th Street, NW., Washington, DC.

Docket Number: 04–010. *Applicant:* Cornell University, 123 Day Hall, Ithaca, NY 14853. *Instrument:* X-ray Double Crystal Monochrometer. *Manufacturer:* Kohzu Precision Co., Ltd., Japan. *Intended Use:* The instrument is intended to be used by a group of universities to study the molecular structure of macro-molecules of importance in the life sciences including proteins, viruses, enzymes and other related entities by the scattering of monoenergetic x-rays from single crystals of these materials utilizing the intense beams of x-rays provided by the Advanced Photon Source at Argonne National Laboratory. *Application accepted by Commissioner of Customs:* May 7, 2004.

Docket Number: 04–011. *Applicant:* Catawba College, 22300 W. Innes Street, Salisbury, NC 28144. *Instrument:* Transmission Electron Microscope, Model Jem-1011. *Manufacturer:* JEOL, Japan. *Intended Use:* The instrument is intended to be used in teaching the techniques and procedures of biological specimen fixation, embedding, sectioning, staining, examination and analysis. It will be used in a course on electron microscopy and in a seminar on biological research. *Application accepted by Commissioner of Customs:* May 19, 2004.

Docket Number: 04–012. *Applicant:* University of California, Los Angeles, Department of Physics and Astronomy, 475 Portola Plaza, Los Angeles, CA 90095–1547. *Instrument:* Dual Beam Electron Microscope/Focused Ion Beam Milling Machine, Model Nova 600 Nanolab. *Manufacturer:* FEI Company, the Netherlands. *Intended Uses:* The instrument is intended to be used:

1. To develop and fine-tune nanometer scale mechanical sensors by standard micro-fabrication processes
2. Machining of probes to study the shape dependence of the cantilever spring constant and to achieve the sharpest tip
3. To achieve subatomic scale resolution with an AFM using the sensors developed. Application accepted by Commissioner of Customs: June 3, 2004.

Docket Number: 04–013. *Applicant:* Cornell University, 123 Day Hall, Ithaca, NY 14853. *Instrument:* X-ray Focusing Mirror System, Model Ne Cat. *Manufacturer:* Oxford-Danfysik, United Kingdom. *Intended Use:* The instrument is intended to be used by a group of universities to study the molecular structure of macro-molecules of importance in the life sciences including proteins, viruses, enzymes and other related entities by the scattering of monoenergetic x-rays from single crystals of these materials utilizing the intense beams of x-rays provided by the Advanced Photon Source at Argonne National Laboratory. The mirror system is needed to focus the intense x-ray beam from the Advanced Photon Source onto millimeter size crystals.

Application accepted by Commissioner of Customs: June 3, 2004.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 04–13989 Filed 6–21–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application to amend an Export Trade Certificate of Review.

SUMMARY: The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, U.S. Department of Commerce, has received an application to amend an Export Trade Certificate of Review ("Certificate"). This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Jeffrey Anspacher, Director, Office of Export Trading Company Affairs, International Trade Administration, by phone at (202) 482–5131, (this is not a toll-free number) or by e-mail at *oetca@ita.doc.gov*.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the

Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 1104H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 1A–00002."

CONSOL Energy Inc. (Consol) original Certificate was issued on June 30, 2000 (65 FR 43738, July 14, 2000). A summary of the application for an amendment follows.

Summary of the Application:

Applicant: CONSOL Energy Inc., 1800 Washington Road, Pittsburgh, Pennsylvania 15241.

Contact: William G. Rieland, Vice President, Sales, telephone: (412)831–4032.

Application No.: 00–1A002.

Date Deemed Submitted: June 4, 2003.

Proposed Amendment: Consol seeks to amend its Certificate to:

Add X Coal Energy & Resources, Latrobe, PA as a "Member" of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)).

Dated: June 16, 2004.

Jeffrey Anspacher,

Director, Office of Export Trading Company Affairs.

[FR Doc. 04–14025 Filed 6–21–04; 8:45 am]

BILLING CODE 3510–DR–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review: Notice of Intent to Renew Collection 3038–0055, Privacy of Consumer Financial Information

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden; it includes the actual data collection instruments [if any].

DATES: Comments must be submitted on or before July 22, 2004.

FOR FURTHER INFORMATION CONTACT: Trabue Bland, Division of Clearing and Intermediary Oversight, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, (202) 418–5466; FAX: (202) 418–5536; email: *tbland@cftc.gov* and refer to OMB Control No. 3038–0055.

SUPPLEMENTARY INFORMATION:

Title: Privacy of Consumer Financial Information, OMB Control No. 3038–0055. This is a request for extension of a currently approved information collection.

Abstract: Section 124 of the Commodity Futures Modernization Act of 2000 ("CFMA") amends the Commodity Exchange Act (the "Act") and adds a new section 5g to the Act to make the Commission a Federal functional regulator for purposes of applying the provisions of Title V, Subtitle A of the Gramm-Leach-Bliley Act ("GLB Act") addressing consumer privacy to any futures commission merchant, commodity trading advisor, commodity pool operator or introducing broker that is subject to the Commission's jurisdiction with respect to any financial activity. In general, Title V requires financial institutions to provide notice to consumers about the institution's privacy policies and practices, to restrict the ability of a financial institution to share nonpublic personal information about consumers to nonaffiliated third parties, and to permit consumers to prevent the institution from disclosing nonpublic personal information about them to certain non-affiliated third parties by "opting out" of that disclosure. This rule implements the mandates of section 124 and Title V of the GLB Act.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the CFTC's regulations were published on December 30, 1981. See 46 FR 63035 (Dec. 30, 1981). The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on March 1, 2004 (69 FR 9598–02).

Burden statement: The respondent burden for this collection is estimated to average .27 hours per response. These estimates include the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: 4,128.

Estimates number of responses: 317,414.

Estimated total annual burden on respondents: 85,690 hours.

Frequency of collection: On Occasion.

Send comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, to the addresses listed below. Please refer to OMB Control No. 3038–0055 in any correspondence.

Trabue Bland, Division Of Clearing and Intermediary Oversight, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Dated: June 15, 2004.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 04–14009 Filed 6–21–04; 8:45 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before July 22, 2004.

FOR FURTHER INFORMATION OR A COPY CONTACT: Kevin Walek, Division of Clearing and Intermediary Oversight, CFTC, (202) 418–5463; FAX: (202) 418–5536; email: *kwalek@cftc.gov* and refer to OMB Control No. 3038–0005.

SUPPLEMENTARY INFORMATION:

Title: Rules Relating to the Operations and Activities of Commodity Pool Operators and Commodity Trading Advisors and to Monthly Reporting by Futures Commission Merchants, (OMB Control No. 3038–0005). This is a request for revision of a currently approved information collection.

Abstract: Part 4 of the Commission's Regulations set forth the Commission's rules prescribing the disclosure of risk, the filing of reports, and the keeping of books and records. Each CPO who is registered or required to be registered and solicits prospective participants in a commodity pool must, absent an exemption, deliver to prospective participants, and file with the NFA, a Disclosure Document containing information specified by 4.24 and 4.25 before the CPO may accept funds or other property in exchange for participation in the pool. CTAs also must comply with the disclosure requirements of 4.34 and 4.35 before they may enter into an agreement to direct or to guide a client's commodity interest trading account.

Rule 4.22 requires that CPOs who are registered or required to be registered also must provide pool participants with an unaudited monthly or quarterly Account Statement for the poll, and an Annual Report for the pool that contains the net asset value of the pool and Statements of Financial Condition, Income (Loss), Changes in Financial Position, and Changes in Ownership Equity. Rule 4.23 for CPOs, and 4.33 for CTAs provide for the types of books and records that must be maintained by these registrants.

Section 133(d) requires each futures commission merchant (FCM) to furnish to a person that controls the account of the FCM's customer (*e.g.*, a CTA) the same information that the FCM must furnish to the customers. Without this data, the person controlling the account lacks critical and timely information about the trades executed for the client's account.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the CFTC's regulations were published on December 30, 1981. See 46 FR 63035 (Dec. 30, 1981). The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on February 23, 2004 (69 FR 8181–01).

Burden statement: The respondent burden for this collection is estimated to average 6.5 hours per response. These estimates include the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Commodity Pool Operators, Commodity Trading Advisors, and Futures Commission Merchants.

Estimated number of respondents: 7,200.

Estimated total annual burden on respondents: 115,871 hours.

Frequency of collection: On occasion, quarterly, monthly, and annually.

Send comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, to the addresses listed below. Please refer to OMB Control No. 3038–0005 in any correspondence.

Kevin Walek, Division of Clearing and Intermediary Oversight, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Dated: June 15, 2004.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 04–14010 Filed 6–21–04; 8:45 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review: Notice of Intent To Renew Collection 3038–0054, Establishing Procedures for Entities Operating as Exempt Markets

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden; it includes the actual data collection instruments [if any].

DATES: Comments must be submitted on or before July 22, 2004.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Market Oversight, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 20581, (202) 418–5275; FAX: (202) 418–5527; email: *rshilts@cftc.gov* and refer to OMB Control No. 3038–0054.

SUPPLEMENTARY INFORMATION:

Title: Establishing Procedures for Entities Operating as Exempt Markets, OMB Control No. 3038–0054. This is a request for extension of a currently approved information collection.

Abstract: Sections 2(h)(3) through (5) of the Commodity Exchange Act (Act) add exempt commercial markets as markets excluded from the Act's other requirements. The rules implement the qualifying conditions of the exemption. Rule 36.3(a) implements the notification requirements, and rule 36.3(b)(1) establishes information requirements for exempt commercial markets consistent with section 2(h)(5)(B) of the Act. And exempt commercial market may provide the Commission with access to transactions conducted on the facility or it can satisfy its reporting requirements by complying with the Commission's reporting requirements. The act affirmatively vests the Commission with comprehensive anti-manipulation enforcement authority over these trading facilities. The Commission is charged with monitoring these markets for manipulation and enforcing the anti-manipulation provisions of the Act. The informational requirements imposed by proposed rules are designed to ensure that the Commission can effectively perform these functions. Section 5d of the Act establishes a category of market

exempt from Commission oversight referred to as an "exempt board of trade." Rule 36.2 implements regulations that define those commodities that are eligible to trade on an exempt board of trade. Rule 36.2(b) implements the notification requirements of section 5d of the Act. Rule 36.2(b)(1) requires exempt boards of trade relying on this exemption to disclose to traders that the facility and trading on the facility is not regulated by the Commission. This requirement is necessary to make manifest the nature of the market and to avoid misleading the public.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the CFTC's regulations were published on December 30, 1981. See 46 FR 63035 (Dec. 30, 1981). The Federal Register notice with a 60-day comment period soliciting comments on this collection of information was published on February 23, 2004 (69 FR 8180–01).

Burden statement: The respondent burden for this collection is estimated to average 10 hours per response. These estimates include the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and provide information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: 10.

Estimated number of responses: 10.

Estimated total annual burden on respondents: 100 hours.

Frequency of collection: On Occasion.

Send comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, to the addresses listed below. Please refer to OMB Control No. 3038–0054 in any correspondence.

Richard Shiltz, Division of Market Oversight, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Dated: June 15, 2004.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 04–14011 Filed 6–21–04; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness), DoD.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 23, 2004.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Office of the Under Secretary of Defense (Personnel and Readiness) (Military Personnel Policy)/Accession Policy, ATTN: Major Ruth Hamilton, 4000 Defense Program, Washington, DC 20301–4000.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call (703) 695–5552.

Title, Associated Form, and OMB Control: Request for Reference, DD Form 370, OMB Control Number 0704–0167.

Needs and Uses: The information collection requirement is necessary to obtain personal reference data, in order to request a waiver, on a military applicant who has committed a civil or criminal offense and would otherwise be disqualified for entry to the Armed Forces of the United States. The DD Form 370 is used to obtain references information evaluating the character, work habits, and attitudes of an applicant form a person of authority or standing within the community.

Affected Public: Individuals or households, non-profit or other for profit businesses, non-profit institutions, local, tribal and state agencies. Normally, this form would be completed by responsible community leaders such as school officials, ministers and law enforcement officials.

Annual Burden Hours: 7,181.

Number of Respondents: 43,000.

Responses Per Respondent: 1.

Average Burden Per Response: .167 hour (10 minutes) per respondent.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

This information is collected to provide the Armed Services with specific background information on an applicant. History of criminal activity, arrests, or confinement is disqualifying for military service. An applicant, with such a disqualifier, is required to submit references from community leaders who will attest to his or her character, attitudes or work habits. The DD Form 370 is the method of information collection which requests an evaluation and reference from a specific individual, within the community, who has the knowledge of the applicant's habits, behaviors, personality and character. The information will be used to determine suitability of the applicant for military service and the issuance of a waiver for acceptance.

Dated: June 15, 2004.

L. M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 04–14012 Filed 6–21–04; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness), DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Personnel

and Readiness) announces the following proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 23, 2004.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Office of the Under Secretary of Defense (Personnel and Readiness)(Military Personnel Policy)/ Accession Policy, ATTN: Major Ruth Hamilton, 4000 Defense Pentagon, Washington, DC 20301–4000.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call (703) 695–5527.

Title, Associated Form, and OMB Control Number: "Request for Verification of Birth," DD Form 372, OMB Control Number: 0704–0006.

Needs and Uses: Title 10, USC 505, 532, 3253, and 8253, require applicants meet minimum and maximum age and citizenship requirements for enlistment into the Armed Forces (including the Coast guard). If an applicant is unable to provide a birth certificate, the recruiter will forward a DD Form 372, "Request for Verification of Birth," to a state or local agency requesting verification of the applicant's birth date. This verification of the birth date ensures that the applicant does not fall outside the age limitations, and the applicants place of birth supports the citizenship status claimed by the applicant.

Affected Public: State, Local or Tribal Government.

Annual Burden Hours: 8,300.

Number of Respondents: 100,000.

Responses Per Respondent: 1.

Average Burden Per Response: .083 hour per respondent.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

This information provides the Armed Services with the exact birth date of an applicant. The DD Form 372 is the method of collecting and verifying birth data on applicants who are unable to provide a birth certificate from their city, county, or state. The DoD Form is considered the official request for obtaining the birth data on applicants.

Dated: June 15, 2004.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, DoD.

[FR Doc. 04–14013 Filed 6–21–04; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Army

Record of Decision for 2d Armored Cavalry Regiment Transformation and Installation Mission Support, Joint Readiness Training Center (JRTC) and Fort Polk, Louisiana, and Long-Term Military Training Use of Kisatchie National Forest Lands

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability of Record of Decision.

SUMMARY: The Department of the Army announces the availability of its Record of Decision (ROD) for 2d Armored Cavalry Regiment (2d ACR) Transformation and Installation Mission Support, Joint Readiness Training Center (JRTC) and Fort Polk, Louisiana, and Long Term Military Training Use of Kisatchie National Forest Lands. On March 19, 2004, the Army published a Notice of Availability of its Final Environmental Impact Statement (EIS) that considered the environmental consequences of the proposed actions and alternatives. The ROD describes the Army's decisions with respect to the proposed actions and alternatives considered in the EIS and its rationale for the decision. Based on the EIS and other relevant factors, the Army has decided to implement its proposed actions. This decision allows the Army to proceed with transformation of the 2d ACR at the JRTC and Fort Polk, Louisiana, and to undertake additional actions to support the installation's current and future missions. The decision includes fielding of the Army's new Stryker vehicle and equipment; construction and improvement of firing ranges, roads, stream crossings, and training support facilities; land use agreements and leases; creation and expansion of helicopter training areas; training and deployment of Army troops; and continued environmental stewardship. The decision also affirms the Army's commitment to implementing a series of mitigation and monitoring measures to offset potential adverse environmental impacts associated with the proposed actions, as identified in the Final EIS.

ADDRESSES: Requests for copies of the ROD may be submitted to: Dan Nance, Fort Polk Public Affairs Office, 7073 Radio Road, Fort Polk, LA 71459–5342; phone: (337) 531–7203; fax: (337) 531–6014; e-mail: *eis@polk.army.mil.*

FOR FURTHER INFORMATION CONTACT: Stacy Basham-Wagner, Joint Agency Liaison, Attention: AFZX–PW–E (Basham-Wagner), 1799 23rd Street, Fort Polk, LA 71459; telephone: (337) 531–7458, fax: (337) 531–2627.

SUPPLEMENTARY INFORMATION: The Department of the Army, as the lead agency, and the U.S. Department of Agriculture, Forest Service and U.S. Department of Transportation, Federal Aviation Administration (FAA), as cooperating agencies, prepared the EIS for 2d ACR Transformation and Installation Mission Support, JRTC and Fort Polk, Louisiana, and Long Term Military Training Use of Kisatchie National Forest Lands. The EIS was prepared to address proposed actions affecting the JRTC and Fort Polk, portions of the Kisatchie National Forest in west-central Louisiana; and England Industrial Airpark at Alexandria, Louisiana. The EIS identified the relevant environmental and socioeconomic impacts of the proposed actions and alternatives on the biological, physical, and cultural environment.

The Army has designated the 2d ACR to transform to the 2d Cavalry Regiment (2d CR), a medium-weight force equipped with Stryker vehicles that will be strategically responsive and more rapidly deployable by air. In addition to transformation of the 2d ACR, units stationed at other Army installations will participate in exercises at the JRTC and Fort Polk on a rotational basis. To these ends, the Army has decided to implement force transformation and installation mission support activities at the JRTC and Fort Polk with respect to home station training (maneuver and gunnery exercises for Army units assigned to Fort Polk), rotational unit exercises, and facilities construction.

In accordance with Forest Service decisions, the Army will also continue its use of Kisatchie National Forest lands to support military training. The areas of the Kisatchie National Forest to be used by the Army are known as the Intensive Use Area and Limited Use

Area of the Vernon Unit, Calcasieu Ranger District and the Special Limited Use Area (also known as Horse's Head) of the Kisatchie Ranger District.

Transformation of the 2d ACR will involve force structure changes (the unit will have approximately 110 more personnel); the addition of approximately 238 Stryker Interim Armored Vehicles and 48 Mobile Gun Systems; and a reduction of approximately 155 High Mobility Multipurpose Wheeled Vehicles and 273 other medium and heavy tactical trucks. The Shadow Tactical Unmanned Aerial Vehicle will also be fielded to the 2d ACR to support reconnaissance, surveillance and target acquisition missions.

Installation mission support activities will include 19 of 20 proposed construction projects on Army lands, national forest lands, and at England Industrial Airpark in Alexandria, Louisiana. The projects include 13 facilities in the Fort Polk cantonment area, road construction/improvements and construction of a sniper range in the Intensive Use Area, construction of 20 stream crossings in the Limited Use Area, and 3 deployment support facilities at England Industrial Airpark. The JRTC and Fort Polk will also create additional helicopter training area and expand an existing helicopter training area within Military Operations Airspace overlying adjacent privately owned lands.

In making its decision, the Army considered the analysis of effects contained in the EIS, assessment of the alternatives in relationship to the primary issues of concern, comments provided during formal public review periods, and Army-wide transformation, national security and mission requirements. The Army determined that the proposed actions best meet its underlying purpose and need, and that the proposed action reflects a proper balance between mission imperatives and goals for protection of the environment.

The no action alternative (considered in detail in the EIS) was not selected for implementation because it would not support the Army's purpose and need for action. Failure to transform the 2d ACR and to provide the needed training and support facilities and lands to meet ongoing and future mission requirements of the JRTC and Fort Polk could place at risk the Army's readiness and ultimately could hinder national security interests. Six other alternatives were considered but eliminated from detailed study in the EIS because they were not deemed "reasonable" or did not meet the Army's purpose and need for action.

The Army has deferred a decision on whether or not to proceed with digitization and expansion of the existing Multi-Purpose Range Complex (MPRC) on Fort Polk's main post. A decision on this project was deferred to insure full consideration of its environmental consequences, in light of evolving project elements and designs. Additional environmental impacts analysis will be conducted on the proposed digitization and upgrade of the MPRC in order to ensure full understanding of potential impacts. That future study may be tiered from the Final EIS.

The Army ROD also includes a series of 15 mitigation and monitoring measures to rectify, reduce, or eliminate adverse effects to land cover, soils, water quality, and biological resources on both Army and Forest Service lands. The Army and Forest Service have jointly developed a Sustainability and Environmental Monitoring Plan to evaluate the effectiveness of the mitigation measures. Results of monitoring will be made available to the public and stakeholders on an annual basis and used to inform future management and decision-making by both agencies.

The Forest Service published a legal notice of its decision on March 16, 2004, and distributed its ROD with the Final EIS. Based on the Final EIS, the Forest Service decided to authorize certain Army activities and land uses in specified areas of the Forest over a 20-year period (2004–2024). Army use of Kisatchie National Forest lands will be governed by the terms and conditions of a Special Use Permit issued by the Forest Service. The Forest Service has also decided to conduct thinning over a 10-year period of approximately 21,500 acres of upland pine stands on the Intensive Use Area of the Forest to improve habitat conditions for the endangered red-cockaded woodpecker, and to improve the suitability of the land for military training.

The FAA intends to rely on analyses in this EIS to make decisions concerning the Alexandria International Airport Layout Plan as it may be affected by three Army projects proposed to occur at the airport and consequent movement of aircraft, materiel, and personnel through that facility.

Copies of the Army and Forest Service ROD's and the Final EIS are available for review at the following libraries: Allen Parish Library (Oberlin Branch), 320 S. Sixth Street, Oberlin; Beauregard Parish Library, 205 South Washington Avenue, DeRidder; Calcasieu Public Library, 301 W. Claude Street, Lake Charles; East Baton Rouge Parish Library, 7711 Goodwood Boulevard, Baton Rouge; Lafayette Public Library, 301 W. Congress Street, Lafayette; Lincoln Parish Library, 509 West Alabama Avenue, Ruston; Natchitoches Parish Library, 431 Jefferson Street, Natchitoches; New Orleans Public Library (Orleans Parish); 219 Loyola Avenue, New Orleans; New Orleans Public Library (Algiers Point Branch), 725 Pelican Avenue, New Orleans; Ouachita Parish Library, 1800 Stubbs Avenue, Monroe; Rapides Parish Library, 411 Washington Street, Alexandria; Vernon Parish Library, 1401 Nolan Trace, Leesville; Sabine Parish Library, 705 Main Street, Many, Louisiana; and Shreve Memorial Library (Caddo Parish), 424 Texas Street (71101), Shreveport, Louisiana. The Army and Forest Service ROD's and Final EIS, as well as additional information concerning the EIS process, may also be reviewed at *http://notes.tetratech-ffx.com/PolkEIS.nsf.*

Dated: June 15, 2004.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA(I&E).

[FR Doc. 04–14043 Filed 6–21–04; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for Construction and Operation of the Tertiary Treatment Plant and Associated Facilities at Marine Corps Base Camp Pendleton, California

AGENCY: Department of the Navy, DOD.

ACTION: Notice of record of decision.

SUMMARY: The Department of the Navy (DON), pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) and its implementing regulations (40 CFR parts 1500–1508), announces its decision to consolidate four active sewage treatment plants (STPs) at Marine Corps Base (MCB) Camp Pendleton into a single tertiary treatment plant (TTP). This involves construction and operation of a new TTP and associated facilities and demolition of four active and one inactive STP.

ADDRESSES: A copy of the Environmental Impact Statement (EIS) addressing this decision may be obtained from Commander, Southwest Division, Naval Facilities Engineering Command, Attn: Jill Wellman, Code 5

CPR.JW, 1220 Pacific Highway, San Diego, California 92132–5190.

FOR FURTHER INFORMATION CONTACT: Ms. Jill Wellman, telephone 619–532–4742.

SUPPLEMENTARY INFORMATION: The proposed action will construct and operate: The TTP, which will be located near the site of existing STP 13; a conveyance system to transport wastewater from the collection areas of active STPs 1, 2, 3, and 13 to the TTP; and a wastewater reclamation system to store and convey tertiary-treated water to reuse points. The proposed action will also dispose of excess tertiary-treated water via an ocean outfall; demolish active STPs 1, 2, 3, and 13, and inactive STP 8; and relocate the existing recycling center.

Currently, there are five STPs (STPs 1, 2, 3, 8, and 13) located within the southern portion of MCB Camp Pendleton. However, STP 8 is no longer in operation, and a sewage lift station located at inactive STP 8 is used to convey wastewater to STP 3 for treatment. The STPs currently collect and treat wastewater from within the Lower Santa Margarita River Basin. The proposed action will restructure MCB Camp Pendleton's current wastewater treatment system by consolidating active STPs 1, 2, 3, and 13 (which currently provide secondary treatment), construct a new, regional TTP, and maximize reuse of tertiary-treated effluent. Wastewater secondary treatment generally consists of biological treatment processes to reduce organic solids. Tertiary treatment provides further treatment for the removal of constituents not removed by secondary treatment.

The TTP will include: an influent pump station (to collect wastewater from the tributary area of active STP 13); preliminary treatment, secondary treatment, and tertiary treatment facilities; chemical storage and feed systems; utility systems and standby generators; an emergency management system connection; sludge handling facilities; an effluent pump station; and an operation and maintenance building.

The average wastewater flow at the TTP is expected to be 2.71 million gallons per day (mgd). The permitted flow capacity of the TTP will be 3.25 mgd, representing a difference of 0.54 mgd above existing wastewater flows. However, the maximum permitted flow capacity of the TTP will be 3.75 mgd. The proposed TTP has a design capacity to treat 5.0 mgd. The maximum permitted flow capacity is determined via National Pollution Discharge Elimination System permit provisions which require a facility's permit capacity to be only 75 percent of its design capacity.

The TTP wastewater conveyance system will consist of sewage lift stations and pipelines from the collection areas of STPs 1, 2, and 3 and inactive STP 8. In addition, a junction station will be constructed to accept wastewater flow from pump stations 2 and 3 (to allow transition from pressure flow to gravity flow). TTP wastewater conveyance pipelines will utilize existing pipelines where feasible.

TTP effluent will be reused (*i.e.*, reclaimed) and, when necessary, disposed via an existing ocean outfall. It is expected that all of the maximum permitted flow capacity of 3.75 mgd will be used for wastewater reclamation. However, if 100-percent reclamation cannot be achieved at the maximum permitted flow, the excess effluent (a maximum of 0.27 mgd (300 acre feet per year [afy]) during a normal rainfall year and 0.3 mgd (300 afy) evaluated at the historically wettest rainfall year (1978)) will be discharged via an existing ocean outfall.

The wastewater reclamation system will consist of pipelines, pump stations, and related facilities at each of the areas proposed for reuse of reclaimed water. Conveyance pipelines will tie into the existing pipeline infrastructure where possible. At the reuse sites, irrigation systems and associated pipelines will be installed (either underground or aboveground), as necessary to distribute reclaimed water.

In addition to the reclaimed water conveyance system components, two seasonal storage basins will be constructed through expansion of existing ponds to store reclaimed water during months of low irrigation demands (*i.e.*, periods of high rainfall). The 13-acre Lemon Grove percolation ponds are the first of these storage basins. They are currently inactive and available for conversion to seasonal storage basins for wastewater effluent storage. The percolation ponds will be upgraded to storage basins by raising the berm heights, installing synthetic liners (to prevent seepage and protect inner slopes from erosion), and adding algae chemical storage facilities.

The second storage basin is Gooseneck Lake (Pond 2), which currently holds water ponding from natural surface flow. Pond 2 will be expanded to provide seasonal storage for 250 acre-feet of reclaimed water. Pond 2 expansion will require draining the pond, raising the Pond 2 dam height, installing a synthetic liner, realigning a dirt access road surrounding Pond 2, and a petroleum pipeline.

The two seasonal storage basins will store reclaimed water during low irrigation demand months (*i.e.*, winter months) and supplement reclaimed water flow during peak demand months (*i.e.*, summer months). Pipelines will be installed to connect the storage basins with the proposed TTP and the reuse conveyance systems.

Under the proposed action, once construction of the new wastewater and reclaimed water conveyance systems is complete, STPs 1, 2, 3, 8, and 13 will be demolished. After demolition, the sites will be investigated according to the Comprehensive Environmental Response, Compensation, and Liability Act. Eventually, the sites will be returned to a natural state. However, approximately 1-acre at each STP site will be maintained in a developed condition to accommodate a sewage lift station, potential future conveyance system expansion and maintenance.

Construction of the TTP and wastewater and reclamation conveyance systems will consist of a multi-year, phased construction program that will occur over approximately two to seven years (between fiscal years 2004 [FY04] and FY10). Construction of the TTP will begin first (FY04–05), followed by the wastewater and reclamation conveyance systems (FY05–07), and the demolition of STPs (FY09–10). The active STPs will remain in operation until the completion of wastewater and reclamation conveyance system construction.

Alternatives evaluated in the EIS included the proposed action, three action alternatives, and the no action alternative. Alternative 1 contains all project components associated with the proposed action. However, alternative 1 differs from the proposed action in that it includes additional wastewater reuse areas; reverse osmosis treatment of potable water; a wastewater treatment or reuse wetland; live-stream wastewater effluent discharge; and groundwater recharge. Alternative 2 contains all project components associated with the proposed action. However, alternative 2 differs from the proposed action in that it includes additional wastewater reuse areas; a wastewater treatment wetland; live-stream wastewater effluent discharge; and groundwater recharge. Alternative 3 contains all project components associated with the proposed action. However, alternative 3 differs from the proposed action in that it includes additional wastewater reuse areas; potable water and wastewater reverse osmosis treatment; a wastewater reuse wetland; live-stream wastewater effluent discharge; and groundwater recharge. Under the no action

alternative, effluent discharges from STPs 1, 2, 3, and 13 will continue through the City of Oceanside's ocean outfall and secondary treated effluent will be discharged to the ocean. Secondary treated effluent from STP 1 and 2 will also be used to irrigate the golf course when necessary.

MCB Camp Pendleton has a utility contract with the City of Oceanside to discharge secondary-treated effluent from MCB Camp Pendleton to the ocean outfall for a period of 5-years (with an additional 3-year option). Under the no action alternative, at the end of the agreement with the City of Oceanside, treated effluent from STPs 1, 2, and 3 may be discharged at the Lemon Grove percolation ponds, and effluent from Sewage Treatment Plant 13 may be discharged into the Twin Lakes percolation ponds, the Lower Santa Margarita River, or the Lemon Grove ponds.

The DON has determined that the proposed action is the environmentally preferred alternative.

The DON prepared an EIS to evaluate the potential impacts associated with implementation of the Proposed Action. The Draft EIS was provided to the public for a 45-day review and in conclusion of that process, two comment letters were received. The California Coastal Commission (CCC) reviewed the EIS and provided a letter of concurrence. The State Historic Preservation Office (SHPO) is finalizing a Memorandum of Agreement, and the U.S. Fish and Wildlife Service (USFWS) provided a Biological Opinion in response to the Biological Assessment. A Final EIS containing the CCC letter of concurrence, the Biological Opinion, and the public comments and responses to public comments received on the Draft EIS was distributed to the public on April 23, 2004, for a 30-day review. No comment letters were received on the Final EIS.

The DON evaluated direct, indirect, and cumulative impacts associated with implementation of the proposed action affecting land use; air quality; geological resources; biological resources; cultural resources; water resources; environmental justice; utilities and infrastructure; and safety and environmental health. Detailed discussion of the impacts is contained in Chapter 4 of the Final EIS.

The proposed action was designed to locate its components, to the maximum extent practicable, in areas without threatened or endangered species or sensitive vegetation types and within previously disturbed areas. For example, much of the wastewater and reclamation conveyance pipeline alignment follows the alignment of existing pipeline. The mitigation measures presented below will be implemented to reduce impacts to below a level of significance (the mitigation acreages presented below for each biological resource are expressed as the maximum number of acres since the project is a design-build project and the specific location or footprint of the project components is currently unknown):

Vegetation Types—permanent, direct impacts to riparian habitats that are not "Waters of the U.S." will be mitigated through exotic species control at ratios up to 2:1. Temporary, direct impacts to riparian habitats that are not "Waters of the U.S." will be mitigated through site restoration, monitoring, and exotic species control at ratios up to 2:1. Permanent, direct impacts to coastal sage scrub (CSS) and Disturbed CSS (D–CSS) will be mitigated at 2:1 and 1:1, respectively. Temporary impacts to CSS and D–CSS will be mitigated through revegetation with native CSS in the project areas.

Mitigation Acreages—for riparian vegetation, exotic species control mitigation will be 3.14 acres. Upland habitats replacement mitigation will be 35.55 acres of CSS and D–CSS, and riparian replacement mitigation will be 4.3 acres.

"Waters of the U.S."—permanent, direct impacts to riparian habitats that are "Waters of the U.S." or vernal pools will be mitigated through replacement of lost habitat at a ratio of 3:1. Temporary, direct impacts to riparian habitats that are "Waters of the U.S." will be mitigated through site restoration, monitoring, and exotic species control at ratios up to 2:1.

Mitigation Acreages—exotic species control mitigation will be 3.86 acres. Replacement mitigation will be 11.31 acres.

Sensitive Species—to the maximum extent practicable, construction activities will take place outside the breeding season of the arroyo toad, light-footed clapper rail, least Bell's vireo, southwestern willow flycatcher, and coastal California gnatcatcher, where these species are present. Construction activities within known arroyo toad habitat or in the vicinity of nesting sensitive bird species will be conducted in accordance to USFWS mitigation requirements presented in the Riparian Biological Opinion for MCB Camp Pendleton.

Cultural Resources—the proposed action will adversely affect archeological site CA–SDI–14170, a site determined to be eligible for listing on National Register of Historic Places. Data recovery to mitigate for impacts to the site will be conducted in accordance with a Memorandum of Agreement with the SHPO. As a requirement of the Memorandum of Agreement, a historic properties treatment plan will be prepared and submitted to the State Historic Preservation Office. The plan will include pre-construction trenching in areas where there is a high potential for buried archaeological deposits; data recovery of sites eligible for inclusion in the National Register of Historic Places; a construction monitoring program; and treatment of newly discovered sites. In addition, the plan will address Native American involvement and establish a program for managing inadvertent archeological discoveries cognizable under the Native American Graves Protection and Repatriation Act.

All practicable means to avoid or minimize environmental harm from implementing the proposed action have been considered. Potential impacts to natural and cultural resources will be mitigated to below a level of significance. On the basis of the EIS findings conducted in accordance with the requirements of NEPA, and after careful review of all comments received during the EIS process and the impact analysis performed for the proposed action, I conclude that implementation of the proposed action will not have a significant, unmitigable impact on the human or natural environment.

Dated: June 17, 2004.

Wayne Arny,

Deputy Assistant Secretary (Installations and Facilities).

[FR Doc. 04–14107 Filed 6–21–04; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 22, 2004.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Alice Thaler, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New

Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.,* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: June 16, 2004.

Angela C. Arrington,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Report of Children with Disabilities Receiving Special Education under Part B of the Individuals with Disabilities Education Act.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs (primary).

Reporting and Recordkeeping Hour Burden:

Responses: 60.

Burden Hours: 33,276.

Abstract: This package provides instructions and a form necessary for States to report the number of children with disabilities served under IDEA–B that receive special education and related services. It serves as the basis for distributing federal assistance, monitoring, implementing, and Congressional reporting.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 2491. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at her e-mail address *Sheila.Carey@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 04–14016 Filed 6–21–04; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 22, 2004.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Alice Thaler, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.,* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: June 16, 2004.

Angela C. Arrington,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More Than 10 Days.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs (primary).

Reporting and Recordkeeping Hour Burden:

Responses: 60.

Burden Hours: 155,800.

Abstract: This package provides instructions and a form for States to report the number of children and youth and the number of acts involving students served under IDEA involving a unilateral removal by school personnel or long-term suspension/expulsion. The form satisfies reporting requirements and is used by OSEP to monitor SEAs and for Congressional reporting.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 2492. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at her e-mail address *Sheila.Carey@ed.gov.* Individuals who use a telecommunications device for the deaf

(TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 04–14017 Filed 6–21–04; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 22, 2004.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Alice Thaler, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) title; (3) summary of the collection; (4) description of the need for, and proposed use of, the information; (5) respondents and frequency of collection; and (6) reporting and/or recordkeeping burden. OMB invites public comment.

Dated: June 16, 2004.

Angela C. Arrington,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.
Title: Part B, Individuals With Disabilities Education Act Implementation of FAPE Requirements.
Frequency: Annually.
Affected Public:
State, local, or tribal gov't, SEAs or LEAs (primary).
Reporting and Recordkeeping Hour Burden:
Responses: 60.
Burden Hours: 266,640.

Abstract: This package provides instructions and forms necessary for States to report the extent to which children with disabilities served under IDEA-B receive special education and related services with their non-disabled peers. The form satisfies reporting requirements and is used by OSEP to monitor SEAs and for Congressional reporting.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 2493. When you access the information collection, click on "Download Attachments "to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at her e-mail address *Sheila.Carey@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 04–14018 Filed 6–21–04; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 22, 2004.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Alice Thaler, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.*, new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: June 16, 2004.

Angela C. Arrington,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.
Title: Personnel Employed To Provide Special Education and Related Services for Children With Disabilities.
Frequency: Annually.
Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs (primary).
Reporting and Recordkeeping Hour Burden: Responses: 60. Burden Hours: 7,950.

Abstract: This package provides instructions and a form necessary for States to report Personnel serving

children with disabilities served under IDEA–B. This form satisfies reporting requirements and is used by OSEP for monitoring, implementing IDEA, and Congressional reporting.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov*, by selecting the "Browse Pending Collections" link and by clicking on link number 2494. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at her e-mail address *Sheila.Carey@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 04–14019 Filed 6–21–04; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 22, 2004.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Alice Thaler, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.*, new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: June 16, 2004.

Angela C. Arrington,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Reinstatement.

Title: Report of Children With Disabilities Exiting Special Education During the School Year.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs (primary).

Reporting and Recordkeeping Hour Burden:

Responses: 60.

Burden Hours: 39,420.

Abstract: This package provides instructions and a form necessary for States to report the number of students aged 14 and older served under IDEA-B exiting special education. The form satisfies reporting requirements and is used by OSEP to monitor SEAs and for Congressional reporting.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov*, by selecting the "Browse Pending Collections" link and by clicking on link number 2495. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at her e-mail address *Sheila.Carey@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 04–14020 Filed 6–21–04; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 22, 2004.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Alice Thaler, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.*, new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or

Recordkeeping burden. OMB invites public comment.

Dated: June 16, 2004.

Angela C. Arrington,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Report of Infants and Toddlers Receiving Early Intervention Services and of Program Settings Where Services are Provided in Accordance with Part C, and Report on Infants and Toddlers Exiting Part C.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 5,040.

Abstract: This package provides instructions and forms necessary for States to report, by race and ethnicity, the number of infants and toddlers with disabilities who: (a) Are served under IDEA, Part C; (b) are served in different program settings; and (c) exit Part C because of program completion and for other reasons. Data are obtained from State and local service agencies and are used to assess and monitor the implementation of IDEA and for Congressional reporting.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 2498. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at her e-mail address *Sheila.Carey@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 04–14021 Filed 6–21–04; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 22, 2004.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Alice Thaler, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.,* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: June 16, 2004.

Angela C. Arrington,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Annual Progress Reporting Form for Special Demonstration Programs.

Frequency: Annually.

Affected Public: Not-for-profit institutions; Businesses or other for-profit, State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 41.

Burden Hours: 1,148.

Abstract: This data collection will be conducted annually to obtain program and performance information from Rehabilitation Services Administration (RSA) grantees on their project activities. The data will be collected in accordance with the Government Performance and Results Act. Grantees will submit data via an internet form.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 2499. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at her e-mail address *Sheila.Carey@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 04–14022 Filed 6–21–04; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 22, 2004.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Alice Thaler, Desk Officer,

Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) title; (3) summary of the collection; (4) description of the need for, and proposed use of, the information; (5) respondents and frequency of collection; and (6) reporting and/or recordkeeping burden. OMB invites public comment.

Dated: June 16, 2004.

Angela C. Arrington,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Reinstatement.

Title: Annual Performance Report for the Upward Bound, Upward Bound Math/Science, and Veterans Upward Bound Programs.

Frequency: Annually.

Affected Public: Not-for-profit institutions (primary), State, local, or tribal gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 950.

Burden Hours: 14,250.

Abstract: Upward Bound grantees must submit the report annually. The reports are used to evaluate the performance of grantees prior to awarding continuation funding and to assess a grantee's prior experience at the end of the budget period. The Department will also aggregate the data across grantees to provide descriptive information on the program and to analyze the impact of the program on the academic progress of participating students.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 2482. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joe Schubart at his e-mail address *Joe.Schubart@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 04–14023 Filed 6–21–04; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 23, 2004.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 16, 2004.

Angela C. Arrington,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Federal Student Aid

Type of Review: Extension.

Title: Consolidation Loan Rebate Fee Report.

Frequency: Monthly.

Affected Public: Businesses or other for-profit (primary), State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 9,804.

Burden Hours: 10,621.

Abstract: The Consolidation Loan Rebate Fee Report for payment by check or Electronic Funds Transfer (EFT) will be used by approximately 817 lenders participating in the Title IV, Part B loans program. The information collected is used to transmit interest payment rebate fees to the Secretary of Education.

Requests for copies of the proposed information collection request may be accessed from *http://www.edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 2563. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6621. Please specify

the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joe Schubart at his e-mail address *Joe.Schubart@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 04–14024 Filed 6–21–04; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. QF04–50–000]

In Reply Refer To: Fountainview at College Road, Inc.

June 14, 2004.

Fountainview at College Road, Inc., Attention: John Vario, 2000 Fountainview Drive, Monsey, New York 10952.

CRM Energy Technologies, Attention: Robert Wilson, 80 Red Schoolhouse Rd., Chestnut Ridge, NY 10977.

Dear Mr. Vario and Mr. Wilson:

1. The Commission finds that the self-certification as a qualifying facility (QF) submitted by the Fountainview at College Rd, Inc. (Fountainview) may no longer be relied upon, 18 CFR 292.207(d)(1)(i) (2003). Fountainview's filing with the Commission was incomplete, and Fountainview has not responded to repeated requests to provide the additional information needed to complete the filing.

2. On December 4, 2003, Fountainview submitted a notice of self-certification, containing a Form No. 556. According to Fountainview's filing, Fountainview owns a 500 kilowatt cogeneration facility located in Monsey, New York.

3. The owner or operator of a facility (or itsrepresentative) self-certifying must file with the Commission, and concurrently serve on each electric utility with which it expects to interconnect, transmit or sell electric energy to, or purchase supplementary, standby, back-up and maintenance power from, and the state regulatory authority of each state where the facility and each affected utility is located "a notice of self-certification which contains a *completed* Form 556." *See* 18 CFR 292.207(a) (2003) (emphasis added). As described below, Fountainview's notice of self-certification did not contain the required, completed Form No. 556.

4. The Form No. 556 submitted by CRM for Fountainview did not contain the following required information: a complete description of the ownership of the facility including a description of any ownership interest held by an electric utility or electric utility holding company or by a person owned by either; an address and telephone number for communications regarding the filing; the electric utilities that are contemplated to transact with the qualifying facility (if known) and the services those electric utilities are expected to provide; utilities interconnecting with the facility and/or providing wheeling service; utilities purchasing the useful electric power output and utilities providing supplementary power, backup power, maintenance power, and/or interruptible power service; a description of the principal components of the facility; net and gross capacity; a discussion of the particular characteristics of the facility that might bear on the qualifying status; a mass and heat balance diagram; mechanical output; the number of hours of operation per year; the identity of the thermal host; and how the heat will be used.

5. Staff called Fountainview on December 16, 2003 and spoke to Mr. John Vario in an attempt to obtain information omitted from the filing. Mr Vario directed staff to call CRM Energy Technologies (CRM) because CRM was responsible for building the proposed facility for Fountainview and because CRM had submitted the notice of self-certification on Fountainview's behalf. Staff then called Mr. Richard Bailey, CRM's president, and informed him that the filing was deficient. He said that CRM would address the deficiencies. When nothing was filed with the Commission, staff, between January and April of 2004, called both Fountainview and CRM on several occasions and spoke to Debbie Reinfried, Roland Biehle, Robert Wilson (CRM's General Manager), and John Vario. On March 3, 2004, staff, pursuant to delegated authority, issued a letter to CRM, asking CRM to answer all of the questions in Form No. 556, with a response due on or before March 18, 2004. *See* 18 CFR 375.307(l)(3) (2003). The letter was both mailed and faxed to CRM and Fountainview. Staff subsequently called CRM and verified that it had received the fax. After the response date had passed, staff called Robert Wilson two times, but to date neither a response to the letter nor an explanation for the delay has been filed.

6. If a qualifying facility fails to conform to any material facts or representations presented by the applicant in its submittal to the Commission, the notice of self-certification of qualifying status of the facility "may no longer be relied upon." *See* 18 CFR 292.207(d)(1)(i) (2003). Because Fountainview has failed to include the required, completed Form No. 556 with its filing, the Commission finds that Fountainview may not rely on the notice of self-certification it submitted in this docket.

7. If Fountainview desires QF status, Fountainview may file either a new notice of self-certification pursuant to the requirements of 18 CFR 292.207(a)(1) (2003), or an pplication for Commission certification pursuant to the requirements of 18 CFR292.207(b) (2003). *See* 18 CFR 292.207(d)(1)(i) (2003). We caution that Fountainview's notice of self-certification, or alternatively its application for Commission certification, must contain all of the information required by the Commission's regulations, including the information identified in Form No. 556.

8. A copy of this letter will be published in the **Federal Register**.

By direction of the Commission.

Magalie R. Salas,

Secretary.

cc: Orange and Rockland Utilities, Inc., One Blue Hill Plaza, Pearl River, NY 10965.
New York Public Service Commission, Empire State Plaza, Agency Building 3, Albany, NY 12223–1350.

[FR Doc. 04–13999 Filed 6–21–04; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Parker-Davis Project, Pacific Northwest-Pacific Southwest Intertie Project, and the Central Arizona Project

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of proposed rates.

SUMMARY: The Western Area Power Administration (Western) is initiating a rate adjustment process for a firm transmission rate for Projects in the Desert Southwest Customer Service Region. The multi-system transmission rate (MSTR) will apply to three transmission systems: the Parker-Davis Project (P–DP), the Pacific Northwest-Pacific Southwest Intertie Project (Intertie), and the Central Arizona Project (CAP) for rate purposes. The proposed MSTR will provide sufficient revenue to pay all annual costs, including interest expense and repayment of required investment, within the allowable period for the three transmission systems. A detailed rate brochure that identifies the reasons for proposing a multi-system transmission rate is available on Western's Web site (*http://www.wapa.gov/dsw/pwrmkt/MSTRP/MSTRP.htm*). The proposed MSTR is scheduled to become effective on January 1, 2005, and will remain in effect through December 31, 2009. Publication of this **Federal Register** notice initiates the formal process for the proposed rate adjustment.

DATES: The consultation and comment period will begin today and will end September 20, 2004. Western representatives will explain the proposed MSTR at a public information forum on July 14, 2004, beginning at 10 a.m. MST, in Phoenix, AZ. Western will receive oral and written comments at a public comment forum on August 11, 2004, beginning at 10 a.m. MST, in Phoenix, AZ.

ADDRESSES: Written comments should be sent to: Mr. J. Tyler Carlson, Regional

Manager, Desert Southwest Customer Service Region, Western Area Power Administration, PO Box 6457, Phoenix, AZ 85005–6457, e-mail *carlson@wapa.gov*. Western must receive written comments by the end of the consultation and comment period to ensure they are considered in Western's decision process. The public information forum and public comment forum will be held at: Desert Southwest Customer Service Regional Office, located at 615 South 43rd Avenue, Phoenix, Arizona.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Murray, Rates Team Lead, Desert Southwest Customer Service Region, Western Area Power Administration, PO Box 6457, Phoenix, AZ 85005–6457, telephone (602) 352–2442, e-mail: *jmurray@wapa.gov*.

SUPPLEMENTARY INFORMATION:

Proposed Multi-System Transmission Rate

The proposed MSTR is designed to recover an annual revenue requirement that includes the annual transmission costs for P–DP, Intertie, and CAP, including investment repayment. The MSTR will be determined by the total transmission Revenue Requirements from each of the three projects divided by the total system reservations and estimates of network sales for the three projects. A stepped rate will be applied during the first 5 years to mitigate the cost shift to those customers who do not have concurrent service over two or more Projects (termed pancaked service). This stepped rate will be determined as follows: DSW will calculate a target rate to be achieved in the fifth year following the effective date of the MSTR. The single system transmission rate (SSTR) for each Project in the first 4 years will be the prior year rate increased/decreased each year by an amount equal to 25 percent of the difference between the target rate and the rate in effect in the year prior to the MSTR effective date. In the fifth year, all projects will pay the target rate. The stepped rate is illustrated in Table 1. The total revenue collected during the 5 years will be adequate to meet all expenses of each Project during the 5-year period.

TABLE 1.—COMPARISON OF SSTR TO MSTR FOR RATE PERIOD

	P–DP	CAP	IP 230/345–kV	IP 500–kV	Multi-System
FY 2004	$1.08 /kW–Mo	$0.82 /kW–Mo	$1.00 /kW–Mo	$1.44 /kW–Mo	n/a
FY 2005	1.11 /kW–Mo	0.82 /kW–Mo	1.00 /kW–Mo	1.44 /kW–Mo	n/a
FY 2006	1.12 /kW–Mo	0.90 /kW–Mo	1.04 /kW–Mo	1.37 /kW–Mo	n/a
FY 2007	1.13 /kW–Mo	0.99 /kW–Mo	1.08 /kW–Mo	1.30 /kW–Mo	n/a
FY 2008	1.14 /kW–Mo	1.07 /kW–Mo	1.11 /kW–Mo	1.22 /kW–Mo	n/a
FY 2009	1.15 /kW–Mo	1.15 /kW–Mo	1.15 /kW–Mo	1.15 /kW–Mo	1.15 /kW–Mo

The rate will be effective on January 1, 2005, and will remain in effect through December 31, 2009. Schedules will be updated every fiscal year on October 1, to reflect current financial and load data. The target rate may be changed as a result of the yearly update to ensure revenues collected over the 5 year period will be adequate to meet all expenses for each project. The MSTR will supersede each Project's SSTR. Revenue derived from the MSTR will be allocated to the Projects based on each individual Project's percentage of the MSTR revenue requirement.

Firm Electric Service (FES) and Priority Use Power (PUP) customers who take service under existing marketing plans will continue to receive a bundled product which includes an appropriate transmission component charge. The FES or PUP customers that choose to take advantage of the broader MSTR transmission service will pay the MSTR. In the near term and in accordance with the existing contractual commitments, FES and PUP customers that continue to take limited service delivery solely on the P–DP system will receive a credit for the difference between the MSTR and the transmission component of the P-DP bundled Power rate.

Procedural Requirements

Western will hold both a public information forum and a public comment forum. After a review of public comments, possible amendments or adjustments, Western will recommend the Deputy Secretary of Energy approve the proposed MSTR on an interim basis. The proposed MSTR is being established pursuant to the DOE Organization Act, (42 U.S.C. 7152); the Reclamation Act of 1902, ch. 1093, 32 Stat. 388, as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939, (43 U.S.C. 485h(c)); and other acts that specifically apply to the P–DP, Intertie, and CAP transmission projects.

By Delegation Order No. 00'037.00 approved December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates on a nonexclusive basis to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Federal Energy Regulatory Commission. Existing DOE procedures for public participation in power rate adjustments (10 CFR 903) were published on September 18, 1985 (50 FR 37835).

Availability of Information

All brochures, studies, comments, letters, memorandums, or other documents that Western initiates or uses to develop the proposed MSTR, are available for inspection and copying at the Desert Southwest Customer Service Regional Office, located at 615 South 43rd Avenue, Phoenix, Arizona. Many of these documents and supporting information are also available on the DSW Web site at: *http://www.wapa.gov/dsw/pwrmkt/MSTRP/MSTRP.htm*.

Regulatory Procedure Requirements

Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*) requires Federal agencies to perform a regulatory flexibility analysis if a final rule is likely to have a significant economic impact on a substantial number of small entities, and there is a legal requirement to issue a general notice of proposed rulemaking. This action does not require a regulatory flexibility analysis since it is a rulemaking of particular applicability, involving rates or services applicable to public property.

Environmental Compliance

In compliance with the National Environmental Policy Act of 1969

(NEPA) (42 U.S.C. 4321, *et seq.*); Council On Environmental Quality Regulations (40 CFR 1500–1508); and DOE NEPA Regulations (10 CFR 1021), Western has determined that this action is categorically excluded from preparing an environmental assessment or an environmental impact statement.

Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance by the Office of Management and Budget is required.

Small Business Regulatory Enforcement Fairness Act

Western has determined that this rule is exempt from congressional notification requirements under 5 U.S.C. 801 because the action is a rulemaking of particular applicability relating to rates or services and involves matters of procedure.

Dated. June 7, 2004.

Michael S. Hacskaylo,

Administrator.

[FR Doc. 04–14081 Filed 6–21–04; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7776–7]

Gulf of Mexico Program Citizens Advisory Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act (Public Law 92–463), EPA gives notice of a meeting of the Gulf of Mexico Program (GMP) Citizens Advisory Committee (CAC).

DATES: The meeting will be held on Thursday, July 15, 2004, from 8:30 a.m. to 4:15 p.m.

ADDRESSES: The meeting will be held at the Embassy Suites, 315 Julia Street, New Orleans, LA 70130 (504–525–1993).

FOR FURTHER INFORMATION CONTACT: Gloria D. Car, Designated Federal Officer, Gulf of Mexico Program Office, Mail Code EPA/GMPO, Stennis Space Center, MS 39529–6000 at (228) 688–2421.

SUPPLEMENTARY INFORMATION: The proposed agenda includes the following topics: EPA's Non-point Source Pollution Program; Master Farmer Program in Louisiana; Davis Pond Freshwater Diversion Project; and the Chesapeake Bay Citizens Advisory Committee—Building Support.

The meeting is open to the public.

Dated: June 14, 2004.

Gloria D. Car,

Designated Federal Officer.

[FR Doc. 04–14089 Filed 6–21–04; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7776–9]

Science Advisory Board Staff Office, Clean Air Scientific Advisory Committee (CASAC); Notification of Advisory Committee Meeting of the CASAC Ambient Air Monitoring and Methods (AAMM) Subcommittee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency Science Advisory Board (SAB) Staff Office announces a public meeting of the Clean Air Scientific Advisory Committee's (CASAC) Ambient Air Monitoring and Methods (AAMM) Subcommittee to conduct a consultation on methods for measuring coarse-fraction particulate matter (PMc) in ambient air, based upon performance evaluation field studies conducted by EPA.

DATES: July 22, 2004. The meeting will be held on July 22, 2004, from 8:30 a.m. to 5:30 p.m. (eastern time).

ADDRESSES: The meeting will take place at the EPA campus, Building C, in EPA's Main Auditorium (Room C111), 109 Alexander Drive, Research Triangle Park (RTP), North Carolina. A publicly-accessible teleconference line will be available for the entire meeting.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wishes to obtain the teleconference call-in numbers and access codes; would like to submit written or brief oral comments (five minutes or less); or wants further information concerning this meeting, must contact Mr. Fred Butterfield, Designated Federal Officer (DFO), EPA Science Advisory Board (1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; via telephone/voice mail: (202) 343–9994; fax: (202) 233–0643; or e-mail at: *butterfield.fred@epa.gov*. General information concerning the CASAC or the Science Advisory Board can be found on the EPA Web site at: *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION:

CASAC and the AAMM Subcommittee

The CASAC, which comprises seven members appointed by the EPA Administrator, was established under section 109(d)(2) of the Clean Air Act (42 U.S.C. 7409) as an independent scientific advisory committee, in part to provide advice, information and recommendations on the scientific and technical aspects of issues related to air quality criteria and national ambient air quality standards (NAAQS) under sections 108 and 109 of the Act. The CASAC is a Federal advisory committee chartered under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App.

The SAB Staff Office is forming the CASAC AAMM Subcommittee as a standing subcommittee to provide EPA, through the CASAC, with advice and recommendations, as necessary, on topical areas related to ambient air monitoring, methods and networks. A solicitation for nominees to form the new AAMM Subcommittee of the CASAC was published in the **Federal Register** on April 12, 2004 (69 FR 19180), and noted that nominees should be national and international experts in one or more of the following areas: (a) Atmospheric sciences and air quality simulation modeling; (b) human health effects and exposure assessment; (c) air quality measurement science; (d) ecological risk assessment; and (e) State, local agency or Tribal experience. The CASAC AAMM Subcommittee will report to the EPA Administrator through the CASAC, which is administratively located under the SAB Staff Office. The Subcommittee will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Background

EPA's Office of Air Quality Planning and Standards (OAQPS), within EPA's Office of Air and Radiation, is seeking advice from the CASAC on methods for measuring coarse-fraction particulate matter in ambient air, should new PMc standards be established as a result of EPA's ongoing review of the NAAQS for particulate matter (PM). Measurement of PMc is intended to focus on those particles in the ambient air with a nominal diameter in the range of 2.5 to 10 micrometers (*i.e.*, the coarse fraction of PM_{10}). The CASAC has provided peer review on PMc measurement methods on two previous occasions. The CASAC's former Technical Subcommittee on Particle Monitoring (which was previously known as the Technical Subcommittee on Fine Particle Monitoring) met on April 18–

19, 2000, to provide advice and commentary on EPA's $PM_{2.5}$ Monitoring program. A portion of that public meeting included a presentation and discussion on developing a Federal Reference Method (FRM) sampler for PMc. The report from that meeting may be viewed at: *http://www.epa.gov/sab/pdf/casca006.pdf*. Subsequently, the CASAC met via public teleconference on October 1, 2001, to conduct a consultation with EPA on the Agency's proposed methodology for measuring PMc. As is the case with CASAC consultations, no formal report from that teleconference was prepared; however, a record of that teleconference may be viewed at: *http://www.epa.gov/sab/pdf/casacn02001.pdf*.

Any questions concerning the Agency's needs for PMc measurement methods should be directed to Mr. Tim Hanley, OAQPS, at phone: (919) 541–4417; or e-mail: *hanley.tim@epa.gov*. Questions concerning FRM or federal equivalent method (FEM) development efforts and the PMc measurement methods evaluation study should be directed to Dr. Robert Vanderpool of EPA's National Exposure Research Laboratory, within the Office of Research and Development, at phone: (919) 541–7877; or e-mail: *vanderpool.robert@epa.gov*.

Charge to the CASAC AAMM Subcommittee

For this consultative meeting, Subcommittee members will be charged with providing individual expert advice on EPA's evaluation of PMc sampling and monitoring methods that will help inform the Agency's possible selection of PMc measurement methods as part of its ongoing review of the PM NAAQS. This consultation will include an assessment of the relative strengths and weaknesses of each of the methods tested, with consideration of the Agency's need for methods that can meet multiple monitoring objectives.

Availability of Additional Meeting Materials

At least one month prior to the meeting of this Subcommittee, OAQPS will post written meeting materials on the Ambient Monitoring Technology Information Center (AMTIC) Web site at: *http://www.epa.gov/ttn/amtic/casac.html*. In addition, the SAB Staff Office will post a copy of the agenda and the final charge to the Subcommittee for this consultation on the SAB Web site at: *http://www.epa.gov/sab* (under the "Agendas" subheading) in advance of the Subcommittee meeting.

Providing Oral or Written Comments at SAB Meetings

It is the policy of the SAB Staff Office to accept written public comments of any length, and to accommodate oral public comments whenever possible. The SAB Staff Office expects that public statements presented at its meetings will not be repetitive of previously-submitted oral or written statements. *Oral Comments:* In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of five minutes (unless otherwise indicated). Requests to provide oral comments must be *in writing* (e-mail, fax or mail) and received by Mr. Butterfield no later than noon eastern time five business days prior to the meeting in order to reserve time on the meeting agenda. Speakers should bring at least 75 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. *Written Comments:* Although the SAB Staff Office accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office no later than noon eastern time five business days prior to the meeting so that the comments may be made available to the CASAC AAMM Subcommittee for their consideration. Comments should be supplied to Mr. Butterfield (preferably via e-mail) at the address/contact information noted above, as follows: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, WordPerfect, Word, or Rich Text files (in IBM-PC/Windows 98/2000/XP format)). Those providing written comments and who attend the meeting are also asked to bring 75 copies of their comments for public distribution.

Meeting Access

Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact the DFO at the phone number or e-mail address noted above at least at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: June 16, 2004.

Vanessa T. Vu,

Director, EPA Science Advisory Board Staff Office.

[FR Doc. 04–14092 Filed 6–21–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7776–8]

Proposed Administrative Settlement; Denova Environmental Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), 42 U.S.C. 9600 *et seq.*, notice is hereby given that a proposed Agreement and Covenant Not to Sue (Prospective Purchaser Agreement) associated with the Denova Environmental Superfund Site was executed by the United States on May 12, 2004. The proposed Prospective Purchaser Agreement would resolve certain potential claims of the United States under sections 106, 107(a) and 107(r) of CERCLA, 42 U.S.C. 9606, 9607(a), and 9607(r) against Target Corporation (the Purchaser). The Purchaser plans to acquire the 20-acre parcel constituting the Superfund Site, located at 2610 North Alder Avenue, Rialto, California, and use the property as part of a distribution center.

In exchange for the settlement, Target has agreed to pay the United States Environmental Protection Agency $100,000 in cash.

For thirty (30) calendar days following the date of publication of this notice, EPA will receive written comments relating to the proposed settlement. EPA's response to any comments received will be available for public inspection at 75 Hawthorne Street, San Francisco, CA 94105.

DATES: Comments must be submitted on or before July 22, 2004.

ADDRESSES: The proposed Prospective Purchaser Agreement is available for public inspection at EPA Region IX, 75 Hawthorne Street, San Francisco, California. A copy of the proposed settlement may be obtained from Thanne Cox, EPA Region IX, 75 Hawthorne Street, ORC–3, San Francisco, CA 94105, telephone number 415–972–3908. Comments should reference the Denova Environmental Superfund Site, Rialto, California and EPA Docket No. 2004–10 and should be addressed to Thanne Cox at the above address.

FOR FURTHER INFORMATION CONTACT: Thanne Cox, Assistant Regional Counsel (ORC–3), Office of Regional Counsel,

U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; phone: (415) 972–3908; fax: (415) 947–3570; e-mail: *cox.elizabeth@epa.gov.*

Dated: June 10, 2004.

Keith Takata,

Director, Superfund Division, Region IX.

[FR Doc. 04–14090 Filed 6–21–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7775–8]

Proposed CERCLA Administrative Cost Recovery Settlement; Denova Environmental Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the Denova Environmental Site in Rialto, San Bernardino County, California with the following settling parties: Intercoastal, L.L.C., Michael L. Webster, John C. Webster, Laurence Webster, Amberwick Corporation, and Carol Cole. The settlement requires the settling parties to pay $640,000 to the United States Environmental Protection Agency (EPA). The settlement includes a covenant not to sue the settling party pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 75 Hawthorne Street, San Francisco, CA 94105.

DATES: Comments must be submitted on or before July 22, 2004.

ADDRESSES: The proposed settlement is available for public inspection at EPA Region IX, 75 Hawthorne Street, San Francisco, California. A copy of the proposed settlement may be obtained from Thanne Cox, EPA Region IX, 75 Hawthorne Street, ORC–3, San Francisco, CA 94105, telephone number 415–972–3908. Comments should reference the Denova Environmental Superfund Site, Rialto, California and EPA Docket No. 2004–11 and should be addressed to Thanne Cox at the above address.

FOR FURTHER INFORMATION CONTACT: Thanne Cox, Assistant Regional Counsel (ORC–3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; phone: (415) 972–3908; fax: (415) 947–3570; e-mail: *cox.elizabeth@epa.gov.*

Dated: June 10, 2004.

Keith Takata,

Director, Superfund Division, Region IX.

[FR Doc. 04–14091 Filed 6–21–04; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

Economic Impact Policy

This notice is to inform the public that the Export-Import Bank of the United States has received an application to finance the export of approximately $630 million in U.S. semiconductor manufacturing equipment to a dedicated foundry in Singapore. The U.S. exports will enable the dedicated foundry to produce 15,000 300–mm (non-DRAM) wafers per month across advanced process technology nodes. Available information indicates that this new production will be exported from Singapore and consumed globally. Interested parties may submit comments on this transaction by e-mail to *economic.impact@exim.gov* or by mail to 811 Vermont Avenue, NW., Room 1238, Washington, DC 20571, within 14 days of the date this notice appears in the **Federal Register**.

Helene S. Walsh,

Director, Policy Oversight and Review.

[FR Doc. 04–14026 Filed 6–21–04; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

May 17, 2004.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before July 22, 2004. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *Leslie.Smith@fcc.gov* or Kristy L. LaLonde, Office of Management and Budget (OMB), Room 10236 NEOB, Washington, DC 20503, (202) 395–3087 or via the Internet at *Kristy_L._LaLonde@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copy of the information collection(s) contact Les Smith at (202) 418–0217 or via the Internet at *Leslie.Smith@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0016.

Title: Application for Authority to Construct or Make Changes in a Low Power TV, TV Translator, or TV Booster Station, FCC Form 346.

Form Number: FCC 346.

Type of Review: Revision of currently approved collection.

Respondents: Businesses or other for-profit entities; Not-for-profit institutions; and State, local or tribal government.

Number of Respondents: 2,000.

Estimated Time per Response: 7 hours.

Frequency of Response: On occasion reporting requirements; Third party disclosure.

Total Annual Burden: 14,000.

Total Annual Costs: $5,996,000.

Privacy Impact Assessment: No impact(s).

Needs and Uses: Licensees/permittees/applicants use FCC Form 346 to apply for authority to construct or make changes in a Low Power Television, TV Translator, or TV Booster broadcast station. Applicants are also subject to the third party disclosure requirements under 47 CFR Section 73.3580. Within 30 days of tendering the application, the applicant is required to publish a notice in a newspaper of general circulation when filing all applications for new or major changes in facilities—the notice is to appear at least twice a week for two consecutive weeks in a three-week period. A copy of this notice must be maintained with the application. FCC staff use the data to determine if the applicant is qualified, meets basic statutory and treaty requirements, and will not cause interference to other authorized broadcast services. The FCC issued Public Notice DA 02–1087 on May 13, 2002 to require electronic filing of FCC Form 346 unless the Commission issues a waiver to the filer.

OMB Control Number: 3060–0937.

Title: Establishment of a Class A Television Service.

Form Number: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 600.

Estimated Time per Response: 0.017 hours–52 hours.

Total Annual Burden: 280,432 hours.

Total Annual Costs: $1,327,500.

Privacy Impact Assessment: No impact(s).

Needs and Uses: The Report and Order in MM Docket No. 00–10 adopted rules for Class A LPTV broadcasters. Class A LPTV broadcasters are subject to the Commission's operating rules for full-service television stations. The Report and Order modified all pertinent 47 CFR Part 73 rules to indicate their applicability to Class A LPTV licensees. The information collection requirements contained within this Report and Order ensure that the integrity of the TV spectrum is not compromised. These requirements also ensure that unacceptable interference is not caused to existing radio services, and that statutory requirements are met. The Part 73 rules ensure that the stations are operated in the public interest.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 04–14117 Filed 6–21–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 04–1690]

Elimination of Market Entry Barriers for Small Telecommunications Businesses and Allocations of Spectrum-Based Services for Small Businesses and Businesses Owned by Women and Minorities

AGENCY: Federal Communications Commission.

ACTION: Notice, solicitation of comment.

SUMMARY: The Media Bureau seeks comment on constitutionally permissible ways for the Commission to further its legislative mandate to identify and eliminate market entry barriers for small telecommunications businesses and to further opportunities in the allocation of spectrum-based services for small businesses and businesses owned by women and minorities. Specifically, the Commission seeks comment on furthering these statutory objectives in a constitutionally permissible manner, especially in light of two recent Supreme Court decisions.

DATES: Comments are due on or before July 22, 2004; Reply comments are due on or before August 6, 2004.

FOR FURTHER INFORMATION CONTACT: Anne Levine, Industry Analysis Division, Media Bureau, (202) 418–2330 or *Anne.Levine@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Public Notice, DA 04–1690, released June 15, 2004. The full text of this Public Notice is available for inspection and copying during regular business hours in the FCC Reference Center, 445 Twelfth Street, SW., Room CY–A257, Portals II, Washington, DC, 20554, and may also be purchased from the Commission's copy contractor, Best Company and Printing, Inc., Room CY–B402, telephone (800) 378–3160, e-mail *http://www.BCPIWEB.COM*. To request materials in accessible formats for people with disabilities (electronic files, large print, audio format and Braille), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0531 (voice), 418–7365 (TTY).

The Media Bureau (Bureau) is seeking comment on constitutionally permissible ways to further the mandates of Section 257 of the Telecommunications Act of 1996, 47 U.S.C. 257, which directs the FCC to identify and eliminate market entry barriers for small telecommunications businesses, and section 309(j) of the Communications Act of 1934, 47 U.S.C. 309(j), which requires the FCC to further opportunities in the allocation of spectrum-based services for small businesses and businesses owned by women and minorities. We specifically encourage commenters to discuss possible next steps to further these statutory objectives in a constitutionally permissible manner, especially in light of two recent Supreme Court decisions. *See Grutter* v. *Bollinger*, 539 U.S. 306 (2003); *Gratz* v. *Bollinger*, 539 U.S. 244 (2003).

Commenters should discuss and proffer specific recommendations for building on the series of market entry barrier studies listed below. These studies were conducted pursuant to section 257 of the Telecommunications Act of 1996, 47 U.S.C. 257, and section 309(j) of the Communications Act of 1934, 47 U.S.C. 309(j), and released by the Commission in December 2000. In particular, we urge commenters to identify any recent analyses relevant to the conclusions of the studies.

- Diversity of Programming in the Broadcast Spectrum: Is There a Link Between Owner Race or Ethnicity and News and Public Affairs Programming? (the "Content/Ownership Study").
- Study of the Broadcast Licensing Process, consisting of three parts: History of the Broadcast Licensing Process; Utilization Rates, Win Rates and Disparity Ratios for Broadcast Licenses Awarded by the FCC; and Logistic Regression Models of the Broadcast License Award Process for Licenses Awarded by the FCC (the "Broadcasting Licensing Study").
- FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority- and Women-Owned Companies in FCC Wireless Spectrum Auctions (the "Auction Utilization Study").
- Study of Access to Capital Markets and Logistic Regressions for License Awards by Auctions (the "Capital Markets and Auctions Regression Study") *aka* "Discrimination in Capital Markets, Broadcast/Wireless Spectrum Service Providers and Auction Outcomes."
- Whose Spectrum Is It Anyway? Historical Study of Market Entry Barriers, Discrimination and Changes in Broadcast and Wireless Licensing 1950 to Present (the "Historical Study").

• When Being No. 1 Is Not Enough: the Impact of Advertising Practices On Minority-Owned & Minority-Formatted Broadcast Stations (the "Advertising Study")(Released January 1999).

The studies are available on the FCC's Web site at *http://www.fcc.gov/opportunity/meb_study/*, except for the Advertising Study, which is available on the FCC's Web site at *http://www.fcc.gov/Bureaus/Mass_Media/Informal/ad-study/*. The studies are also available on the Commission's Electronic Filing System (ECFS) under MB Docket No. 04–228.

Comments must be filed on or before July 22, 2004; and reply comments must be filed by August 6, 2004. Comments and reply comments may be filed using the Commission's Electronic Filing System or by filing paper copies (an original and four copies). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121, (May 1, 1998). All comments should reference MB Docket No. 04–228.

Comments filed through the ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.html*. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov*, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Parties also must serve either one copy of each filing via e-mail or two paper copies to Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC. 20554, telephone (800) 378–3160, or via e-mail to *fcc@bcpiweb.com*. In addition, parties should serve one copy of each filing via email or three paper copies to Linda Senecal, 445 12th Street, SW., 2–C438, Washington, DC 20554.

Availability of Documents. Comments, reply comments, and ex parte submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY–A257, Washington, DC 20554. Persons with disabilities who need assistance in the FCC Reference Center may contact Bill Cline at (202) 418–0267 (voice), (202) 418–7365 (TTY), or *bcline@fcc.gov*. These documents also will be available from the Commission's Electronic Comment Filing System. Documents are available electronically in ASCII, Word 97, and Adobe Acrobat. Copies of filings in this proceeding may be obtained from Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone (800) 378–3160, fax (202) 488–5563, via e-mail at *fcc@bcpiweb.com*, or via its Web site at *http://www.bcpiweb.com*. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0531 (voice), 202–418–7365 (TTY).

Federal Communications Commission.

W. Kenneth Ferree,

Chief, Media Bureau.

[FR Doc. 04–14122 Filed 6–21–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 6, 2004.

A. Federal Reserve Bank of Atlanta (Sue Costello, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30303:

1. C. David Brown, II, Windermere, Florida; Tracy S. Forrest, Winter Park, Florida; Jeffry B. Fuguo and Michael J. Nelson, both of Orlando, Florida; to collectively acquire up to 100 percent of the outstanding shares of Liberty Bancorporation, and its subsidiary, Liberty National Bank, both of Longwood, Florida.

Board of Governors of the Federal Reserve System, June 16, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04–14032 Filed 6–21–04; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise

noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 16, 2004.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. Coastal South Bancshares, Inc., Hilton Head Island, South Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of CoastalStates Bank, Hilton Head Island, South Carolina.

Board of Governors of the Federal Reserve System, June 16, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04–14031 Filed 6–21–04; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Consumer Advisory Council

Solicitation of Nominations for Membership

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice.

SUMMARY: The Board is inviting the public to nominate qualified individuals for appointment to its Consumer Advisory Council, whose membership represents interests of consumers, communities, and the financial services industry. New members will be selected for three-year terms that will begin in January 2005. The Board expects to announce the selection of new members by year-end 2004.

DATES: Nominations must be received by August 27, 2004. Nominations not received by August 27, may not be considered.

ADDRESSES: Nominations must including a *résumé* for each nominee. Electronic nominations are preferred. The appropriate form can be accessed at: *http://www.federalreserve.gov/forms/cacnominationform.cfm*.

If electronic submission is not feasible, the nominations can be mailed (not sent by facsimile) to Terri Johnsen, Manager, Community Affairs, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: Ann Bistay, Secretary of the Council, Division of Consumer and Community Affairs, (202) 452–6470, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The Consumer Advisory Council was established in 1976 at the direction of the Congress to advise the Federal Reserve Board on the exercise of its duties under the Consumer Credit Protection Act and on other consumer-related matters. The Council by law represents the interests both of consumers and of the financial services industry (15 U.S.C. 1691(b)). Under the Rules of Organization and Procedure of the Consumer Advisory Council (12 CFR 267.3), members serve three-year terms that are staggered to provide the Council with continuity.

New members will be selected for terms beginning January 1, 2005, to replace members whose terms expire in December 2004; the Board expects to announce its appointment of new members by year-end. Nomination letters should include:

- A résumé;
- Information about past and present positions held by the nominee;
- A description of special knowledge, interests or experience related to community reinvestment, consumer protection regulations, consumer credit, or other consumer financial services;
- Full name, title, organization name, organization description for both the nominee and the nominator;
- Current address, telephone and fax numbers for both the nominee and the nominator; and
- Positions held in community organizations, and on councils and boards.

Individuals may nominate themselves.

The Board is interested in candidates who have familiarity with consumer financial services, community reinvestment, and consumer protection regulations, and who are willing to express their viewpoints. Candidates do not have to be experts on all levels of consumer financial services or community reinvestment, but they should possess some basic knowledge of the area. They must be able and willing to make the necessary time commitment to participate in conference calls, and prepare for and attend meetings three times a year (usually for two days, including committee meetings). The meetings are held at the Board's offices in Washington, DC. The Board pays travel expenses, lodging, and a nominal honorarium.

In making the appointments, the Board will seek to complement the background of continuing Council members in terms of affiliation and geographic representation, and to ensure the representation of women and minority groups. The Board may consider prior years' nominees and does not limit consideration to individuals nominated by the public when making its selection.

Council members whose terms end as of December 31, 2004, are:

Janie Barrera, President and Chief Executive Officer, ACCION Texas, San Antonio, Texas.

Kenneth P. Bordelon, Chief Executive Officer, E Federal Credit Union, Baton Rouge, Louisiana.

Robin Coffey, Senior Vice President, Harris Bank, Chicago, Illinois.

Thomas FitzGibbon, Senior Vice President, MB Financial Bank, N.A., Chicago, Illinois.

Larry Hawkins, President and Chief Executive Officer, Unity National Bank, Houston, Texas.

Ruhi Maker, Senior Attorney, Law Office of Rochester, Rochester, New York.

Patricia McCoy, Professor of Law, University of Connecticut School of Law, Hartford, Connecticut.

Debra S. Reyes, President, Neighborhood Lending Partners, Inc., Tampa, Florida.

Benson Roberts, Vice President for Policy, Local Initiatives Support Corporation, Washington, District of Columbia.

Agnes Bundy Scanlan, Senior Vice President, Regulatory Relations Executive, Bank of America, Boston, Massachusetts.

Hubert Van Tol, Co-Director, Fairness in Rural Lending, Sparta, Wisconsin.

Council members whose terms continue through 2005 and 2006 are:

Dennis L. Algiere, Senior Vice President, Compliance and Community Affairs, The Washington Trust Company, Westerly, Rhode Island.

Susan Bredehoft, Senior Vice President/Compliance Risk Management, Commerce Bank, N.A., Cherry Hill, New Jersey.

Sheila Canavan, Consumer Attorney, Law Office of Sheila Canavan, Moab, Utah.

Anne Diedrick, Senior Vice President, JPMorgan Chase Bank, New York, New York.

Dan Dixon, Group Senior Vice President, World Savings Bank, FSB, Washington, District of Columbia.

Hattie B. Dorsey, President and Chief Executive Officer, Atlanta Neighborhood Development Partnership, Atlanta, Georgia.

James Garner, Senior Vice President and General Counsel, North America Consumer Finance for Citigroup, Baltimore, Maryland.
R. Charles Gatson, Vice President/Chief Operating Officer, Swope Community Builders, Kansas City, Missouri.
James King, President and Chief Executive Officer, Community Redevelopment Group, Cincinnati, Ohio.
Elsie Meeks, Executive Director, First Nations Oweesta Corporation, Kyle, South Dakota.
Bruce B. Morgan, Chairman, President and Chief Executive Officer, Valley State Bank, Roeland Park, Kansas.
Mark Pinsky, President and Chief Executive Officer, National Community Capital Association, Philadelphia, Pennsylvania.
Benjamin Robinson, Senior Vice President, Chief Privacy Executive, Bank of America, Charlotte, North Carolina.
Mary Jane Seebach, Executive Vice President, Chief Compliance Officer, Countrywide Financial Corporation, Calabasas, California.
Paul J. Springman, Group Executive, Predictive Sciences, Equifax, Atlanta, Georgia.
Forrest F. Stanley, Senior Vice President and Deputy General Counsel, KeyBank National Association, Cleveland, Ohio.
Lori R. Swanson, Solicitor General, Office of the Minnesota Attorney General, St. Paul, Minnesota.
Diane Thompson, Supervising Attorney, Land of Lincoln Legal Assistance Foundation, Inc., East St. Louis, Illinois.
Clint Walker, General Counsel/Chief Administrative Officer, Juniper Bank, Wilmington, Delaware.

Board of Governors of the Federal Reserve System, June 16, 2004.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 04–14033 Filed 6–21–04; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 16, 2004.

A. Federal Reserve Bank of Cleveland (Nadine W. Wallman, Assistant Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. National City Corporation, Cleveland, Ohio; to merge with Wayne Bancorp, Inc., Wooster, Ohio, and thereby indirectly acquire The Wayne County National Bank of Wooster, Wooster, Ohio, and Savings Bank & Trust, Wadsworth, Ohio.

In connection with this application, National City Corporation has applied to acquire Access Financial Corp., Massillon, Ohio, and thereby engage in consumer lending activities pursuant to section 225.28(b)(1) of Regulation Y.

B. Federal Reserve Bank of Atlanta (Sue Costello, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30303:

1. Vision Bancshares, Inc., Gulf Shores, Alabama; to acquire 100 percent of the voting shares of BankTrust of Florida, Wewahitchka, Florida.

Board of Governors of the Federal Reserve System, June 17, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04–14104 Filed 6–21–04; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 8, 2004.

A. Federal Reserve Bank of New York (Jay Bernstein, Bank Supervision Officer) 33 Liberty Street, New York, New York 10045-0001:

1. NRW.Bank and and WestLB AG, both of Duesseldorf, Germany; to engage in:

Making, acquiring, brokering, or servicing loans or other extensions of credit for the bank holding company's own account or for the account of others in accordance with Section 225.28(b)(1);

Engaging under contract with a third party in asset management, servicing and collection of assets of a type that an insured depository institution may originate and own in accordance with Section 225.28(b)(2)(vi);

Leasing personal property or acting as agent, broker, or adviser in leasing such property, subject to the restrictions set forth in Section 225.28(b)(3)(i) and (ii) and the footnotes thereto;

Furnishing general economic information and advice, general economic statistical forecasting services, and industry studies in accordance with Section 225.28(b)(6)(ii);

Providing advice in connection with financing transactions and similar transactions and conducting financial feasibility studies in accordance with Section 225.28(b)(6)(iii);

Providing securities brokerage services in accordance with Section 225.28(b)(7)(i);

Acting as riskless principal in securities transactions in accordance with Section 225.28(b)(7)(ii);

Acting as agent in the provision of private placement services in accordance with Section 225.28(b)(7)(iii); and

Providing to customers as agent transactional services with respect to swaps and similar transactions in accordance with Section 225.28(b)(7)(v).

Board of Governors of the Federal Reserve System, June 17, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.04–14105 Filed 6–21–04; 8:45 am]

BILLING CODE 6210–01–S

GENERAL SERVICES ADMINISTRATION

Office of Governmentwide Policy

Governmentwide Relocation Advisory Board

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Notice.

SUMMARY: The General Services Administration is announcing the creation of a Governmentwide Relocation Advisory Board (the Board). The Board will offer advice and recommendations on a wide range of relocation management issues. The Board's first priority will be to review the current policies promulgated through the Federal Travel Regulation (FTR) for relocation allowances and associated reimbursements. Board meetings will be announced in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Joan Bender, Room 1221, GSA Building, Washington, DC 20405, (202) 208–4462, or by email at *joan.bender@gsa.gov*.

SUPPLEMENTARY INFORMATION: This notice is published in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), and advises of the establishment of the GSA Governmentwide Relocation Advisory Board. The Administrator of General Services has determined that the establishment of the Board is necessary and in the public interest.

The Charter for the Governmentwide Relocation Advisory Board reads as follows:

General Services Administration (GSA)

Governmentwide Relocation Advisory Board

CHARTER

Official Designation: Governmentwide Relocation Advisory Board.

Scope and Objectives: The Board will review the current policies promulgated through the Federal Travel Regulation (FTR) for relocation and associated reimbursements and allowances for Federal relocating employees. Through the review, the Board will recommend improvements for better management of Governmentwide relocation.

Duration: The Board will exist for 12 months from the date of the Charter unless renewed prior to official termination date.

Reporting Relationship: The Board reports to General Services Administration's (GSA's) Deputy Associate Administrator, Office of Transportation and Personal Property.

Support: GSA's Office of Governmentwide Policy, Office of Transportation and Personal Property will provide staff and other support to the Board.

Duties: The Board will provide advice and recommendations only.

Costs: Estimated cost of supporting the Board's functions is $83,820, including direct and indirect expenses. FTE estimate to support the Board is 1.5.

Meetings: The Board is anticipated to meet at least 7 times during the 12–month period.

Organization: With the approval of GSA, the Board may create such subcommittees as may be necessary to fulfill its mission. In addition, GSA and the Board may establish any operating procedures required to support the group, consistent with the Federal Advisory Committee Act, as amended.

Date of Termination: The Board will terminate 12 months from the date of Charter filing unless formally renewed prior to official termination date.

Approved: Stephen A. Perry (Administrator) June 14, 2004.

Dated: June 14, 2004.

Becky Rhodes,

Deputy Associate Administrator.

[FR Doc. 04–14088 Filed 6–21–04; 8:45 am]

BILLING CODE 6820–14–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Notice of Establishment of Policy Committee for the 2005 White House Conference on Aging

AGENCY: Administration on Aging, HHS.

ACTION: Notice of establishment of the Policy Committee for the 2005 White House Conference on Aging.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act as amended (5 U.S.C. appendix 2), notice is hereby given that the Charter establishing the Policy Committee for the 2005 White House Conference on Aging has been completed and signed by Health and Human Services Secretary Tommy Thompson on June 15, 2004.

FOR FURTHER INFORMATION CONTACT: Mame Templeton, White House Conference on Aging, Administration on Aging, Department of Health and Human Services, Washington, DC 20201, 202–357–3514, *Mame.Templeton@aoa.hhs.gov*.

Any interested person may file written comments with the Policy Committee by forwarding the statement to the contact person listed on this notice. The statement should include the name, address, telephone number, email address, and when applicable, the business or professional affiliation of the interested person.

SUPPLEMENTARY INFORMATION:

I. Background and Authority

Pursuant to the Older Americans Act Amendments of 2000 (Pub. L. 106–501, November 2000), the President will convene a White House Conference on Aging no later than December 31, 2005, to develop recommendations for additional research and action in the field of aging. The Secretary of Health and Human Services is responsible for planning and conducting the Conference in cooperation with the Assistant Secretary for Aging, the Director of the National Institute on Aging, the Administrator of the Centers for Medicare and Medicaid Services, the Commissioner of Social Security, and the heads of such other Federal departments and agencies as are appropriate.

II. Structure

According to the Older Americans Act Amendments of 2000 (Pub. L. 106–501, November 2000), the Policy Committee is composed of 17 members, including the Chairman, who was selected by the

President from among the members of the Committee. The 17 members were appointed as follows:

(A) Presidential Appointees—Nine members were selected by the President and include three members who are officers or employees of the United States and six members with experience in the field of aging, including providers and consumers of aging services.

(B) House Appointees—Two members were selected by the Speaker of the House of Representatives, after consultation with the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives; and two members were selected by the Minority Leader of the House of Representatives, after consultation with such committees.

(C) Senate Appointees—Two members were selected by the Majority Leader of the Senate, after consultation with members of the Committee on Health, Education, Labor and Pensions and the Special Committee on Aging of the Senate; and two members were selected by the Minority Leader of the Senate, after consultation with members of such committees.

Support services will be provided by the Office of the Executive Director of the White House Conference on Aging. The Secretary may establish such other committees, including technical committees, as may be necessary to assist in the planning, conducting, and reviewing of the Conference. The Committee will notify the Department Committee Management Officer upon establishing any subcommittees and provide all required information, including name, membership, and functions of any such subcommittee(s) and estimated frequency of meetings. Any subcommittee will be composed exclusively of Committee members. The Committee Chairperson will appoint the chairperson of any subcommittee. Any subcommittee will comply with the applicable requirements of the Federal Advisory Committee Act.

III. Compensation

Appointed members of any such committee (other than any officers or employees of the Federal Government), while attending conferences or meetings of the committee or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not to exceed the daily equivalent of the maximum rate of pay payable under section 5376 of title 5, United States Code (including travel time). While away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of such title for persons employed intermittently in Federal Government service.

Dated: June 15, 2004.

Ann Y. McGee,

Executive Director, White House Conference on Aging.

[FR Doc. 04–14034 Filed 6–21–04; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Developing and Implementing the Institute for Quality in Laboratory Medicine

Announcement Type: New.

Funding Opportunity Number: 04151.

Catalog of Federal Domestic Assistance Number: The Catalog of Federal Domestic Assistance number is 93.064.

Key Dates:

Letter of Intent Deadline: July 7, 2004.

Application Deadline: July 22, 2004.

I. Funding Opportunity Description

Authority: This program is authorized under section 317 (k)(2) of the Public Health Service Act, 42 U.S.C. section 247b (k)(2), as amended.

Purpose: The purpose of the program is to develop and implement a series of activities associated with the development of an Institute of Quality in Laboratory Medicine. These activities aim to improve the effectiveness of laboratory testing services while, at the same time, enhancing the quality of laboratory testing services in the United States. These enhancements in testing practices and the quality of laboratory testing services will be related to areas of public health significance such as, for example, detection and prevention of cancer, more timely assessment of human health, testing for genetic conditions, and other diseases of importance to the public's health, and the regulations, *i.e.*, Clinical Laboratory Improvement Amendments of 1988 (CLIA–88) governing laboratory testing.

Measurable outcomes of the program will be in alignment with the following performance goal for the Public Health Practice Program Office (PHPPO): "Assure the public health infrastructure at the Federal, state, and local levels has the capacity to provide essential public health services to the citizens of the nation to respond to bioterrorism, other infectious disease outbreaks, other public health threats, emergencies and prepare frontline state and local health departments and laboratories to respond to current and emerging public health threats."

This program addresses the "Healthy People 2010" focus area(s): "Access to Quality Health Services" and "Public Health Infrastructure".

Activities

Awardee activities, in collaboration with the CDC and its partners in the Quality Institute Conference, are as follows:

a. Develop plans to establish and evaluate a core set of measures for the quality of laboratory services and assess the feasibility of using this core set of indicators in a variety of laboratory settings.

b. Develop plans for implementing sentinel networks to enhance the value of laboratory practices and evaluate changes in practice over time; including alternative approaches to identified barriers (eg: regulatory barriers)

c. Provide a plan for creating a national report on the quality of laboratory services including strategies that can be used to improve quality assurance activities, recognition of where most testing errors may be occurring, and issues related to near patient testing. The report may include such items as information on the electronic health record, the expanded role of the electronic health record, database interoperability, evidenced based practice, the changing laboratory quality assurance paradigm (pre-analytic, analytic, and post-analytic), models to integrate evidence, optimizing time from research evaluation of a diagnostic test to its clinical utility, current challenges, and long-term challenges. The plan would include suggested partners to provide data for the report, mechanisms to maintain the report as a virtual document, and an outline of the proposed report's content.

d. Manage a process to incorporate and implement an Institute for Quality in Laboratory Medicine, including the logistics of the formation, legal documents, and structure of institute.

e. Lead efforts to improve laboratory quality systems in resource limited laboratories through:

i. Developing, promoting, and distributing laboratory health systems consensus standards, guidelines, and reports that target the needs of resource limited laboratories.

ii. Providing education, training, and mentoring opportunities in quality systems for leaders and quality

assurance managers from resource-limited countries that have responsibilities for laboratory quality systems activities.

Phase 2, Year 2

f. Develop a plan to evaluate the cost effectiveness of interventions and practices to enhance the quality of laboratory services and health care.

g. Assist with integration of information systems, including the implementation of new electronic systems to improve communication between laboratories and care providers, and others in the health care system.

h. Develop a program to assist laboratories in developing, implementing, and evaluating best practices in provision of laboratory services.

Phase III, Year 3

i. Provide leadership in assessing the impact of IQLM on laboratory services and patient safety.

j. Assist with planning a program of health services research for laboratory medicine and workforce training in health services research methods.

In a cooperative agreement, CDC staff is substantially involved in the program activities, above and beyond routine grant monitoring. CDC, in collaboration with its partners from the Quality Institute Conference, will provide for this program the following:

a. Provide consultation and technical assistance in the planning, implementation, and evaluation of program activities including an outline of a proposed business plan for IQLM.

b. Serve in an advisory capacity to the awardee in the development of data collection instruments and not otherwise be involved in the collection, use, or ownership of the data.

c. Provide a written summary of up to date scientific information related to the nation's laboratory capacity at the request of the awardee.

d. Provide consultation and technical assistance related to testing and any published reports or other scientific information that would assist recipient in understanding the possible impact of laboratory service quality and patient safety on testing in the US.

e. Provide a written summary of up to date testing information on the use of quality assurance materials, or other information recipient would find useful in developing programs related to testing.

f. Provide current CLIA information and access to experienced senior CLIA staff to assist recipient concerning CLIA regulations and their impact on laboratory testing.

g. Provide information from the CDC sponsored Quality Institute Conference and assist recipient in working with Quality Institute partners and in establishing any expert focus groups from whom strategies and recommendations could be developed, *e.g.*, assistance might be related to helping establish collaborations with world expert scientists who may participate on focus group panels.

II. Award Information

Type of Award: Cooperative Agreement.

CDC involvement in this program is listed in the Activities Section above.

Fiscal Year Funds: 2004.

Approximate Total Fundings: $200,000.

Approximate Number of Awards: One.

Approximate Average Award: $200,000 (This amount is for the first 12 month budget period, and includes both direct and indirect costs).

Floor of Award Range: None.

Ceiling of Award Range: $200,000.

Anticipated Award Date: September 1, 2004.

Budget Period Length: 12 months.

Project Period Length: Three years.

Throughout the project period, CDC's commitment to continuation of awards will be conditioned on the availability of funds, evidence of satisfactory progress by the recipient (as documented in required reports), and the determination that continued funding is in the best interest of the Federal Government.

III. Eligibility Information

III.1. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and by governments and their agencies, such as:

- Public nonprofit organizations.
- Private nonprofit organizations.
- State and local governments or their Bona Fide Agents (this includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Marianna Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau).

A Bona Fide Agent is an agency/organization identified by the state as eligible to submit an application under the state eligibility in lieu of a state application. If you are applying as a bona fide agent of a state or local government, you must provide a letter from the state or local government as documentation of your status. Place this documentation behind the first page of your application form.

III.2. Cost Sharing or Matching

Matching funds are not required for this program.

III.3. Other

CDC will accept and review applications with budgets greater than the ceiling of the award range.

If your application is incomplete or non-responsive to the requirements listed in this section, it will not be entered into the review process. You will be notified that your application did not meet submission requirements.

Applications from the above referenced entities are being solicited because they represent organizations that have sufficient background, experience, and current knowledge of testing in the nation's clinical laboratories. The organizations already have in place established assessment programs for evaluating laboratory services and practices that can reach laboratories globally; have experience working with one or more of the following groups: medical specialty organizations, laboratory accreditation and standard setting bodies, laboratory professional organizations, who aim to enhance the laboratory infrastructure with regard to testing, practices, guidelines and standards. These organizations are being solicited because they have a variety of established methods for evaluating laboratory practices and services.

Note: Title 2 of the United States Code section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, or loan.

IV. Application and Submission Information

IV.1. Address To Request Application Package

To apply for this funding opportunity use application form PHS 5161. Application forms and instructions are available on the CDC web site, at the following Internet address: *http://www.cdc.gov/od/pgo/forminfo.htm.*

If you do not have access to the Internet, or if you have difficulty accessing the forms on-line, you may contact the CDC Procurement and Grants Office Technical Information Management Section (PGO–TIM) staff at: 770–488–2700. Application forms can be mailed to you.

IV.2. Content and Form of Submission

Letter of Intent (LOI): Your LOI must be written in the following format:

- Maximum number of pages: Five;
- Font size: 12-point unreduced;
- Double spaced;
- Paper size: 8.5 by 11 inches;
- Page margin size: One inch;
- Printed only on one side of page;
- Written in plain language, avoid jargon;

Your LOI must contain the following information:

- Purpose;
- Goals and Objectives;
- Methods and Technical Approach;
- Project Management and Staffing;
- Budget;

Application: You must submit a project narrative with your application forms. The narrative must be submitted in the following format:

- Maximum number of pages: 25
- If your narrative exceeds the page limit, only the first pages, which are within the page limit, will be reviewed.
- Font size: 12 point unreduced
- Paper size: 8.5 by 11 inches
- Page margin size: One inch
- Printed only on one side of page
- Held together only by rubber bands or metal clips; not bound in any other way
- Double spaced

Your narrative should address activities to be conducted over the entire project period, and must include the following items in the order listed:

- Purpose
- Table of Contents
- Goals and Objectives
- Measures of effectiveness to demonstrate accomplishment of program activities
- Methods and Technical Approach
- Project Management and Staffing
- Evaluation Plan
- Required Resources/ Budget/ timeline
- Performance Measures

The budget justification will not be considered to be part of the page limit. Additional information may be included in the application appendices. The appendices will not be counted toward the narrative page limit. This additional information includes:

- Curriculum Vitaes, Resumes, Organizational Charts, Letters of Support

You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the Federal government. The DUNS number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *www.dunandbradstreet.com* or call 1–866–705–5711.

For more information, see the CDC Web site at: *http://www.cdc.gov/od/pgo/funding/pubcommt.htm.*

If your application form does not have a DUNS number field, please write your DUNS number at the top of the first page of your application, and/or include your DUNS number in your application cover letter.

Additional requirements that may require you to submit additional documentation with your application are listed in section "VI.2. Administrative and National Policy Requirements."

IV.3. Submission Dates and Times

LOI Deadline Date: July 7, 2004.

CDC requests that you send a LOI if you intend to apply for this program. Although the LOI is not required, not binding, and does not enter into the review of your subsequent application, the LOI will be used to gauge the level of interest in this program, and to allow CDC to plan the application review.

Application Deadline Date: July 22, 2004.

Explanation of Deadlines: Applications must be received in the CDC Procurement and Grants Office by 4 p.m. Eastern Time on the deadline date. If you send your application by the United States Postal Service or commercial delivery service, you must ensure that the carrier will be able to guarantee delivery of the application by the closing date and time. If CDC receives your application after closing due to: (1) carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, you will be given the opportunity to submit documentation of the carrier's guarantee. If the documentation verifies a carrier problem, CDC will consider the application as having been received by the deadline.

This announcement is the definitive guide on application submission address and deadline. It supersedes information provided in the application instructions. If your application does not meet the deadline above, it will not be eligible for review, and will be discarded. You will be notified that your application did not meet the submission requirements.

CDC will not notify you upon receipt of your application. If you have a question about the receipt of your application, first contact your courier. If you still have a question, contact the PGO–TIM staff at: 770–488–2700. Before calling, please wait two to three days after the application deadline. This will allow time for applications to be processed and logged.

IV.4. Intergovernmental Review of Applications

Executive Order 12372 does apply to this program. *http://12.46.245.173/pls/portal30/SYSTEM.EXE_12372_RPT.show.*

IV.5. Funding Restrictions

Restrictions, which must be taken into account while writing your budget, are as follows:

None.

If you are requesting indirect costs in your budget, you must include a copy of your indirect cost rate agreement. If your indirect cost rate is a provisional rate, the agreement should be less than 12 months of age.

Awards will not allow reimbursement of pre-award costs.

Guidance for completing your budget can be found on the CDC Web site, at the following Internet address: *http://www.cdc.gov/od/pgo/funding/budgetguide.htm.*

IV.6. Other Submission Requirements

LOI Submission Address: Submit your LOI by express mail, delivery service, fax, or E-mail to:

Tracy L. Carter, M.P.H., Laboratory Program Specialist, Centers for Disease Control and Prevention, PHPPO/DLS, MS-G25, 4770 Buford Highway NE., Atlanta, Georgia 30341, Telephone Number: 770–488–2523, Fax: 770–488–8282, E-mail address: *tsc1@cdc.gov.*

Application Submission Address: Submit the original and two hard copies of your application by mail or express delivery service to: Technical Information Management-PA# 04151, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341.

Applications may not be submitted electronically at this time.

V. Application Review Information

V.1. Criteria

You are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement.

Measures of effectiveness must relate to the performance goals stated in the "Purpose" section of this announcement. Measures must be objective and quantitative, and must measure the intended outcome. These measures of effectiveness must be submitted with the application and will

be an element of evaluation. Your application will be evaluated against the following criteria:

1. Methods and Technical Approach (30 points)

a. Does the applicant clearly and succinctly describe the steps to be taken in the planning and implementation of the proposed cooperative agreement?

b. Are the methods to be used to carry out the responsibilities of the proposed cooperative agreement feasible and explained in sufficient detail?

2. Project Management and Staffing (30 points)

a. Does the applicant describe a project management and staffing plan, and demonstrate sufficient knowledge, expertise, and other resources required to perform the responsibilities in this project?

b. Does the applicant describe the staff qualifications and time allocations of key personnel to be assigned to this project, facilities and equipment, and other resources available for performance of this project?

3. Goals and Objectives (20 points)

a. Does the applicant clearly describe an understanding of the objectives of this project, the relevance of the proposal to the stated objectives, and any unique characteristics of the populations to be studied?

b. Are the goals and objectives measurable, specific, and achievable?

4. Evaluation Plan (20 points)

Does the applicant describe the schedule for accomplishing the activities to be carried out in this project and methods for evaluating the accomplishments?

5. Budget (reviewed, but not scored)

Is the proposed budget reasonable, clearly justified, and consistent with the intended use of funds?

6. Performance Measures (reviewed, but not scored)

Is the application consistent with the Government Performance and Results Act of 1993 *(http://www.whitehouse.gov/omb/mgmt-gpra/gplaw2m.html)?*

V.2. Review and Selection Process

Applications will be reviewed for completeness by the Procurement and Grants Office (PGO) staff, and for responsiveness by PHPPO. Incomplete applications and applications that are non-responsive to the eligibility criteria will not advance through the review process. Applicants will be notified that their application did not meet submission requirements.

An objective review panel will evaluate complete and responsive applications according to the criteria listed in the "V.1. Criteria" section above.

VI. Award Administration Information

VI.1. Award Notices

Successful applicants will receive a Notice of Grant Award (NGA) from the CDC Procurement and Grants Office. The NGA shall be the only binding, authorizing document between the recipient and CDC. The NGA will be signed by an authorized Grants Management Officer, and mailed to the recipient fiscal officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review by mail.

VI.2. Administrative and National Policy Requirements,

45 CFR Part 74 and Part 92

For more information on the Code of Federal Regulations, see the National Archives and Records Administration at the following Internet address: *http://www.access.gpo.gov/nara/cfr/cfr-table-search.html.*

The following additional requirements apply to this project:

- AR–10 Smoke Free Workplace Requirements;
- AR–11 Healthy People 2010;
- AR–12 Lobbying Restrictions,;
- AR–15 Proof of Non-Profit Status.

Additional information on these requirements can be found on the CDC web site at the following Internet address: *http://www.cdc.gov/od/pgo/funding/ARs.htm.*

VI.3. Reporting Requirements

You must provide CDC with an original, plus two hard copies of the following reports:

1. Interim progress report, no less than 90 days before the end of the budget period. The progress report will serve as your non-competing continuation application, and must contain the following elements:

a. Current Budget Period Activities Objectives.

b. Current Budget Period Financial Progress.

c. New Budget Period Program Proposed Activity Objectives.

d. Budget.

e. Additional Requested Information.

f. Measures of Effectiveness.

2. Financial status report and annual progress report, no more than 90 days after the end of the budget period.

3. Final financial and performance reports, no more than 90 days after the end of the project period.

These reports must be mailed to the Grants Management or Contract Specialist listed in the "Agency Contacts" section of this announcement.

VII. Agency Contacts

For general questions about this announcement, contact: Technical Information Management Section, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341, Telephone: 770–488–2700.

For program technical assistance, contact: Joe Boone, Ph.D., Associate Director for Science, Division of Laboratory Systems, Public Health Practice Program Office, 4770 Buford Hwy., NE., Atlanta, GA 30341–3717, Telephone: (770) 488–8080, fax: (770) 488–8282, e-mail: *dboone@cdc.gov.*

For financial, grants management, or budget assistance, contact: Sharon Robertson, Grants Management Specialist, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341, Telephone: 770–488–2748, e-mail: *sqr2@cdc.gov.*

VIII. Other Information

Web site for information about 2003 Quality Institute and related activities: *http://www.phppo.cdc.gov/mlp/qiconference/.*

Dated: June 16, 2004.

William P. Nichols,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 04–14044 Filed 6–21–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 69 FR 17166–17167, dated April 1, 2004) is amended to reorganize the Division of Health Interview Statistics, National Center for Health Statistics.

Section C–B, Organization and Functions, is hereby amended as follows:

Delete in its entirety the title and functional statement for the *Division of Health Interview Statistics (CS7)* insert the following:

Division of Health Interview Statistics (CS7). The Division of Health Interview Statistics plans and administers

complex data collection systems and analytic programs and conducts a program of methodologic and substantive public health research activities based on the collection of data from nationwide and special health interview surveys. (1) Participates in the development of policy, long-range plans, and programs of NCHS; (2) plans, directs, and coordinates the health interview statistics program of NCHS; (3) administers Division programs comprised of national health interview surveys, longitudinal surveys, population-based telephone surveys, targeted follow-up studies, and national and subnational surveys on selected health topics; (4) conducts research on data collection and estimation methodology, survey methodology, questionnaire design, data quality and reliability, and statistical computation related to health and health status assessment; (5) analyzes data and publishes reports on the prevalence and incidence of disease and associated disabilities, health status, health-related behaviors, utilization of health care resources, health insurance status, and other health and well-being related topics; (6) conducts multidisciplinary research directed toward development of new scientific knowledge in areas related to health and health care, population demographics, economics, epidemiology, statistics, and disability; (7) performs innovative theoretical and experimental investigations of the content of health interview surveys; (8) develops sophisticated approaches to making health interview statistics data available to users, including techniques to avoid disclosure of confidential data; (9) conducts descriptive analyses and sophisticated multivariate analyses that integrate data across multiple surveys or data sets; (10) designs, develops, and implements state-of-the-art computing systems for collecting, storing, and retrieving health interview statistics data and for subsequent analysis and dissemination; (11) applies computer systems and software in its programs, consistent with NCHS and CDC information technology requirements; (12) incorporates novel system improvement efforts to maintain timeliness, efficiency, cost effectiveness, and accuracy of data systems over multiple years; (13) conducts methodological research on the utilization, evaluation, and presentation of health interview statistics; (14) produces and publishes a wide variety of health interview statistics reports, papers, and tabulations in multiple formats as well as makes presentations on analyses of such data; and (15) develops and sustains collaborative partnerships with, and provides expert advice and technical assistance to NCHS, CDC, and DHHS and externally with public, private, domestic and international entities on issues regarding health interview statistics data.

Office of the Director (CS71). (1) Participates in the development of policy, long-range plans, and programs of NCHS; (2) provides leadership for the design, development, conduct, and statistical evaluation of the Division's data systems; (3) oversees the analysis and dissemination of national and subnational health interview statistics through national health interview statistics surveys, supplements, and customized population surveys; (4) coordinates the planning and production activities of the Division including data collection, information technology, and data dissemination systems; (5) directs, plans, and monitors the scientific integrity and relevance to public health of the Division's data, publications, services, and other products; (6) develops and administers a research, analytic, and methodological program in health interview statistics; (7) conducts theoretical and experimental research to improve the usefulness of the Division's statistics and data to policymakers, researchers, and academia; and (8) provides advice and leads development of collaborative partnerships within NCHS, CDC, and DHHS, and externally with public, private, domestic and international entities on issues regarding health interview statistics and the manner in which statistics may impact policy issues.

Delete the title and functional statement for the *Systems and Programming Branch (CS72),* and insert the following:

Data Production and Systems Branch (CS72). (1) Conducts research into the design, development, deployment, and administration of survey and information technology systems to collect, process, and disseminate national health interview survey data; (2) develops system improvement plans and strategies to insure timely, cost-effective, accurate, and confidential data collection and production systems; (3) performs systems analysis and computer programming of health interview statistics data, employing state-of-the-art information technologies in support of data collection, processing, maintenance, analysis, and dissemination activities; (4) develops and adopts computer technologies, data architectures, security infrastructure, and database management for health interview statistics systems that are consistent with NCHS and CDC IT requirements; (5) develops and implements data collection and production standards for the Division's surveys; (6) provides planning for utilization of evolving telecommunication, data access, and network technologies in Division survey efforts; (7) conduct studies and analyses of data collection, processing, and dissemination systems to insure data confidentiality; (8) designs and implements computer applications to produce final edited and imputed health interview survey data and statistics; (9) produces health statistics reports and tabulations of data from health interview surveys in multiple formats; and (10) provides consultation and expert technical assistance NCHS-wide as well as to a broad range of agencies, institutions, federal, local, and international governments, researchers, and individuals regarding systems design and administration for health interview statistics technology systems.

Delete in their entirety the title and functional statement for the *Survey Planning and Development Branch (CS73) and insert the following:*

Survey Planning and Special Surveys Branch (CS73). (1) Establishes the design and content of the national health interview surveys and subnational special surveys in response to public health priorities; (2) converts identified data needs into research, development, and evaluation activities and related public health information; (3) designs and conducts methodological, analytical, developmental, and evaluation studies of health interview survey processes, questions, and data; (4) performs theoretical and experimental research on the design and content of the health interview survey in order to improve the timeliness, availability, and quality of the health interview statistics data; (5) plans and conducts special customized population surveys such as the State and Local Area Integrated Telephone Survey (SLAITS) in order to obtain timely state and smaller-area data as well as national data relevant to public health; (6) collaborates with other NCHS programs and through contracts, grants, and interagency agreements with outside sponsors of surveys for the development and implementation of survey questions and data; (7) publishes and presents results of methodological, analytical, developmental, and evaluation studies of special population surveys and data; (8) serves as the NCHS resource on special population surveys data and their use in addressing critical public health issues; and (9) provides

consultation and technical assistance to a wide range of researchers and institutions at the state, national, and international levels, addressing the definitions, needs, and uses for national and subnational health interview statistics and data.

Delete in their entirety the title and functional statement for the *Data Analysis Branch (CS74) and insert the following:*

Data Analysis and Quality Assurance Branch (CS74). (1) Conducts research and analysis on topics relevant to public health using National Health Interview Survey (NHIS) data; (2) plans, develops, and implements analytic techniques and guidelines to assure data quality standards for Division surveys and supplements; (3) prepares scientific papers and presentations on the health status of the population, broad health trends, and characteristics of persons with health problems using data from the NHIS; (4) converts identified health interview statistics data needs into research, development, and evaluation activities; (5) conducts descriptive analyses as well as multivariate analyses that integrate data across multiple surveys or data sets; (6) administers analytic and scientific peer review of manuscripts produced from data collected in the Division's programs; (7) develops and implements a data dissemination plan to address needs of researchers; (8) serves as the NCHS resource on health interview survey data and their use in assessing the prevalence and incidence of disease and associated disabilities, health status, health related behaviors, health insurance status, and other health and well-being related topics; (9) provides interpretations and recommendations regarding public health issues as a result of data analyses from the NHIS; and (10) provides consultation, technical assistance, and liaison to academia, other research groups, and State, Federal, and international entities concerning the development, uses, and dissemination of health interview survey data.

Delete in their entirety the title and functional statement for the *Special Population Surveys Branch (CS75).*

Dated: June 6, 2004.

William H. Gimson,

Chief Operating Officer, Centers for Disease Control and Prevention (CDC).

[FR Doc. 04–14006 Filed 6–21–04; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2004N–0079]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Specific Requirements on Content and Format of Labeling for Human Prescription Drugs of Geriatric Use Subsection in the Labeling

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by July 22, 2004.

ADDRESSES: The Office of Management and Budget (OMB) is still experiencing significant delays in the regular mail, including first class and express mail, and messenger deliveries are not being accepted. To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: Fumie Yokota, Desk Officer for FDA, FAX: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Specific Requirements on Content and Format of Labeling for Human Prescription Drugs of Geriatric Use Subsection in the Labeling—(OMB Control Number 0910–0370)—Extension

Section 201.57(f)(10) (21 CFR 201.57(f)(10)) requires that the "Precautions" section of prescription drug labeling must include a subsection on the use of the drug in elderly or geriatric patients (aged 65 and over). The information collection burden imposed by this regulation is necessary to facilitate the safe and effective use of prescription drugs in older populations. The geriatric use subsection enables physicians to more effectively access geriatric information in physician prescription drug labeling.

Section 201.57(f)(10) requires that a specific geriatric indication, if any, that is supported by adequate and well-controlled studies in the geriatric population must be described under the "Indications and Usage" section of the labeling, and appropriate geriatric dosage must be stated under the "Dosage and Administration" section of the labeling. The "Geriatric use" subsection must cite any limitations on the geriatric indication, need for specific monitoring, specific hazards associated with the geriatric indication, and other information related to the safe and effective use of the drug in the geriatric population. The data summarized in this subsection of the labeling must be discussed in more detail, if appropriate, under "Clinical Pharmacology" or the "Clinical Studies" section. As appropriate, this information must also be contained in "Contraindications," "Warnings," and elsewhere in "Precautions." Specific statements on geriatric use of the drug for an indication approved for adults generally, as distinguished from a specific geriatric indication, must be contained in the "Geriatric use" subsection and must reflect all information available to the sponsor that is relevant to the appropriate use of the drug in elderly patients. These statements are described further in § 201.57(f)(10).

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
201.57(f)(10) NDAs	73	1.48	108	8	864

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]—Continued

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
201.57(f)(10) ANDAs	96	4.67	449	2	898
Total					1,762

[1] There are no capital costs or operating and maintenance costs associated with this collection.

In the **Federal Register** of March 9, 2004 (69 FR 11021), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

Dated: June 16, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–14078 Filed 6–21–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

International Workshop on Minor Use and Minor Species: A Global Perspective; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public workshop entitled "International Workshop on Minor Use and Minor Species (MUMS): A Global Perspective." The workshop is the result of a partnership between FDA's Center for Veterinary Medicine (CVM) and the U.S. Department of Agriculture's (USDA's) minor use animal drug program, the National Research Support Project #7 (NRSP–7). The purpose of the workshop is to assemble international expertise to discuss the global pursuit of drug approvals for MUMS. The workshop is planned to provide several "forums" for discussion of the global perspectives of drug needs and drug approvals for minor species and minor uses. Areas to be discussed include data requirements for MUMS drug approvals (effectiveness, target animal safety, human food safety, environmental safety, etc.), the classification of minor species, and husbandry practices in the various regions of the world. Anticipated outcomes of the workshop include methods and strategies to improve cooperation and coordination of national and regional programs to maximize MUMS drug approvals internationally.

Date and Time: This 2-day public workshop will be held on October 7, 2004, from 8:30 a.m. to 5:45 p.m., and on October 8, 2004, from 8:30 a.m. to 12:15 p.m. Registration opens at 7:30 a.m. each day.

Location: The public workshop will be held at the DoubleTree Hotel, Plaza Room III, 1750 Rockville Pike, Rockville, MD.

The DoubleTree Hotel is accessible via the Washington, DC Metro Transit System, Red Line, and is located next to the Twinbrook Metro Station. The hotel is a short walk from the station.

Contact: Margaret Oeller, Center for Veterinary Medicine (HFV–1), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 301–827–3067, FAX: 301–827–4572, or e-mail: *moeller@cvm.fda.gov*.

Registration: Registration forms for the workshop are available from the CVM/FDA's Web site and should be completed online. If a paper copy is needed, please contact Anna Roy, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 301–827–2957, FAX: 301–827–4572, or e-mail: *aroy@cvm.fda.gov* by Wednesday, October 6, 2004. There is no registration fee for the public workshop. Because seating is limited, we recommend early registration.

If you need special accommodations due to a disability, please contact Anna Roy at least 7 days in advance of the workshop.

SUPPLEMENTARY INFORMATION: FDA's CVM, in partnership with the USDA's National Research Support Project #7 (NRSP–7), will convene a public workshop entitled "International Workshop on Minor Use and Minor Species (MUMS): A Global Perspective." International representatives have been invited to speak on pertinent issues relating to product approvals for MUMS from their respective countries.

There will be an opportunity to raise additional questions and issues for discussion during open public comment periods during each day of the workshop. Prior to the meeting, the draft agenda for this public workshop will be posted on CVM's Web site at *http://www.fda.gov/cvm/default.html* and on the NRSP–7 Web site at *http://www.nrsp7.org* (FDA has verified the Web site address, but FDA is not responsible for subsequent changes to the Web site after this document publishes in the **Federal Register**).

Transcripts: Transcripts of the workshop will be posted on the CVM Web site at *http://www.fda.gov/cvm/default.html*. Written copies of the transcript may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, after the public workshop, at a cost of 10 cents per page.

Questions about the workshop may be directed to Margaret Oeller, CVM, at 301–827–3067 or *moeller@cvm.fda.gov* by Tuesday, October 5, 2004.

Dated: June 15, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–14015 Filed 6–21–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 1998D–0785]

Guidances for Industry on Medical Imaging Drug and Biological Products; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of three guidances for industry on "Developing Medical Imaging Drug and Biological Products." These guidances are intended to assist developers of medical imaging drug and biological products (medical imaging agents) in planning and coordinating their clinical investigations and preparing and submitting

investigational new drug applications (INDs), new drug applications (NDAs), biologics license applications (BLAs), abbreviated new drug applications (ANDAs), and supplements to NDAs or BLAs.

DATES: Submit written or electronic comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidances to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research (CDER), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your request. Submit written comments on the guidances to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidances.

FOR FURTHER INFORMATION CONTACT:

Sally Loewke, Center for Drug Evaluation and Research (HFD–160), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7510, or

Kathleen Swisher, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of October 14, 1998 (63 FR 55067), FDA published a document announcing the availability of a draft guidance for industry entitled "Developing Medical Imaging Drugs and Biologics." In a document published in the **Federal Register** of January 5, 1999 (64 FR 457), FDA reopened the comment period on the draft guidance until February 12, 1999. In a document published in the **Federal Register** of February 16, 1999 (64 FR 7561), FDA extended the comment period until April 14, 1999.

FDA received numerous written comments on the medical imaging draft guidance. In addition, the agency held public meetings on January 25 and March 26, 1999, to discuss various issues concerning the draft guidance. In the **Federal Register** of July 31, 2000 (65 FR 46674), the agency published a document announcing the availability of a revised draft guidance.

After considering the comments that FDA received on the revised draft guidance, the agency decided to revise the draft guidance, divide it into three parts to make it more user-friendly, and issue the three parts as drafts for comment. In the **Federal Register** of May 19, 2003 (68 FR 27008), FDA published a document announcing the availability of the three parts.

Part 1 of "Medical Imaging Drug and Biological Products," entitled "Conducting Safety Assessments," provides recommendations on conducting safety assessments of medical imaging agents. Part 2, "Clinical Indications," provides recommendations on tailoring clinical development programs for medical imaging agents to reflect the use of these agents for diagnosis and monitoring of diseases and conditions. Part 3, "Design, Analysis, and Interpretation of Clinical Studies," provides recommendations on designing a clinical development program for a medical imaging agent, including selecting subjects, and on acquiring, analyzing, and interpreting medical imaging data. Collectively, these guidances provide information and recommendations on how to develop all types of medical imaging agents and how to comply with certain provisions in the final rule, published in the **Federal Register** of May 17, 1999 (64 FR 26657), on the evaluation and approval of in vivo radiopharmaceuticals used in diagnosis and monitoring. Having reviewed the comments that FDA received on each of the three parts, and having made appropriate changes, the agency is issuing final versions of these guidances.

These guidances are being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidances represent the agency's current thinking on different aspects of the development of medical imaging agents. They do not create or confer any rights for or on any person and do not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments on the guidances at any time. Two copies of mailed comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidances and received comments are available for public examination in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the documents at either *http://www.fda.gov/cder/guidance/index.htm* or *http://www.fda.gov/ohrms/dockets/default.htm*.

IV. The Paperwork Reduction Act of 1995

These guidances contain information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The guidances would not impose any additional reporting burden because the submission of information on the safety and effectiveness of medical imaging agents in applications for marketing approval and INDs is already required by existing regulations. In fact, clarification by the guidances of FDA's standards for evaluation of medical imaging agents is expected to reduce the overall burden of information collection. FDA received no comments on the analysis of information collection burdens stated in the announcement of availability of the original draft guidance published in the **Federal Register** on October 14, 1998 (63 FR 55067). In the **Federal Register** of July 31, 2000 (65 FR 46674), the agency requested comments on the revised proposed collections of information. No comments were received.

Dated: June 16, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–14077 Filed 6–21–04; 12:56 pm]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301) 443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Data Collection Tool for the Black Lung Clinics Program: In Use Without Approval

The Bureau of Primary Health Care (BPHC), Health Resources and Services Administration (HRSA), conducts an annual data collection of user information for the Black Lung Clinics Program. The purpose of the Black Lung Clinics Program is to improve the health status of coal workers by providing services to minimize the effects of respiratory and pulmonary impairments of coal miners. Grantees provide specific diagnostic and treatment procedures required in the management of problems associated with black lung disease which improve the quality of life of miners and reduce economic costs associated with morbidity and mortality arising from pulmonary diseases. The purpose of collecting these data is to provide HRSA with information on how well each grantee is meeting the needs of active and retired miners in the funded communities.

Data from the annual report will provide quantitative information about the programs, specifically: (a) The characteristics of the patients they serve (gender, age, disability level, occupation type), (b) the characteristics of services provided (medical, non-medical, or counseling), and (c) number of patients served and visits conducted (encounters). This assessment will provide data useful to the program and will enable HRSA to provide data required by Congress under the Government Performance and Results Act of 1993. It will also ensure that the organizations funded have demonstrated a need for services in their communities and that funds are being effectively used to provide services to meet those needs.

The estimated burden is as follows:

Form name	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Database	15	1	15	10	150

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Desk Officer, Health Resources and Services Administration, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: June 14, 2004.

Tina M. Cheatham,

Director, Division of Policy Review and Coordination.

[FR Doc. 04–14079 Filed 6–21–04; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Retraction of Revocation Notice

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: General notice.

SUMMARY: The below-identified Customs broker license was erroneously included in a list of revoked Customs broker licenses.

Name	License	Port Name
Sherri Boynton	10691	Los Angeles.

Customs broker license No. 10691 remains valid.

Dated: June 10, 2004.

Jayson P. Ahern,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 04–14039 Filed 6–21–04; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4910–N–15]

Notice of Proposed Information Collection for Public Comment; Homeownership Voucher Program Survey

AGENCY: Office of the Assistant Secretary for Public and Indian Housing (PIH), HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* July 6, 2004.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and or OMB Control number and should be sent to: Sherry Fobear-McCown, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4116, Washington, DC 20410–5000. Comments may also be provided to Gerald J. Benoit, Division Director, Office of Housing Voucher Programs, Public and Indian Housing, Department of Housing and Urban Development,

451 7th Street, SW., Room 4210, Washington, DC 20410–5000.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, (202) 708–0477 (this is not a toll-free number). Fax number (202) 401–7974.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended). The Housing Choice Voucher (HCV) Program is a major program of the Federal government for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. Since housing assistance is provided on behalf of the family or individual, participants are able to find their own housing, including single-family homes, townhouses and apartments.

Under section 8(y) of the United States Housing Act of 1937, as amended, a public housing agency may provide tenant-based assistance to an eligible family that purchases a dwelling unit the family will occupy. In implementation of this statute, a PHA may choose to administer a homeownership voucher program and provide homeownership assistance payments to eligible home buyers using funds available by HUD to the PHA under the housing choice voucher program. Homeownership assistance payments are made available by the PHA to assist participants in paying mortgage and other homeownership expenses.

Collection of accurate information regarding private home purchases under this program is vital to PIH's ability to measure the program usage and effectiveness, promote and further the purposes of the program, as well as to provide information to the public and to Congress regarding program implementation. The purpose of this survey is to contact public housing agencies to collect information regarding the number of homeownership closings, problems in reporting homeownership closings under PIH reporting systems, and to obtain information needed to plan the application of resources to further promote and expand the program.

This notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; *e.g.*, permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Public and Indian Housing, Homeownership Voucher Survey.

OMB Control Number: 2577–XXXX.

Description of the Need for the Information and Proposed Use: The Homeownership Voucher survey will give PIH the ability to measure the usage of this program and to determine the extent to which technical assistance and/or training is needed for program implementation.

Agency Form Numbers, if Applicable: None.

Members of Affected Public: State or local governments, housing agencies.

Estimation of the Total Number of Hours Needed to Prepare the Information Collection Including Number of Respondents, Frequency of Response, and Hours of Response: Homeownership Voucher Program Survey, with a one-time response estimated to take 6 minutes per survey, for a total reporting burden of 245 hours, based on 2450 survey responses.

Status of the Proposed Information Collection: New collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended.

Dated: June 16, 2004.

Michael M. Liu,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 04–13944 Filed 6–21–04; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Service Area Designation

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice is published to exercise the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. Under 25 CFR 20.201, notice is hereby given of the service area designation for the Mille Lacs Band of Ojibwe Indians recognized as eligible to receive services from the United States Bureau of Indian Affairs (BIA).

EFFECTIVE DATE: This service area designation becomes effective on July 22, 2004.

FOR FURTHER INFORMATION CONTACT: Dr. Kenneth D. Reinfeld, Office of Self-Governance and Self-Determination, Telephone 202–208–5734.

SUPPLEMENTARY INFORMATION: In accordance with 25 CFR part 20, Financial Assistance and Social Services Programs, the Assistant Secretary—Indian Affairs designates the following locale as a service area appropriate for the extension of BIA financial assistance and/or social services. 25 CFR part 20—Financial Assistance and Social Services Programs regulations have full force and effect when extending the BIA financial assistance and/or social services into the service area location. Without officially designated service areas, such services are provided only to Indian people who live within the reservation boundaries. The Mille Lacs Band of Ojibwe Indians is now authorized to extend financial assistance and social services to eligible tribal members (and their family members who are Indian) who reside outside the boundaries of the federally recognized tribe's reservation within the areas designated below.

Tribe: Mille Lacs Band of Ojibwe Indians.

Service Area locations: The counties of Hennipen, Anoka, and Ramsey in the State of Minnesota.

Dated: June 9, 2004.

David W. Anderson,

Assistant Secretary—Indian Affairs.

[FR Doc. 04–14057 Filed 6–21–04; 8:45 am]

BILLING CODE 4310–4M–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Off–Track Wagering Compact.

SUMMARY: This notice publishes an approved Off-Track Wagering Compact between the Chickasaw Nation and the State of Oklahoma. Under the Indian Gaming Regulatory Act of 1988, the Secretary of the Interior is required to publish notice in the **Federal Register** of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands.

EFFECTIVE DATE: June 22, 2004.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA) Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging Class III gaming activities on Indian lands.

The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, is publishing notice that the Off-Track Wagering Compact between the Chickasaw Nation and the State of Oklahoma has been approved and is now in effect.

Dated: March 24, 2004.

David W. Anderson,

Assistant Secretary—Indian Affairs.

[FR Doc. 04–14125 Filed 6–21–04; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–310–0777–XG]

Notice of Pubic Meeting: Northwest California Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 (FLPMA), and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Northwest California Resource Advisory Council will meet as indicated below.

DATES: The meeting will be held Thursday and Friday, Aug. 12 and 13, 2004, in Arcata, California. On Aug. 12, the meeting begins at 10 a.m. at the BLM Arcata Field Office, 1695 Heindon Rd. Members will depart for a field tour to the former Centerville Navy facility near Ferndale. On Aug. 13, the meeting begins at 8 a.m. in the Little River Room of the North Coast Inn, 4975 Valley West Blvd., Arcata. Time for public comment has been set aside for 1 pm.

FOR FURTHER INFORMATION CONTACT: Lynda Roush, BLM Arcata Field Office Manager, (707) 825–2300; or BLM Public Affairs Officer Joseph J. Fontana, (530) 252–5332.

SUPPLEMENTARY INFORMATION: The 12-member council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in Northwest California. At this meeting, agenda topics will include issue scoping for development of a new Resource Management Plan for the Ukiah Field Office, a status report on the King Range Management Plan, an update on target shooting issues in the Redding Field Office and a discussion about changing recreation issues and trends on BLM-managed lands in the region. The RAC members will also hear status reports from the Arcata, Redding and Ukiah field office managers. All meetings are open to the public. Members of the public may present written comments to the council. Each formal council meeting will have time allocated for public comments. Depending on the number of persons wishing to speak, and the time available, the time for individual comments may be limited. Members of the public are welcome on field tours, but they must provide their own transportation and lunch. Individuals who plan to attend and need special assistance, such as sign language interpretation and other reasonable accommodations, should contact the BLM as provided above.

Dated: June 15, 2004.

Joseph J. Fontana,

Public Affairs Officer.

[FR Doc. 04–14007 Filed 6–21–04; 8:45 am]

BILLING CODE 4310–40–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–310–0777–XG]

Notice of Public Meeting: Northeast California Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 (FLPMA), and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Northeast California Resource Advisory Council will meet as indicated below.

DATES: The meeting will be held Thursday and Friday, Aug. 19 and 20, 2004, in Burney, California. On Aug. 19, the meeting begins at 10 a.m. at the Veteran's Memorial Hall, Main Street, Burney. Members will depart for a field tour to the public lands managed by the BLM's Alturas Field Office. On Aug. 20, the meeting begins at 8 a.m. in the Burney Veterans Memorial Building. Time for public comment has been set aside for 1 p.m.

FOR FURTHER INFORMATION CONTACT: Tim Burke, BLM Alturas Field Office Manager, (530) 233–4666; or BLM Public Affairs Officer Joseph J. Fontana, (530) 252–5332.

SUPPLEMENTARY INFORMATION: The 15-member council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in Northeast California and the northwest corner of Nevada. At this meeting, agenda topics will include issue land use planning for the Alturas, Eagle Lake and Surprise Field offices, juniper management strategy development, sage grouse conservation planning, and development of field office policies for livestock grazing during drought. Members will also hear status reports from field office managers. All meetings are open to the public. Members of the public may present written comments to the council. Each formal council meeting will have time allocated for public comments. Depending on the number of persons wishing to speak, and the time available, the time for individual comments may be limited. Members of the public are welcome on field tours, but they must provide their own transportation and lunch. Individuals who plan to attend and need special assistance, such as sign language interpretation and other reasonable accommodations, should contact the BLM as provided above.

Dated: June 15, 2004.

Joseph J. Fontana,

Public Affairs Officer.

[FR Doc. 04–14008 Filed 6–21–04; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–050–5853–ES; N–77392]

Notice of Realty Action: Lease/Conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Recreation and public purposes lease/conveyance.

SUMMARY: BLM has determined that land located in Clark County, Nevada is suitable for classification for lease/conveyance to Clark County, Nevada.

FOR FURTHER INFORMATION CONTACT: Susan Woods, BLM Realty Specialist, (702) 515–5129.

SUPPLEMENTARY INFORMATION: The following described public land in Las Vegas, Clark County, Nevada has been examined and found suitable for lease/conveyance for recreational or public purposes under provisions of the Recreation and Public Purposes (R&PP) Act, as amended (43 U.S.C. 869 *et seq.*).

N–77392—Clark County proposes to use the land for a regional park.

Mount Diablo Meridian, Nevada

T. 22 S., R. 60 E.,
sec. 22: S½S½SW¼NW¼, W½SW¼.
Consisting of 74.23 acres.

The land is not required for any federal purpose. Lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/conveyance, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

1. All valid and existing rights.

2. Those rights for utility purposes (water pipeline) which have been granted to the Los Angeles & Salt Lake Railroad by right-of-way grant NVCC–014956 pursuant to the Act of February 15, 1901; (31 Stat. 90; 43 U.S.C. 959).

3. Those rights for utility purposes which have been granted to Central Telephone Company by right-of-way grant N–001871 pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761).

4. Those rights for public roads which have been granted to Clark County, Nevada by right-of-way grant N–75199 pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761).

5. Those rights for public roads, utilities and drainage facilities which have been granted to Clark County, Nevada by right-of-way grant N–75246 pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761).

6. Those rights for utility purposes which have been granted to Central Telephone Company by right-of-way grant N–75911 pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761).

7. Those rights for public utilities which have been granted to Clark County, Nevada by right-of-way grant N–77084 pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761).

8. Those rights for public utilities which have been granted to the Las Vegas Valley Water District by right-of-way grant N–77507 pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761).

9. Those rights for public utilities which have been granted to Nevada Power by right-of-way grant N–77845 pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761).

10. Those rights for public utilities which have been granted to Southwest Gas Corporation by right-of-way grant N–77953 pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended, (30 U.S.C. 185).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada 89130 or by calling (702) 515–5129.

Upon publication of this notice in the **Federal Register**, the above described lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposal under the mineral material disposal laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed classification for lease/conveyance of the lands to the Field Manager, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada 89130.

Classification Comments: Interested parties may submit comments involving the suitability of the land for the proposed facilities. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision or any other factor not related to the suitability of the land for the proposed church facilities. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this Realty action. In the absence of any adverse comments, the classification of the land described in the Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Anna Wharton,

Acting Assistant Field Manager, Division of Lands.

[FR Doc. 04–14080 Filed 6–21–04; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–960–1420–BJ, ES–052002, Group No. 105, Arkansas]

Eastern States: Filing of Plat of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plat of survey; Arkansas.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of survey, in one (1) sheet, of the lands described below in the BLM-Eastern States, Springfield, Virginia, 30 calender days from the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153. Attn: Cadastral Survey.

SUPPLEMENTARY INFORMATION: This survey was requested by the National Park Service.

The lands we surveyed are:

Fifth Principal Meridian, Arkansas

T. 16 N., R. 16 W

The plat of survey represent the dependent resurvey of a portion of the east and south boundaries, a portion of the subdivisional lines, the subdivision of certain sections, and the survey of a

portion of National Park Service Tracts 09–109, 92–100 and 93–114, Township 16 North, Range 16 West, Fifth Principal Meridian, in the state of Arkansas, and was accepted May 5, 2004.

We will place a copy of the plat we described in the open files. It will be available to the public as a matter of information.

If BLM receives a protest against this survey, as shown on the plat, prior to the date of the official filing, we will stay the filing pending our consideration of the protest.

We will not officially file the plat until the day after we have accepted or dismissed all protests and they have become final, including decisions on appeals.

Dated: May 5, 2004.

Stephen D. Douglas,

Chief Cadastral Surveyor.

[FR Doc. 04–14045 Filed 6–21–04; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–960–1420–BJ, ES–052301, Group No. 110, Arkansas]

Eastern States: Filing of Plat of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plat of survey; Arkansas.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of survey, in one (1) sheet, of the lands described below in the BLM Eastern States Office, Springfield, Virginia, 30 calender days from the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153. Attn: Cadastral Survey.

SUPPLEMENTARY INFORMATION: This survey was requested by the National Park Service.

The lands we surveyed are:

Fifth Principal Meridian, Arkansas

T. 18 N., R. 13 W

The plat of survey represent the dependent resurvey of a portion of the south boundary, a portion of the subdivisional lines, and the subdivision of certain sections, in Township 18 North, Range 13 West, of the 5th Principal Meridian, in the State of Arkansas, and was accepted May 5, 2004.

We will place a copy of the plat we described in the open files. It will be available to the public as a matter of information.

If BLM receives a protest against this survey, as shown on the plat, prior to the date of the official filing, we will stay the filing pending our consideration of the protest.

We will not officially file the plat until the day after we have accepted or dismissed all protests and they have become final, including decisions on appeals.

Dated: May 5, 2004.

Stephen D. Douglas,

Chief Cadastral Surveyor.

[FR Doc. 04–14046 Filed 6–21–04; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–960–1420–BJ, ES–052300, Group No. 109, Arkansas]

Eastern States: Filing of Plat of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plat of survey; Arkansas.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of survey, in one (1) sheet, of the lands described below in the BLM Eastern States Office, Springfield, Virginia, 30 calender days from the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153. Attn: Cadastral Survey.

SUPPLEMENTARY INFORMATION: This survey was requested by the National Park Service.

The lands we surveyed are:

Fifth Principal Meridian, Arkansas

T. 18 N., R. 14 W

The plat of survey represent the dependent resurvey of a portion of the east boundary, a portion of the subdivisional lines, the reestablishment of the record meander lines in sections 26 and 35 on the south side of the White River, and the subdivision of certain sections, in Township 18 North, Range 14 West, of the 5th Principal Meridian, in the State of Arkansas, and was accepted May 5, 2004.

We will place a copy of the plat we described in the open files. It will be available to the public as a matter of information.

If BLM receives a protest against this survey, as shown on the plat, prior to the date of the official filing, we will stay the filing pending our consideration of the protest.

We will not officially file the plat until the day after we have accepted or dismissed all protests and they have become final, including decisions on appeals.

Dated: May 5, 2004.

Stephen D. Douglas,

Chief Cadastral Surveyor.

[FR Doc. 04–14047 Filed 6–21–04; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–960–1420–BJ, ES–052299, Group No. 108, Arkansas]

Eastern States: Filing of Plat of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plat of survey; Arkansas.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of survey, in one (1) sheet, of the lands described below in the BLM-Eastern States, Springfield, Virginia, 30 calender days from the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153. Attn: Cadastral Survey.

SUPPLEMENTARY INFORMATION: This survey was requested by the National Park Service.

The lands we surveyed are:

Fifth Principal Meridian, Arkansas

T. 17 N., R. 14 W

The plat of survey represent the dependent resurvey of the north boundary, a portion of the east boundary, a portion of the subdivisional lines, and the subdivision of certain sections, in Township 17 North, Range 14 West, of the 5th Principal Meridian, in the State of Arkansas, and was accepted May 5, 2004.

We will place a copy of the plat we described in the open files. It will be available to the public as a matter of information.

If BLM receives a protest against this survey, as shown on the plat, prior to the date of the official filing, we will stay the filing pending our consideration of the protest.

We will not officially file the plat until the day after we have accepted or dismissed all protests and they have become final, including decisions on appeals.

Dated: May 5, 2004.

Stephen D. Douglas,

Chief Cadastral Surveyor.

[FR Doc. 04–14048 Filed 6–21–04; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–960–1420–BJ, ES–052298, Group No. 107, Arkansas]

Eastern States: Filing of Plat of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plat of survey; Arkansas.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of survey, in one (1) sheet, of the lands described below in the BLM-Eastern States, Springfield, Virginia, 30 calender days from the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153. Attn: Cadastral Survey.

SUPPLEMENTARY INFORMATION: This survey was requested by the National Park Service.

The lands we surveyed are:

Fifth Principal Meridian, Arkansas

T. 17 N., R. 15 W

The plat of survey represent the dependent resurvey of a portion of the east boundary, a portion of the subdivisional lines, and the subdivision of certain sections, in Township 17 North, Range 15 West, of the 5th Principal Meridian, in the State of Arkansas, and was accepted May 5, 2004.

We will place a copy of the plat we described in the open files. It will be available to the public as a matter of information.

If BLM receives a protest against this survey, as shown on the plat, prior to the date of the official filing, we will stay the filing pending our consideration of the protest.

We will not officially file the plat until the day after we have accepted or dismissed all protests and they have become final, including decisions on appeals.

Dated: May 5, 2004.

Stephen D. Douglas,

Chief Cadastral Surveyor.

[FR Doc. 04–14049 Filed 6–21–04; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–960–1420–BJ, ES–052297, Group No. 106, Arkansas]

Eastern States: Filing of Plat of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plat of survey; Arkansas.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of survey, in one (1) sheet, of the lands described below in the BLM-Eastern States, Springfield, Virginia, 30 calender days from the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153. Attn: Cadastral Survey.

SUPPLEMENTARY INFORMATION: This survey was requested by the National Park Service.

The lands we surveyed are:

Fifth Principal Meridian, Arkansas

T. 16 N., R. 15 W

The plat of survey represent the dependent resurvey of a portion of the north boundary, a portion of the subdivisional lines, the subdivision of certain sections, and the survey of a portion of National Park Service Tract 97–103, in Township 16 North, Range 15 West, of the 5th Principal Meridian, in the State of Arkansas, and was accepted May 5, 2004.

We will place a copy of the plat we described in the open files. It will be available to the public as a matter of information.

If BLM receives a protest against this survey, as shown on the plat, prior to the date of the official filing, we will stay the filing pending our consideration of the protest.

We will not officially file the plat until the day after we have accepted or dismissed all protests and they have become final, including decisions on appeals.

Dated: May 5, 2004.

Stephen D. Douglas,

Chief Cadastral Surveyor.

[FR Doc. 04–14050 Filed 6–21–04; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of an information collection (1010–0112).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), MMS is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements in the Performance Measures Data Form MMS–131.

DATES: Submit written comments by August 23, 2004.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the e-mail address is: *rules.comments@mms.gov*. Reference "Information Collection 1010–0112" in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Rules Processing Team at (703) 787–1600. You may also contact Cheryl Blundon to obtain a copy, at no cost, of Form MMS–131.

SUPPLEMENTARY INFORMATION:

Title: Performance Measures Data Form, MMS–131.

OMB Control Number: 1010–0112.

Abstract: The Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331 *et seq.*), as amended, requires the Secretary of the Interior to preserve, protect, and develop OCS oil, gas, and sulphur resources; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources offshore; and preserve and maintain free enterprise competition. These responsibilities are among those delegated to the MMS. MMS generally issues regulations to ensure that operations in the OCS will meet statutory requirements; provide for safety and protect the environment; and result in diligent exploration;

development, and production of OCS leases.

Beginning in 1991, MMS has promoted, on a voluntary basis, the implementation of a comprehensive Safety and Environmental Management Program (SEMP) for the offshore oil and gas industry as a complement to current regulatory efforts to protect people and the environment during OCS oil and gas exploration and production activities.

From the beginning, MMS, the industry as a whole, and individual companies realized that at some point they would want to know the effect of SEMP on safety and environmental management of the OCS. The natural consequence of this interest was the establishment of performance measures. We will be requesting OMB approval for a routine renewal of the performance measures on data Form MMS–131 with minor wording changes.

The responses to this collection of information are voluntary, although we consider the information to be critical for assessing the effects of the OCS Safety and Environmental Management Program. We can better focus our regulatory and research programs on areas where the performance measures indicate that operators are having difficulty meeting MMS expectations. We are more effective in leveraging resources by redirecting research efforts, promoting appropriate regulatory initiatives, and shifting inspection program emphasis. The performance measures also give us valuable quantitative information to use in judging the reasonableness of company requests for alternative compliance or departures under 30 CFR 250.141 and 250.142. We also use the information collected to work with industry representatives to identify and request "pacesetter" companies to make presentations at periodic workshops.

Knowing how the offshore operators, as a group, are doing and where their own company ranks, provides company management with information to focus their continuous improvement efforts. This leads to more cost-effective prevention actions and, therefore, better cost containment. This information also provides offshore operators and organizations with a credible data source to demonstrate to those outside the industry how well the industry and individual companies are doing.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR Part 2) and under regulations at 30 CFR 250.196, "Data and information to be made available to the public." No items of a sensitive nature are collected. Responses are voluntary. We intend to release data collected on Form MMS–131 only in a summary format that is not company-specific.

Frequency: The frequency is annual, during the 1st quarter of the year.

Estimated Number and Description of Respondents: Approximately 100 Federal OCS oil and gas or sulphur lessees.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: The currently approved "hour" burden for Form MMS–131 is 756 hours. We estimate the public reporting burden averages 12 hours per response. This includes the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the information.

Estimated Annual Reporting and Recordkeeping "Non-Hour Cost" Burden: We have identified no "non-hour cost" burden associated with Form MMS–131.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency "* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *". Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Agencies must also estimate the "non-hour cost" burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

Public Comment Policy: MMS's practice is to make comments, including names and addresses of respondents, available for public review during regular business hours. If you wish your name and/or address to be withheld, you must state this prominently at the beginning of your comment. MMS will honor this request to the extent allowable by law; however, anonymous comments will not be considered. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

MMS Information Collection Clearance Office: Arlene Bajusz (202) 208–7744.

Dated: June 17, 2004.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 04–14097 Filed 6–21–04; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

In the Matter of Certain Plastic Food Containers; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 17, 2004, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Newspring Industrial

Corporation of Kearny, New Jersey. A supplement was filed on June 3, 2004. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain plastic food containers by reason of infringement of claims 1–5 of U.S. Patent No. 6,056,138, claims 1–2 and 4–9 of U.S. Patent No. 6,196,404, and of U.S. Design Patent No. D 415,420. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket imaging system (EDIS) at *http://edis.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: Everett Snotherly, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2599.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2003).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 15, 2004, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain plastic food containers by reason of infringement of one or more of claims 1–5 of U.S. Patent No. 6,056,138, claims 1–2 and 4–9 of U.S. Patent No. 6,196,404, and the claim of U.S. Patent No. D 415,420, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Newspring Industrial Corporation, 35 O'Brien Street, Kearny, New Jersey 07032;

(b) The respondents are the following companies alleged to be in violation of section 337, and are parties upon which the complaint is to be served:

Taizhou Huasen Household Necessities, Co., Ltd., a/k/a China Huasen Daily Expenses Co., Ltd., No. 13,247 Lane, Yinshan Rd., Huaugyan, Taizhou, China;

Jiangsu Sainty Corporation, Ltd., 98 Jian Ye Road, Nanjing, China;

(c) Everett Snotherly, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

Responses to the complainant and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting the responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter a final determination containing such findings, and may result in the issuance of a limited exclusion order or cease and desist order or both directed against such respondent.

Issued: June 16, 2004.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04–14038 Filed 6–21–04; 8:45 am]

BILLING CODE 7020–02–M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–373 (Review) and 731–TA–770–775 (Review)]

Stainless Steel Wire Rod From Italy, Japan, Korea, Spain, Sweden, and Taiwan

AGENCY: United States International Trade Commission.

ACTION: Revised schedule for the subject reviews.

EFFECTIVE DATE: June 17, 2004.

FOR FURTHER INFORMATION CONTACT: D.J. Na (202–708–4727) or Douglas Corkran (202–205–3057), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*).

SUPPLEMENTARY INFORMATION: Effective January 28, 2004, the Commission established a schedule for the conduct of the subject full five-year reviews (69 FR 5185, February 3, 2004). On February 25, 2004, Commerce extended the date of its preliminary results with regard to the full sunset review on the countervailing duty order on stainless steel wire rod from Italy to no later than February 27, 2004, and stated its intention to issue its final results by no later than June 28, 2004 (69 FR 8627). The Commission, therefore, is revising its schedule to incorporate Commerce's final results of the full review of the countervailing duty order on stainless steel wire rod from Italy into the record of these reviews.

The Commission's new schedule for the subject reviews is as follows. On June 29, 2004, the Commission will make available to parties all information

on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before July 1, 2004, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules.

For further information concerning these reviews see the Commission's notice cited above and the Commission's rules of practice and procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and F (19 CFR part 207).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: June 17, 2004.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04–14159 Filed 6–21–04; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–04–016]

Sunshine Act Meeting

AGENCY: International Trade Commission.

TIME AND DATE: June 22, 2004 at 11 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

ACTION: Removal of Agenda Item.

In accordance with 19 CFR 201.35 (d)(2) the Commission has unanimously determined to remove the following agenda item from the meeting of June 22, 2004: 4. Inv. No. 731–TA–44 (Second Review)(Sorbitol from France)—briefing and vote.

Earlier announcement of this removal of agenda item was not possible.

By order of the Commission.

Issued: June 17, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04–14158 Filed 6–18–04; 9:47 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Interchangeable Virtual Instruments Foundation, Inc.

Notice is hereby given that, on June 2, 2004, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Interchangeable Virtual Instruments Foundation, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Phase Matrix, Springfield, VA has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Interchangeable Virtual Instruments Foundation, Inc. intends to file additional written notification disclosing all changes in membership.

On May 29, 2001, Interchangeable Virtual Instruments Foundation, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 30, 2001 (66 FR 39336).

The last notification was filed with the Department on March 10, 2004. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 5, 2004 (69 FR 17709).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 04–14082 Filed 6–21–04; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI Systems Alliance, Inc.

Notice is hereby given that, on June 2, 2004, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), PXI Systems Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, X-ray Instrumentation Association, Newark, CA has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PXI Systems Alliance, Inc. intends to file additional written notification disclosing all changes in membership.

On November 22, 2000, PXI Systems Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 8, 2001 (66 FR 13971).

The last notification was filed with the Department on March 12, 2004. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 5, 2004 (69 FR 17709).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 04–14083 Filed 6–21–04; 8:45 am]

BILLING CODE 4410–11–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 34—Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations.

2. *Current OMB approval number:* 3150–0007.

3. *How often the collection is required:* Applications for new licenses and amendments may be submitted at any time. Applications for renewal are submitted every 10 years. Reports are submitted as events occur.

4. *Who is required or asked to report:* Applicants for and holders of specific licenses authorizing the use of licensed radioactive material for radiography.

5. *The number of annual respondents:* 282 (62 NRC licensees and 220 Agreement State licensees).

6. *The number of hours needed annually to complete the requirement or request:* 244,048 hours. The NRC licensees total burden is 48,335 hours (85 reporting hrs [an average of 1.3 hours per response] plus 48,250 recordkeeping hours [an average of 383 hours per recordkeeper]). The Agreement State licensees total burden is 195,713 hours (299 reporting hours [an average of 1 hour per response] plus 195,414 recordkeeping hours [an average of 430 hours per recordkeeper]).

7. *Abstract:* 10 CFR part 34 establishes radiation safety requirements for the use of radioactive material in industrial radiography. The information in the applications, reports and records is used by the NRC staff to ensure that the health and safety of the public is protected and that licensee possession and use of source and byproduct material is in compliance with license and regulatory requirements.

Submit, by August 23, 2004, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC World Wide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html*. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton (T–5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail to *infocollects@nrc.gov*.

Dated at Rockville, Maryland, this 16th day of June, 2004.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 04–14036 Filed 6–21–04; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on July 6, 2004, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Tuesday, July 6, 2004—1:30 p.m.—3:30 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Mr. Sam Duraiswamy (telephone: 301–415–7364) between 7:30 a.m. and 4:15 p.m. (e.t.) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 7:30 a.m. and 4:15 p.m. (e.t.). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes in the agenda.

Dated: June 16, 2004.

Ralph Caruso,

Acting Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 04–14037 Filed 6–21–04; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting Notice

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on July 7–9, 2004, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Monday, November 21, 2003 (68 FR 65743).

Wednesday, July 7, 2004, Conference Room T–2B3, Two White Flint North, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: Final Safety Evaluation Report (SER) Associated With the AP1000 Design Certification (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Westinghouse Electric Company regarding the final SER associated with the certification of the AP1000 design, resolution of any unresolved issues previously raised by the ACRS, and related matters.

10:45 a.m.–12: 15 p.m.: Draft Final Generic Letter on Potential Impact of Debris Blockage on Emergency Recirculation During Design-Basis Accidents at Pressurized Water Reactors (PWRs) (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the draft final Generic Letter on PWR sump blockage and the staff's resolution of public comments on the proposed version of this Generic Letter.

1:15 p.m.–3:45 p.m.: Risk-Informing 10 CFR 50.46, "Acceptance Criteria for Emergency Core Cooling Systems for Light-Water Nuclear Power Reactors" (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed rule language for risk-informing 10 CFR 50.46 and the

sensitivity studies on large-break loss-of-coolant accident frequency reevaluation performed in support of risk-informing 10 CFR 50.46.

4 p.m.–5 p.m.: Differences in Regulatory Approaches and Requirements Between U.S. and Other Countries (Open)—The Committee will hear a presentation by and hold discussions with Dr. Nourbakhsh, ACRS Senior Staff Engineer, regarding his draft White Paper on differences in regulatory approaches and requirements between U.S. and other countries.

5:15 p.m.–6:45 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting.

Thursday, July 8, 2004, Conference Room T–2B3, Two White Flint North, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: Proposed Generic Communication on the Use of Ultrasonic Flow Measurement Devices for Measuring Feedwater Flow Rates in Nuclear Plants (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed Generic Communication on the Use of Ultrasonic Flow Measurement Devices for Measuring Feedwater Flow Rates in Nuclear Plants.

10:45 a.m.–11:45 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings. Also, it will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business, including anticipated workload and member assignments.

11:45 a.m.–12 noon: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations (EDO) to comments and recommendations included in recent ACRS reports and letters. The EDO responses are expected to be made available to the Committee prior to the meeting.

1 p.m.–2 p.m.: Status of the ACRS Members' Assessment of the Quality of Selected NRC Research Projects (Open)—The Committee will discuss the status of the activities of the cognizant ACRS members associated with the assessment of the quality of the research projects on Sump Blockage and on MACCS Code.

2:15 p.m.–6:30 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports.

Friday, July 9, 2004, Conference Room T–2B3, Two White Flint North, Rockville, Maryland

8:30 a.m.–3 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

3 p.m.–3:30 p.m.: Miscellaneous (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 16, 2003 (68 FR 59644). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Electronic recordings will be permitted only during the open portions of the meeting. Persons desiring to make oral statements should notify the Cognizant ACRS staff named below five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Cognizant ACRS staff prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, as well as the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Mr. Sam Duraiswamy, Cognizant ACRS staff (301–415–7364), between 7:30 a.m. and 4:15 p.m., et.

ACRS meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr@nrc.gov*, or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/* (ACRS & ACNW Mtg schedules/agendas).

Videoteleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m., et, at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Dated: June 16, 2004.

Kenneth R. Hart,

Acting Secretary of the Commission.

[FR Doc. 04–14035 Filed 6–21–04; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY: Nuclear Regulatory Commission.

DATES: Weeks of June 21, 28, July 5, 12, 19, 26, 2004.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of June 21, 2004

There are no meetings scheduled for the Week of June 21, 2004.

Week of June 28, 2004—Tentative

There are no meetings scheduled for the Week of June 28, 2004.

Week of July 5, 2004—Tentative

There are no meetings scheduled for the Week of July 5, 2004.

Week of July 12, 2004—Tentative

Tuesday, July 13, 2004

2:15 p.m. Discussion of Security Issues (Closed—Ex. (1)

Week of July 19, 2004—Tentative

Wednesday, July 21, 2004

9:30 a.m. Meeting with Advisory Committee on Nuclear Waste (ACNW)

(Public Meeting) (Contact: John Larkins, 301–415–7360)

This meeting will be webcast live at the Web address—*http:www.nrc.gov.*

Week of July 26, 2004—Tentative

There are no meetings scheduled for the Week of July 26, 2004.

* The schedule for commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Dave Gamberoni, (301) 415–1651.

* * * * *

SUPPLEMENTARY INFORMATION:

By a Vote of 3–0 on June 9, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Affirmation of 1) Private Fuel Storage (Independent Spent Fuel Storage Installation) Docket No. 72–22–ISFSI" be held on June 9, and no less than one week's notice to the public.

By a vote of 3–0 on June 15, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Affirmation of 1) Request to Export up to 140 Kilograms of Weapons-Grade Plutonium Oxide (PuO_2) to Cogema's Cardarache and Melox Facilities in France (XSNM03327)" be held on June 15, and on less than one week's notice to the public.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/what-we-do/policy-making/schedule.html*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify the NRC's Disability Program Coordinator, August Spector, at 301–415–7080, TDD: 301–4152100, or by e-mail at *aks@nrc.gov.* Determinations on requests for reasonable accommodation will be made on case-by-case basis.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov.*

Dated: June 17, 2004.

R. Michelle Schroll,

Office of the Secretary.

[FR Doc. 04–14160 Filed 6–18–04; 9:47 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from, May 28, 2004, through June 10, 2004. The last biweekly notice was published on June 8, 2004 (69 FR 32070).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be

affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner/requestor intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner/requestor intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner/requestor to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) e-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, *hearingdocket@nrc.gov;* or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415–1101, verification number is (301) 415–1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301–415–3725 or by e-mail to *OGCMailCenter@nrc.gov*. A copy of the request for hearing and petition for leave to intervene should also be sent to the attorney for the licensee.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(i)–(viii).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov*.

Carolina Power & Light Company, et al., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: May 5, 2004.

Description of amendment request: The proposed change will revise Technical Specification Surveillance Requirement (SR) 4.0.5.a for inservice inspection (ISI) and testing of American Society of Mechanical Engineers (ASME) Code Class 1, 2, and 3 components, to include a reference to the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code) in addition to Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda as required by Title 10 of the Code of Federal Regulations (10 CFR), Section 50.55a(g).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the

licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes to the Technical Specification SR 4.0.5.a and the associated Bases are requested to add a reference to the ASME OM Code and applicable Addenda for inservice inspection of ASME Code Class 1, 2, and 3 components.

The existing Technical [Specification] requires inservice inspection of ASME Code Class 1, 2, and 3, components and inservice testing of ASME Code Class 1, 2 and 3 pumps and valves as required by 10 CFR 50.55a. The purposes of the inservice inspection and inservice testing programs are to assess the operational readiness of pumps and valves, to detect degradation that might affect component operability, and to maintain safety margins with provisions for increased surveillance and corrective action. 10 CFR 50.55a defines the requirements for applying industry codes and standards to each licensed nuclear power facility. The initial HNP [Shearon Harris Nuclear Power Plant, Unit 1] ISI program was developed in accordance with NRC regulations (10 CFR 50.55a(g)(4)(i)) to comply with the 1983 Edition of the ASME Boiler and Pressure Vessel Code, including Addenda through the Summer of 1983 and is reflected in the existing Technical Specifications and associated Bases sections.

The current, second ten-year interval HNP ISI program was developed in accordance with the 1989 Edition (no Addenda) of ASME Boiler and Pressure Vessel Code, Section XI. Subarticles IWF–1200 and IWF–5300 require the examination and testing of snubbers per the first Addenda of ASME/ANSI [American National Standards Institute] OM–1987, Part 4 (published in 1988), generally referred to as "OM–4." HNP Relief Request 2RG–008, Revision 1, grants HNP the ability to retain the snubber testing and examination program in Technical Specification 3/4.7.8.

The 1995 Edition with 1996 Addenda of the ASME OM Code, Subsection ISTD, is the applicable Code per Code Case OMN–13. HNP plans to utilize the 1995 Edition with 1996 Addenda of the ASME OM Code for snubber visual examinations as an approved alternative to the snubber visual examination requirements of the 1989 Edition of ASME Section XI and as modified by HNP Relief Request 2RG–008, Revision 1. Code Case OMN–13 has been evaluated and approved by the NRC in Reg Guide 1.192.

The proposed change to Technical Specification SR 4.0.5.a is also administrative in nature. The proposed changes comply with approved codes and standards. As a result, there will be no affect on plant safety.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The changes to Technical Specification SR 4.0.5.a and Bases section 4.0.5 and are being proposed to reference the ASME OM Code in addition to Section XI of the ASME Boiler and Pressure Vessel Code. The proposed changes are administrative in nature and do not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, or configuration of the facility.

The use of the ASME OM Code 1995 Edition with 1996 Addenda, Subsection ISTD, with incorporation of the snubber visual examination frequency of Code Case OMN–13 will result in an improvement in personnel safety and dose reduction.

This change will have no operational impact, therefore, the proposed change will not create the possibility of a new or different kind of accident from any previously evaluated.

3. Involve a significant reduction in a margin of safety.

The changes to Technical Specification SR 4.0.5.a and Bases section 4.0.5 do not involve a reduction in the margin of safety. As previously identified, the subject changes are administrative in nature and will add a reference to the ASME OM Code in Technical Specification SR 4.0.5.a. Therefore, the proposed changes to the Technical Specifications and Bases will not result in a reduction in the margin of safety.

Based on the above, HNP concludes that the proposed amendment presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and accordingly, a finding of "no significant hazards consideration" is justified.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Steven R. Carr, Associate General Counsel—Legal Department, Progress Energy Service Company, LLC, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Section Chief: William Burton (Acting).

Detroit Edison Company, Docket No. 50–341, Fermi 2, Monroe County, Michigan

Date of amendment request: January 30, 2004.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 3.3.6.2, "Secondary Containment Isolation Instrumentation," Condition C, to add the words, "not met," to the end of the sentence, "Required Action and associated Completion Time." The omission of the words, "not met," was an oversight during the change to the Improved Standard Technical Specifications (ISTS), NUREG 1433.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change corrects the sentence in Condition C of TS 3.3.6.2 by indicating that when this condition is not met, certain actions are required. This terminology is prevalent throughout the ISTS and is implied in this section as well. No changes in operating practices or physical plant equipment are created as a result of this terminology addition. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different type of accident from any accident previously evaluated?

Response: No.

This proposed change is a correction of an action statement in TS 3.3.6.2. No physical change in plant equipment will result from this proposed change. Therefore, the proposed change does not create the possibility of a new or different type of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change is editorial in nature and only provides a correction to an action statement in the Secondary Containment Isolation Instrumentation involving inoperable channels and automatic functions to agree with NUREG 1433. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Peter Marquardt, Legal Department, 688 WCB, Detroit Edison Company, 2000 2nd Avenue, Detroit, Michigan 48226–1279.

NRC Section Chief: L. Raghavan.

Detroit Edison Company, Docket No. 50–341, Fermi 2, Monroe County, Michigan

Date of amendment request: March 19, 2004.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 3.3.6.1, "Primary Containment Isolation Instrumentation," to correct a formatting error introduced during conversion to Improved Technical Specifications (ITS)

by replacing "1 per room" with "2" for the Required Channels Per Trip System for the Reactor Water Cleanup (RWCU) Area Ventilation Differential Temperature—High primary containment isolation instrumentation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change restores the number of Required Channels Per Trip System of the RWCU Area Ventilation Differential Temperature—High isolation, Function 5.c of Table 3.3.6.1–1 of TS 3.3.6.1, Primary Containment Isolation Instrumentation, to its pre-ITS value and adds an explanatory note. No changes in operating practices or physical plant equipment are created as a result of this change. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different type of accident from any accident previously evaluated?

Response: No.

The proposed change restores the number of Required Channels Per Trip System of the RWCU Area Ventilation Differential Temperature—High isolation, Function 5.c of Table 3.3.6.1–1 of TS 3.3.6.1, Primary Containment Isolation Instrumentation, to its pre-ITS value and adds an explanatory note. No physical change in plant equipment will result from this proposed change. Therefore, the proposed change does not create the possibility of a new or different type of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change is administrative in nature and only provides a correction to Table 3.3.6.1–1 of TS 3.3.6.1, Primary Containment Isolation Instrumentation, as well as an explanatory note. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Peter Marquardt, Legal Department, 688 WCB, Detroit Edison Company, 2000 2nd Avenue, Detroit, Michigan 48226–1279.

NRC Section Chief: L. Raghavan.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of amendment request: May 19, 2004.

Description of amendment request: The proposed change revises Technical Specification (TS) 3.8.1, "AC Sources—Operating," to permit a longer completion time for the Division 1 and Division 2 diesel generators (DGs). This is a risk-informed TS change that would extend the DG completion time from 72 hours (the current limit) to 14 days.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change does not adversely affect the design of the DGs, the operational characteristics or function of the DGs, the interfaces between the DGs and other plant systems, or the reliability of the DGs. Required Actions and the associated Completion Times are not initiating conditions for any accident previously evaluated, and the DGs are not initiators of any previously evaluated accidents.

The DGs support the mitigation of the consequences of previously evaluated accidents that involve a loss of offsite power. The consequences of a previously analyzed accident will not be significantly affected by the extended DG Completion Time since the remaining DGs will continue to be capable of performing their accident mitigation function as assumed in the accident analysis. Thus, the consequences of accidents previously analyzed are unchanged between the existing TS requirements and the proposed changes. The consequences of an accident are independent of the time the DGs are out of service as long as there are adequate DGs available.

Based on the above, the proposed change to extend the DG allowed Completion Time during plant operation will not involve a significant increase in accident probabilities or consequences.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

No new accidents would be created since no changes are being made to the plant that would introduce any new accident causal mechanisms. This amendment request does not impact any plant systems that are accident initiators; neither does it adversely impact any accident mitigating systems. The addition of an independent AACSBC [alternate AC source to the Division 1 and Division 2 battery chargers] will provide added time for responding to a loss of all AC power assumed in the accident analyses. The design of the AACSBC will contain features and administrative controls to maintain the separation and protection of emergency AC distribution systems and does not create the possibility of a new or different kind of accident from any previously evaluated.

Based on the above, implementation of the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

Margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident. These barriers include the fuel cladding, the reactor coolant system, and the containment system. Throughout the period of the current TS Completion Time, when one DG is out-of-service during power operation, the margin of safety is managed by limiting the allowed outage time and other concurrent power source outages within the TS. This time period is a temporary relaxation of the single failure criteria, which, consistent with overall system reliability considerations, provides a limited time to repair the equipment and conduct testing. The extension of the current TS Completion Time to 14 days has been determined not to be a significant reduction in the margin of safety. The proposed changes will not result in a significant decrease in DG availability so that the assumptions regarding DG availability are not impacted. Probabilistic Risk Assessment (PRA) methods, and a deterministic analysis were utilized to fully evaluate the effect of the proposed DG Completion Time extension. The results of the analysis show no significant increase in Core Damage Frequency (CDF) and Large Early Release Frequency (LERF). Energy Northwest has proposed a number of risk management actions to reduce the possibility of a plant transient; a loss of high-pressure injection and cooling systems, a loss of other on-site power sources, or a loss of offsite power during the period the DG is out-of-service.

Based on the above, the change to the TS Completion Time does not result in a significant reduction in the margin of safety. This is based on our management of plant risk, the reliability of the other diesel generators, and the inclusion of risk management actions.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Thomas C. Poindexter, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Stephen Dembek.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: May 12, 2004.

Description of amendment request: The proposed amendment would change the reactor core analytical methods used to determine the core operating limits, reflect the changes allowed by Technical Specification Task Force (TSTF) Traveler No. 363, "Revised Topical Report References in ITS [Improved Standard Technical Specifications] 5.6.5, COLR [Core Operating Limits Report]," and delete the Index from the Technical Specifications (TSs).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

TS 6.9.5.1, Core Operating Limits Report (COLR)

The proposed amendment, in part, identifies a change in the nuclear physics codes used to confirm the values of selected cycle-specific reactor physics parameter limits and includes minor editorial changes which do not alter the intent of stated requirements. The proposed change also allows the use of methods required for the implementation of ZIRLO clad fuel rods. Inasmuch as the proposed change includes codes that have been previously approved by the NRC [Nuclear Regulatory Commission] for CE [Combustion Engineering] cores, the amendment is administrative in nature and has no impact on any plant configuration or system performance relied upon to mitigate the consequences of an accident. Parameter limits specified in the COLR for this amendment are not changed from the values presently required by TSs. Future changes to the calculated values of such limits may only be made using NRC approved methodologies, must be consistent with all applicable safety analysis limits, and are controlled by the 10 CFR 50.59 process. Assumptions used for accident initiators and/or safety analysis acceptance criteria are not altered by this change.

The proposed change also implements NRC approved TSTF Traveler No. 363. This is an administrative change that will allow specific details, such as the revision number, revision date, and supplement number of topical reports that are referenced in the TSs, to be deleted and relocated in the cycle specific COLR. This proposed change does not result in any changes to the assumptions used to evaluated accident initiators and/or safety analysis acceptance criteria.

Index

The proposed deletion of the Index is purely administrative and does not impact the accident analysis.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

TS 6.9.5.1, Core Operating Limits Report (COLR)

The proposed change, in part, identifies a change in the nuclear physics codes used to confirm the values of selected cycle-specific reactor physics parameter limits. The proposed change also allows the use of methods required for the implementation of ZIRLO clad fuel rods. Neither of these changes results in a change to the physical plant or to the modes of operation defined in the facility license.

The proposed change also implements TSTF Traveler No. 363. The proposed change does not result in changes to the physical plant or to the modes of operation defined in the facility license nor does it involve the addition of new equipment or the modification of existing equipment.

Index

The proposed deletion of the Index is purely administrative has no affect on existing equipment.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

TS 6.9.5.1, Core Operating Limits Report (COLR)

The proposed changes to change the nuclear physics code package and to add a topical report to support the use of ZIRLO do not amend the cycle specific parameter limits located in the COLR from the values presently required by the TS. The individual specifications continue to require operation of the plant within the bounds of the limits specified in COLR. Benchmarking has shown that uncertainties for the Westinghouse Physics code system yields are essentially the same or less than those obtained for the current ROCS/DIT methodology. Future changes to the values of these limits by the licensee may only be developed using NRC approved methodologies, must remain consistent with all applicable plant safety analysis limits addressed in the Safety Analysis Report, and are further controlled by the 10 CFR 50.59 process. The relocation of the supplement numbers, revision numbers, and approval dates of the analytical methods listed in the COLR does not affect the margin of safety. The analysis will continue to be performed using NRC approved methodology. Safety analysis acceptance criteria are not being altered by this amendment.

Index

The proposed deletion of the Index, which is an administrative document, does not impact any TS values or safety limits.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Exelon Generation Company, LLC, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: February 27, 2004.

Description of amendment request: This amendment request incorporates a revision to the Technical Specifications and licensing and design bases that supports a full-scope application of an Alternative Source Term (AST) methodology.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The Nuclear Regulatory Commission (NRC) staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Adoption of the AST and those plant systems affected by implementation of the AST do not initiate design-basis accidents (DBAs). The proposed changes do not affect the design or manner in which the facility is operated; rather, once the occurrence of an accident has been postulated, the new AST is an input to analyses that evaluate the radiological consequences. Therefore, the proposed changes do not involve an increase in the probability of an accident previously evaluated.

The structures, systems and components (SSCs) affected by the proposed change act as mitigators to the consequences of accidents. Based on the revised analyses, the proposed changes do revise certain performance requirements; however, the proposed changes involve different acceptance criteria. There cannot, therefore, be a direct comparison to determine if the proposed change would result in an increase in consequences over the current design. However, the licensee's analysis proposes that, with implementation of AST, all regulatory acceptance criteria continue to be met. Therefore, any potential increase in consequences would not be considered significant.

Therefore, the proposed changes do not result in a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Implementation of AST does not affect the design function or mode of operations of SSCs in the facility prior to a postulated accident. Since SSCs are operated essentially the same after the AST implementation, no new failure modes are created by this proposed change.

Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

The changes proposed are associated with a revision to the licensing basis. These changes would modify the input to DBA analyses from the original source term to the AST. Based on the revised analyses, the proposed changes involve different acceptance criteria. There cannot, therefore, be a direct comparison to determine if the proposed change would result in a reduction in a margin of safety. However, the licensee's analysis proposes that, with implementation of AST, all regulatory acceptance criteria continue to be met. The dose consequences of the accident analyses revised in support of the proposed changes are subject to the acceptance criteria in 10 CFR 50.67, "Accident source term," Regulatory Guide 1.183, "Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors," and Standard Review Plan 15.0.1, "Radiological Consequence Analyses Using Alternative Source Terms." Thus, by meeting the applicable regulatory limits for AST, any potential decrease in a margin of safety would not be considered significant.

Therefore, because the proposed changes continue to result in dose consequences within the applicable regulatory limits, the changes are considered to not result in a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. Thomas S. O'Neill, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Section Chief: James W. Clifford.

Exelon Generation Company, LLC, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: April 8, 2004.

Description of amendment request: The proposed amendments would revise the Technical Specifications (TS), Section 6, Administrative Controls, to relocate (1) the Plant Operations Review Committee and Nuclear Review Board requirements, (2) the program/procedure review and approval requirements, and (3) the record retention requirements to the Quality Assurance Topical Report, the document controlling the licensee's quality assurance program.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No. The proposed changes involve the relocation of several administrative requirements from the Technical Specifications (TS) to a document subject to the control of 10 CFR 50.54(a), and is therefore, administrative in nature. The relocated requirements involve the onsite and offsite organization's review and audit, the review and approval of procedures, and the retention of records. The change will not alter the physical design or operational procedures associated with any plant structure, system, or component. The change does not reduce the duties and responsibilities of the organizations performing the review, audit, and approval functions essential to ensuring the safe operation of the plant.

Therefore, this proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No. The proposed changes are administrative in nature. The changes do not alter the physical design, safety limits, or safety analysis assumptions, associated with the operation of the plant. Accordingly, the changes do not introduce any new accident initiators, nor do they reduce or adversely affect the capabilities of any plant structure, system, or component to perform their safety function.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No. The proposed changes conform to NRC regulatory guidance regarding the content of plant Technical Specifications. The guidance is presented in Administrative Letter 95–06, and NUREG–1433, Rev. 2. The relocation of these administrative requirements will not reduce the quality assurance commitments as accepted by the NRC, nor reduce administrative controls essential to the safe operation of the plant. Future changes to these administrative requirements will be performed in accordance with NRC regulation 10 CFR 50.54(a), consistent with the guidance identified above. Accordingly, the relocation results in an equivalent level of regulatory control.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. Thomas S. O'Neill, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Section Chief: James W. Clifford.

FPL Energy Seabrook, LLC, Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: March 17, 2004.

Description of amendment request: The proposed amendment would revise the operating license and Technical Specifications (TSs) to support an increase in the licensed power from 3411 megawatts thermal (MWt) to 3587 MWt. This represents an increase of approximately 5.2 percent above the current rated licensed thermal power.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The Nuclear Regulatory Commission (NRC) staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Plant structures, systems and components (SSCs) have been verified to be capable of performing their intended design functions at uprated power conditions. Where necessary, some components will be modified prior to implementation of uprated power operations to accommodate the revised operating conditions. The analysis indicated that operation at uprated power conditions will not adversely affect the capability of plant equipment. Current TS surveillance requirements ensure frequent and adequate monitoring of system and component operability. All systems will continue to be operated in accordance with current design requirements under uprated conditions; therefore, no new components or system interactions have been identified that could lead to an increase in the probability of any accident previously evaluated in the Updated Final Safety Analysis Report (UFSAR).

The radiological consequences were reviewed for design basis accidents (DBAs) previously analyzed in the UFSAR. The analysis showed that the resultant radiological consequences for both loss-of-coolant accidents (LOCAs) and non-LOCAs remain either unchanged or have increased due to operation at uprated power conditions. Any increase in the radiological

consequences of DBAs is not considered significant because plant operation at uprated power conditions continue to meet established regulatory limits.

Therefore, the proposed changes do not result in a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

The configuration, operation, and accident response of the SSCs are unchanged by operation at uprated power conditions or by the associated proposed TS changes. Analyses of transient events have confirmed that no transient event results in a new sequence of events that could lead to a new accident scenario.

The effect of operation at uprated power conditions on plant equipment has been evaluated. No new operating mode, safety-related equipment lineup, accident scenario, or equipment failure mode was identified as a result of operating at uprated conditions. In addition, operation at uprated power conditions does not create any new failure modes that could lead to a different kind of accident. Minor plant modifications, to support implementation of uprated power conditions, will be made as required to existing systems and components. The basic design function of all SSCs remains unchanged and no new safety-related equipment or systems will be installed which could potentially introduce new failure modes or accident sequences.

Based on this analysis, it is concluded that no new accident scenarios, failure mechanisms or limiting single failures are introduced as a result of the proposed changes. The proposed TS changes do not have an adverse effect on any safety. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

A comprehensive analysis was performed to support the power uprate program at the Seabrook Station. This analysis identified and defined the major input parameters to the Nuclear Steam Supply System (NSSS), reviewed NSSS design transients, and reviewed the capabilities of the NSSS fluid systems, NSSS/BOP (balance-of-plant) interfaces, and NSSS and BOP components. The nuclear and thermal hydraulic performance of nuclear fuel was also reviewed to confirm acceptable results. Only minor plant modifications, to support implementation of uprated power conditions, will be made as required to existing systems and components. Changes in setpoints for actuation of equipment do not adversely affect the outcome of any postulated accident. The analysis indicated that all NSSS and BOP systems and components will continue to operate within existing design and safety limits at uprated power conditions.

The margin of safety of the reactor coolant pressure boundary is maintained under uprated power conditions. The design pressure of the reactor pressure vessel and reactor coolant system will not be challenged as the pressure mitigating systems were confirmed to be sufficiently sized to adequately control pressure under uprated power conditions.

The radiological consequences were reviewed for DBAs previously analyzed in the UFSAR. The analysis showed that the radiological consequences of DBAs continue to meet established regulatory limits at uprated power conditions.

The analyses supporting the power uprate program have demonstrated that all systems and components are capable of safely operating at uprated power conditions. All DBA acceptance criteria will continue to be met. Therefore, it is concluded that the proposed changes do not result in a significant reduction in the margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Florida Power & Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420.

NRC Section Chief: James W. Clifford.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: May 27, 2004.

Description of amendment request: The proposed amendment would revise the Cooper Nuclear Station (CNS) Technical Specifications (TS). The proposed amendment would lower the reactor vessel water level at which the reactor water cleanup (RWCU) system isolates, secondary containment isolates, and the control room emergency filter system (CREFS) starts. General Electric (GE) Service Information Letter (SIL) No. 131 discussed problems that result from isolation of the RWCU and start of the standby gas treatment (SGT) system, in conjunction with isolation of secondary containment. The SIL recommended that the vessel water level at which these actions occur be lowered, thereby eliminating these problems and the resulting unnecessary complications with scram recovery. The proposed changes to the CNS TS are in accordance with SIL 131 Recommendations 1 and 2.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The values of various plant parameters at which piping connected to the reactor vessel and containment isolates and air-filtering systems start are not accident precursors. Thus, lowering the reactor vessel water level at which RWCU and secondary containment isolate and SGT and CREFS initiate has no impact on the probability of a design basis accident evaluated in the CNS Station Safety Analysis. Therefore the proposed change does not involve a significant increase in the probability of an accident previously evaluated.

The proposed logic changes involve no changes to the logic of the Reactor Protection System that initiates automatic reactor shutdown in response to an accident. The proposed logic changes involve no changes to the logic of the Emergency Core Cooling System (ECCS) that initiates automatic actions to ensure adequate core cooling and containment integrity in response to an accident. The CNS response to the design basis accidents (DBAs) addressed in the Station Safety Analysis with the proposed changes to the logic was evaluated. This evaluation has demonstrated that there is no increase in the offsite radiological doses to the public resulting from these accidents.

Based on the above NPPD [Nebraska Public Power District] concludes that the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed lowering of the level of water in the reactor vessel at which certain automatic actions would occur changes the operation of various systems at CNS. However, the change in system operation is not significant. Currently automatic actions occur in the RWCU System, SGT System, CREFS, and secondary containment in response to reactor vessel water level. Changing the level at which these automatic actions occur is not a significant change in the systems operation. Hardware changes needed to implement the modified logic are minor. Lowering the reactor vessel water level for these actions does not introduce a new mode of plant operation and does not create a potential for any new failure mechanisms, malfunctions, or accident initiators. Making this change does not involve adding new systems to the CNS design.

Based on the above NPPD concludes that the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

The safety margin associated with dose consequences to the public following DBAs is based on, in part, automatic operation of systems that shut down the reactor, automatic initiation of ECCS, and automatic isolation of primary and secondary containment. The proposed changes to the CNS TS make no changes that affect the automatic shutdown of the reactor or the

automatic initiation and operation of ECCS. The plant response to DBAs with the proposed revisions to the RWCU isolation (primary containment) and the SGT and the CREFS initiation (secondary containment) have been evaluated and shown to not result in any increase in dose to the public. The safety margin associated with dose consequences to the control room operators is based on automatic isolation of secondary containment, and initiation of CREFS. The plant response to DBAs with the proposed revisions to the RWCU isolation (primary containment) and SGT and CREFS initiation (secondary containment) have been evaluated and shown to not result in any increase in dose to the control room operators.

Based on the above NPPD concludes that the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. John R. McPhail, Nebraska Public Power District, Post Office Box 499, Columbus, NE 68602–0499.

NRC Section Chief: Robert A. Gramm.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: May 14, 2004.

Description of amendment request: The proposed amendment will relocate the requirements of Technical Specification (TS) 3.3(1)a, "Reactor Coolant System and Other Components Subject to ASME XI Boiler & Pressure Vessel Code Inspection and Testing Surveillance," concerning inservice inspection of ASME Class 1, 2, and 3 components and TS 3.4, "Reactor Coolant System Integrity Testing," concerning reactor coolant system integrity testing to the Fort Calhoun Station (FCS) Updated Safety Analysis Report (USAR). These TSs do not meet the criterion in 10 CFR 50.36(c)(2)(ii) for inclusion in the TSs.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment relocates the requirements of TS 3.3(1)a concerning inservice inspection of ASME Class 1, 2, and 3 components and TS 3.4 concerning reactor coolant system integrity testing to the FCS USAR. These TSs are directed toward prevention of component degradation and continued long term maintenance of acceptable structural conditions. It is not necessary to retain these TSs to ensure immediate operability of safety systems. Therefore these TSs do not meet the criteria set forth in 10 CFR 50.36(c)(2)(ii) for inclusion in the TS. The requirements are being relocated from TS to the FCS USAR, which will be maintained pursuant to 10 CFR 50.59, thereby reducing the level of regulatory control. [This reduction in the] level of regulatory control has no impact on the probability or consequences of an accident previously evaluated. Therefore, the change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change relocates requirements of TS 3.3(1)a concerning inservice inspection of ASME Class 1, 2, and 3 components and TS 3.4 concerning reactor coolant system integrity testing that do not meet the criteria for inclusion in TS set forth in 10 CFR 50.36(c)(2)(ii). The change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or make changes in the methods governing normal plant operation. The change will not impose different requirements, and adequate control of information will be maintained. This change will not alter assumptions made in the safety analysis and licensing basis. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed change relocates requirements of TS 3.3(1)a concerning inservice inspection of ASME Class 1, 2, and 3 components and TS 3.4 concerning reactor coolant system integrity testing that do not meet the criteria for inclusion in TS set forth in 10 CFR 50.36(c)(2)(ii). The change will not reduce a margin of safety since the location of a requirement has no impact on any safety analysis assumptions. In addition, the relocated requirements of TS 3.3(1)a and TS 3.4 concerning inservice inspection and testing of ASME Class 1, 2, and 3 components remain the same as the existing TS. Since any future changes to these requirements will be evaluated per the requirements of 10 CFR 50.59, there will be no reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: James R. Curtiss, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Stephen Dembek.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: May 21, 2004.

Description of amendment request: The proposed amendment would add information to the Technical Specification (TS) Basis for TS 2.4, "Containment Cooling," to allow containment spray pumps to be secured during a loss-of-coolant accident (LOCA) to minimize the potential for containment sump clogging when certain conditions are met. NRC Bulletin 2003–01, "Potential Impact of Debris Blockage on Emergency Sump Recirculation at Pressurized Water Reactors," required that operators of pressurized water reactor (PWR) plants state that the emergency core cooling systems (ECCS) and the containment spray (CS) recirculation functions meet applicable regulatory requirements with respect to adverse post-accident debris blockage or describe interim compensatory measures to reduce the risk associated with the potentially degraded or non-conforming ECCS and CS recirculation functions.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes will not [significantly] increase the probability or consequences of any accident based on the following:

The proposed compensatory action is only taken following a LOCA if all safeguards have functioned and if an excess of CS flow exists above that required to control containment pressure, temperature, and remove the accident source term. The proposed action is only taken if the worst-case single failure has not occurred indicating maximum containment cooling and SI [safety injection] flow delivered, and minimum source term due to no severe core damage. The proposed action occurs following the peak containment pressure transient, therefore, the action has no impact on the peak containment pressure analysis. A quantitative analysis of the change in LOCA consequences due to suspension of CS flow for 10 minutes has not been performed. However, the prerequisite conditions for taking this action provide reasonable assurance that the loss of the remaining CS train for ten minutes will not result in a significant increase in the LOCA consequences. Therefore, the proposed changes will not [significantly] increase the probability or consequence of any accident.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed revision does not involve physical changes to any equipment required to mitigate the consequences of an accident, nor alter how design basis accident events are postulated. The proposed change alters the method of controlling an Engineered Safety Feature following a design basis event so that manual actions are substituted for automatic actions. Reasonable assurance exists that these manual actions can be taken in a timely manner to allow continued CS system operation to provide containment cooling and source term reduction with no significant increases in the radiological consequences or approaching of design containment limits. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed change alters the method of controlling an Engineered Safety Feature following a design basis event so that manual actions are substituted for automatic actions. The proposed actions are only taken following a LOCA if all safeguards have functioned and if an excess of CS flow exists above that required to control containment pressure, temperature, and remove the accident source term. The prerequisite conditions for taking this action provide reasonable assurance that the loss of the remaining CS train will not result in a reduction in the margin of safety for radiological consequences or containment design parameters. Therefore, the proposed changes do not involve a significant reduction to the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: James R. Curtiss, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Stephen Dembek.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of amendment requests: March 18, 2004.

Description of amendment requests: The proposed amendments would authorize updates of the Diablo Canyon Power Plant (DCPP) Final Safety Analysis Report (FSAR) Update to use on a permanent basis, a revised steam generator (SG) voltage-based repair criteria probability of detection (POD) method using plant specific SG tube inspection results, referred to as the probability of prior cycle detection (POPCD) method.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The use of a revised steam generator (SG) voltage-based repair criteria probability of detection (POD) method, the probability of prior cycle detection (POPCD) method, to determine the beginning of cycle (BOC) indication voltage distribution for the Diablo Canyon Power Plant (DCPP) Units 1 and 2 operational assessments does not increase the probability of an accident. Based on industry and plant specific bobbin detection data for outside diameter stress corrosion cracks (ODSCC) within the SG tube support plate (TSP) region, large voltage bobbin indications which individually can challenge structural or leakage integrity can be detected with near 100 percent certainty. Since large voltage ODSCC bobbin indications within the SG TSP can be detected, they will not be left in service, and therefore these indications should not be included in the voltage distribution for the purpose of operational assessments. The POPCD method improves the estimate of potentially undetected indications for operational assessments, but does not directly affect the inspection results. Since large voltage indications are detected, they will not result in an increase in the probability of a steam generator tube rupture (SGTR) accident or an increase in the consequences of a SGTR or main steam line break (MSLB) accident.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The use of the POPCD method to determine the BOC voltage distribution for the DCPP Units 1 and 2 operational assessments concerns the SG tubes and can only affect numerical predictions of probabilities for the SGTR accident. Since the SGTR accident is already considered in the Final Safety Analysis Report Update, there [is] no possibility to create a design basis accident that has not been previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The use of the POPCD method to determine the BOC voltage distribution for the DCPP Units 1 and 2 operational assessments does not involve a significant reduction in a margin of safety. The applicable margin of safety potentially impacted is the Technical Specification 5.6.10, "Steam Generator (SG) Tube Inspection Report," projected end-of-cycle leakage for a MSLB [main steam line break] accident and the projected end-of-cycle probability of burst. Based on industry and plant specific bobbin detection data for ODSCC within the SG TSP region, large voltage bobbin indications that can individually challenge structural or leakage integrity can be detected with near 100 percent certainty and will not be left in service. Therefore these indications should not be included in the voltage distribution for the purpose of operational assessments. Since these large voltage indications are detected, they will not result in a significant increase in the actual end-of-cycle leakage for a MSLB accident or the actual end-of-cycle probability of burst. The POPCD method approach to POD considers the potential for missing indications that might challenge structural or leakage integrity by applying the POPCD data from successive inspections. If a large indication was missed in one inspection, it would continue to grow until finally detected in a later inspection.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Richard F. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120.

NRC Section Chief: Stephen Dembek.

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of amendment request: April 27, 2004.

Description of amendment request: The proposed change will revise the Safety Limit Minimum Critical Power Ratio (SLMCPR) values for two recirculation loop and one recirculation loop operation. Each safety limit value will be applicable for all fuel types in the Hope Creek Generating Station core. In the amendment request, PSEG Nuclear LLC requested changes to the Technical Specifications to support the use of GE14 fuel and General Electric Company (GE) reload analysis methods beginning with the upcoming Cycle 13.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The SLMCPR ensures that no mechanistic fuel damage occurs in the core if the limit is not violated. The revised SLMCPR values maintain the appropriate conservative margin to boiling transition and the probability of fuel damage is not increased. The derivation of the revised SLMCPR values specified in the Technical Specifications has been performed using NRC approved methods and uncertainties. The analysis methodology incorporates appropriate cycle-specific parameters and uncertainties in determining the revised SLMCPR values. The analyses do not change the method of operating the plant and have no effect on the probability of an accident initiating event or transient. The revised SLMCPR values do not affect the performance of systems or components used to mitigate the consequences of accidents previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or radiological consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The revised SLMCPR values specified in the Technical Specifications have been calculated in accordance with NRC approved methods and uncertainties. The changes do not involve any new method for operating the facility and do not involve any facility modifications. No new initiating events or anticipated operational occurrences result from these changes.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The revised SLMCPR values are calculated using NRC approved methods and uncertainties. The revised SLMCPR values continue to ensure that greater than 99.9% of all fuel rods in the core are expected to avoid boiling transition if the safety limits are not violated, thereby maintaining the fuel cladding integrity during normal plant operation and anticipated operational occurrences.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeffrie J. Keenan, Esquire, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Section Chief: James W. Clifford.

PSEG Nuclear LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: April 26, 2004.

Description of amendment request: The proposed change will revise the Salem Unit Nos. 1 and 2 source term used for design basis radiological analysis, in accordance with the provisions of 10 CFR 50.67, "Accident Source Term". The proposed change will also revise certain requirements in the Technical Specifications (TSs) and the Updated Final Safety Analysis Report (UFSAR) based on the radiological dose analysis margins obtained in the Alternate Source Term application.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the three standards of 10 CFR 50.92(c). The NRC staff's analysis is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The alternative source term analysis does not change the design of the plant or affect the performance of the systems or components used to mitigate the consequences of accidents previously evaluated. The analyses do not change the method of operating the plant and has no effect on the probability of an accident initiating event or a transient. The alternative source term calculations demonstrate the radiological consequences to the design basis accidents specified in the plant's UFSAR will still remain well below the radiological limits specified in 10 CFR 100.11. Therefore, since the radiological consequences are well below the specified limits and the probability of an accident is unchanged, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed amendment is not the result of a hardware design change, nor does it lead to the need for a hardware design change. There is no change in the methods or procedures by which the unit is operated. As a result, all structures, systems, and components will continue to perform as previously analyzed by the licensee, and previously evaluated and accepted by the NRC staff. Therefore, the proposed amendment will not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

The proposed changes result in operation in accordance with regulatory guidelines and support the revisions to the radiological analysis of the limiting design basis accidents. The radiological consequences of these accidents are all within the regulatory acceptance criteria associated with the use of the alternative source term methodology. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Based on the NRC staff's analysis, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeffrie J. Keenan, Esquire, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Section Chief: James W. Clifford.

Rochester Gas and Electric Corporation, Docket No. 50–244, R.E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: March 1, 2004.

Description of amendment request: The proposed amendment would extend the completion time (CT) from 1 hour to 24 hours for Condition B of Technical Specification (TS) 3.5.1, "Accumulators." The accumulators are part of the emergency core cooling system and consist of tanks partially filled with borated water and pressurized with nitrogen gas. The contents of the tank are discharged to the reactor coolant system (RCS) if, as during a loss-of-coolant accident, the coolant pressure decreases to below the accumulator pressure. Condition B of TS 3.5.1 specifies a CT to restore an accumulator to operable status when it has been declared inoperable for a reason other than the boron concentration of the water in the accumulator not being within the required range. This change was proposed by the Westinghouse Owners Group participants in the TS Task Force (TSTF) and is designated TSTF–370. TSTF–370 is supported by NRC-approved Topical Report WCAP–15049-A, "Risk-Informed Evaluation of an Extension to Accumulator Completion Times," submitted on May 18, 1999. The NRC staff issued a notice of opportunity for comment in the **Federal Register** on July 15, 2002 (67 FR 46542), on possible amendments concerning TSTF–370, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for

referencing in license amendment applications in the **Federal Register** on March 12, 2003 (68 FR 11880). The licensee affirmed the applicability of the following NSHC determination in its application dated March 1, 2004.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1 The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The basis for the accumulator limiting condition for operation (LCO), as discussed in Bases Section 3.5.1, is to ensure that a sufficient volume of borated water will be immediately forced into the core through each of the cold legs in the event the RCS pressure falls below the pressure of the accumulators, thereby providing the initial cooling mechanism during large RCS pipe ruptures. As described in Section 9.2 of the WCAP–15049, "Risk-Informed Evaluation of an Extension to Accumulator Completion Times," evaluation, the proposed change will allow plant operation with an inoperable accumulator for up to 24 hours, instead of 1 hour, before being required to begin shutdown. The impact of the increase in the accumulator CT on core damage frequency for all the cases evaluated in WCAP–15049 is within the acceptance limit of 1.0E–06/yr for a total plant core damage frequency (CDF) less than 1.0E–03/yr. The incremental conditional core damage probabilities calculated in WCAP–15049 for the accumulator CT increase meet the criterion of 5E–07 in Regulatory Guides (RG) 1.174 ["An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis"] and 1.177 ["An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications"] for all cases except those that are based on design basis success criteria. As indicated in WCAP–15049, design basis accumulator success criteria are not considered necessary to mitigate large break loss-of-coolant accident (LOCA) events, and were only included in the WCAP–15049 evaluation as a worst case data point. In addition, WCAP–15049 states that the NRC has indicated that an incremental conditional core damage frequency (ICCDP) greater than 5E–07 does not necessarily mean the change is unacceptable.

The proposed technical specification change does not involve any hardware changes nor does it affect the probability of any event initiators. There will be no change to normal plant operating parameters, engineered safety feature (ESF) actuation setpoints, accident mitigation capabilities, accident analysis assumptions or inputs.

Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2 The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of the proposed change. As described in Section 9.1 of the WCAP–15049 evaluation, the plant design will not be changed with this proposed technical specification CT increase. All safety systems still function in the same manner and there is no additional reliance on additional systems or procedures. The proposed accumulator CT increase has a very small impact on core damage frequency. The WCAP–15049 evaluation demonstrates that the small increase in risk due to increasing the accumulator allowed outage time (AOT) is within the acceptance criteria provided in RGs 1.174 and 1.177. No new accidents or transients can be introduced with the requested change and the likelihood of an accident or transient is not impacted.

The malfunction of safety related equipment, assumed to be operable in the accident analyses, would not be caused as a result of the proposed technical specification change. No new failure mode has been created and no new equipment performance burdens are imposed.

Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3 The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The proposed change does not involve a significant reduction in a margin of safety. There will be no change to the departure from nucleate boiling ratio (DNBR) correlation limit, the design DNBR limits, or the safety analysis DNBR limits.

The basis for the accumulator LCO, as discussed in Bases Section 3.5.1, is to ensure that a sufficient volume of borated water will be immediately forced into the core through each of the cold legs in the event the RCS pressure falls below the pressure of the accumulators, thereby providing the initial cooling mechanism during large RCS pipe ruptures. As described in Section 9.2 of the WCAP–15049 evaluation, the proposed change will allow plant operation with an inoperable accumulator for up to 24 hours, instead of 1 hour, before being required to begin shutdown. The impact of this on plant risk was evaluated and found to be very small. That is, increasing the time the accumulators will be unavailable to respond to a large LOCA event, assuming accumulators are needed to mitigate the design basis event, has a very small impact on plant risk. Since the frequency of a design basis large LOCA (a large LOCA with loss of offsite power) would be significantly lower than the large LOCA frequency of the WCAP–15049 evaluation, the impact of increasing the accumulator CT from 1 hour to 24 hours on plant risk due to a design basis large LOCA would be significantly less than the plant risk increase presented in the WCAP–15049 evaluation.

Therefore, this change does not involve a significant reduction in a margin of safety.

Based upon the reasoning presented above and the previous discussion of the amendment request, the requested change does not involve a significant hazards consideration.

Attorney for licensee: Daniel F. Stenger, Ballard Spahr Andrews & Ingersoll, LLP, 601 13th Street, NW., Suite 1000 South, Washington, DC 20005.

NRC Section Chief: Richard J. Laufer.

Rochester Gas and Electric Corporation, Docket No. 50–244, R.E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: March 1, 2004.

Description of amendment request: The proposed change allows entry into a mode or other specified condition in the applicability of a Technical Specification (TS), while in a condition statement and the associated required actions of the TS, provided the licensee performs a risk assessment and manages risk consistent with the program in place for complying with the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50, Section 50.65(a)(4). Limiting Condition for Operation (LCO) 3.0.4 exceptions in individual TSs would be eliminated, several notes or specific exceptions are revised to reflect the related changes to LCO 3.0.4, and Surveillance Requirement (SR) 3.0.4 is revised to reflect the LCO 3.0.4 allowance.

This change was proposed by the industry's Technical Specification Task Force (TSTF) and is designated TSTF–359. The NRC staff issued a notice of opportunity for comment in the **Federal Register** on August 2, 2002 (67 FR 50475), on possible amendments concerning TSTF–359, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on April 4, 2003 (68 FR 16579). The licensee affirmed the applicability of the following NSHC determination in its application dated March 1, 2004.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1 The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change allows entry into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS. Being in a TS condition and the associated required actions is not an initiator of any accident previously evaluated. Therefore, the probability of an accident previously evaluated is not significantly increased. The consequences of an accident while relying on required actions as allowed by proposed LCO 3.0.4, are no different than the consequences of an accident while entering and relying on the required actions while starting in a condition of applicability of the TS. Therefore, the consequences of an accident previously evaluated are not significantly affected by this change. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2 The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). Entering into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS, will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

Criterion 3 The Proposed Change Does Not Involve a Significant Reduction in [a] Margin of Safety

The proposed change allows entry into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS. The TS allow operation of the plant without the full complement of equipment through the conditions for not meeting the TS LCO. The risk associated with this allowance is managed by the imposition of required actions that must be performed within the prescribed completion times. The net effect of being in a TS condition on the margin of safety is not considered significant. The proposed change does not alter the required actions or completion times of the TS. The proposed change allows TS conditions to be entered, and the associated required actions and completion times to be used in new circumstances. This use is predicated upon the licensee's performance of a risk assessment and the management of plant risk. The change also eliminates current allowances for utilizing required actions and completion times in similar circumstances, without assessing and managing risk. The net change to the margin of safety is insignificant. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Daniel F. Stenger, Ballard Spahr Andrews & Ingersoll, LLP, 601 13th Street, NW., Suite 1000 South, Washington, DC 20005.

NRC Section Chief: Richard J. Laufer.

Southern Nuclear Operating Company, Inc., et al., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: April 28, 2004.

Description of amendment request: The proposed amendments would relocate requirements related to the Cold Over Pressure Protection System (COPS) arming temperature from the Technical Specifications (TSs) to the Pressure and Temperature Limits Report (PTLR) to facilitate future licensee-controlled changes to the COPS arming temperature. The licensee also proposed to change the COPS arming temperature from 350 °F to 220 °F.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed changes to the Technical Specifications do not affect any plant equipment, test methods, or plant operation, and are not initiators of any analyzed accident sequence. COPS will continue to perform its function as designed to provide cold over pressure protection, and the pressurizer safety valves will provide over pressure protection during operation when COPS is not in service. Operation in accordance with the proposed TS will ensure that all analyzed accidents will continue to be mitigated by the Structures, Systems, and Components (SSCs) as previously analyzed. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any previously evaluated?

No. The proposed changes do not introduce any new equipment, create new failure modes for existing equipment, or create any new limiting single failures. COPS will continue to ensure that appropriate fracture toughness margins are maintained to protect against reactor vessel failure during low temperature operation. The proposed changes are consistent with [technical specification task force] TSTF–233, Revision 0, which was approved by the NRC. Plant operation will not be altered, and all safety functions will continue to perform as previously assumed in accident analyses. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

No. The proposed changes will not adversely affect the operation of plant equipment or the function of any equipment assumed in the accident analysis. The COPS arming temperature has been established in accordance with an NRC-approved methodology. No changes are being made to the cold Over pressure protection analysis and the function of COPS as assumed in the analysis. Therefore, the proposed changes do not involve a significant reduction in any margin to safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. Arthur H. Domby, Troutman Sanders, NationsBank Plaza, Suite 5200, 600 Peachtree Street, NE., Atlanta, Georgia 30308–2216.

NRC Section Chief: Stephanie M. Coffin, Acting Section Chief.

Yankee Atomic Electric Co., Docket No. 50–29, Yankee Nuclear Power Station (YNPS) Franklin County, Massachusetts

Date of amendment request: November 24, 2003, and supplemented December 10, 2003, December 16, 2003, January 19, 2004, January 20, 2004, February 2, 2004, February 10, 2004, and March 4, 2004.

Description of amendment request: The licensee has proposed to amend its license to incorporate a new license condition addressing the license termination plan (LTP). The new license condition would document the date of NRC approval of the LTP and provide criteria to determine the need for NRC approval of changes to the approved LTP.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Currently, the bounding airborne radioactivity event given in the YNPS [Yankee Nuclear Power Station] FSAR [Final Safety Analysis Report] is the materials handling event (FSAR Section 403.5). This event considered the non-mechanistic release of the contents of the dominant plant component that could have caused the highest offsite dose as a result of the release of airborne radioactivity during handling. The dominant component was the feed and bleed heat exchanger which has since been removed from the site. The bounding analysis resulted in an offsite dose at the Exclusion Area Boundary of about 0.320 rem, significantly less than the EPA Protective Action Guidelines. Other airborne particulate radwaste or radioactive materials accidents considered in the FSAR but bounded by the materials handling event are as follows:

- Fire in a sea-land container containing combustible radioactive material,
- Dismantlement activities (*i.e.*, cutting , segmentation) during decommissioning,
- A gas bottle explosion inside containment,
- An explosion of a propane tank stored onsite.

All spent fuel is located at the ISFSI [Independent Spent Fuel Storage Installation] and is stored within fifteen NAC Multi-Purpose Canisters and associated vertical concrete casks. A sixteenth cask contains Greater Than Class C material. The NAC-MPC FSAR addresses the various off-normal and accident events which were postulated in support of the licensing and certification of the system. In each case, there were no radiological consequences as a result of a postulated event.

The requested license amendment is consistent with plant activities described in the PSDAR [Post Shutdown Decommissioning Activities Report] and the YNPS FSAR. Accordingly, no systems, structures, or components that could initiate the previously evaluated accident or are required to mitigate these accidents are adversely affected by this proposed change. Therefore, the proposed change does not involve an increase in the probability or consequences of any previously evaluated accident.

2. The proposed change does not create the possibility of a new or different accident from any previously evaluated.

Accident analyses related to decommissioning activities are addressed in the FSAR. The requested license amendment is consistent with the plant activities described in the YNPS FSAR and the PSDAR. The proposed change does not affect plant systems, structures, or components in a way not previously evaluated. The changes do not affect any of the parameters or condition that could contribute to the initiation of an accident. No new accident scenarios are created nor are any new failure mechanisms created by this activity. Therefore, the proposed activity does not create the possibility of a new or different kind of accident than those previously evaluated.

3. The proposed change does not involve a significant reduction in the margin of safety.

The LTP [License Termination Plan] is a plan for demonstrating compliance with the radiological criteria for license termination as provided in 10 CFR 20.1402. The margin of safety defined in the statements of consideration for the final rule on the Radiological Criteria for License Termination is described as the margin between the 100 mrem/yr public dose limit established in 10 CFR 20.1301 for licensed operation and the 25 mrem/yr dose limit to the average member of the critical group at a site considered acceptable for unrestricted use (one of the criteria of 10 CFR 20.1402). This margin of safety accounts for the potential effect of multiple sources of radiation exposure to the critical group. Since the License Termination Plan was designed to comply with the radiological criteria for license termination for unrestricted use, the LTP supports this margin of safety.

In addition, the LTP provides the methodologies and criteria that will be used to perform remediation activities of residual radioactivity to demonstrate compliance with the ALARA [As Low As Reasonably Achievable] criterion of 10 CFR 20.1402.

Also, as previously discussed, the bounding accident for decommissioning is the materials handling event. Since the bounding decommissioning accident results in more airborne radioactivity than can be released from other decommissioning events, the margin of safety associated with the consequences of decommissioning accidents is not reduced by this activity. Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Gerald Garfield, Esq., Day, Berry & Howard, City Place 1, Hartford, CT 06103.

NRC Section Chief: Claudia Craig.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov*.

AmerGen Energy Company, LLC, Docket No. 50–461, Clinton Power Station, Unit 1, DeWitt County, Illinois, Docket No. 50–219, Oyster Creek Generating Station, Ocean County, New Jersey, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania, Docket No. 50–289

Date of application for amendments: January 30, 2004.

Brief description of amendment: The amendments conformed the Operating Licenses to reflect the current ownership structure of AmerGen Energy Company, LLC. Exelon Generation Company currently owns 100% of AmerGen both directly and indirectly as a result of its purchase on December 22, 2003, of the stock of British Energy U.S. Holdings, Inc. The amendments deleted the License Conditions that are no longer valid as a result of the change of the AmerGen ownership.

Date of Issuance: May 27, 2004.

Effective date: These license amendments are effective as of their date of issuance.

Amendment Nos.: 160, 243, 249.

Facility Operating License Nos. DPR–16, DPR–50, and NPF–62: Amendments revised the Operating Licenses.

Date of initial notice in ***Federal Register:*** March 2, 2004 (69 FR 9859).

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated May 27, 2004.

No significant hazards consideration comments received: No.

Calvert Cliffs Nuclear Power Plant, Inc., Docket No. 50–317, Calvert Cliffs Nuclear Power Plant, Unit No. 1, Calvert County, Maryland

Date of application for amendment: May 1, 2003, as supplemented September 25, 2003, November 3, 2003, and February 25, 2004.

Brief description of amendment: The amendment adds Technical Specification (TS) 3.7.16, "Spent Fuel Pool Boron Concentration," modifies TS 4.3.1, "Criticality" and adds an additional license condition that requires the licensee to develop a long-term coupon surveillance program for the Carborundum samples.

Date of issuance: June 3, 2004.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 267.

Renewed Facility Operating License No. DPR–53: Amendment revised the License and Technical Specifications.

Date of initial notice in ***Federal Register:*** May 27, 2003 (68 FR 28846).

The September 25, 2003, November 3, 2003, and February 25, 2004, letters provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 3, 2004.

No significant hazards consideration comments received: No.

Duke Energy Corporation, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina.

Date of application of amendments: October 16, 2001; as supplemented by letters dated May 20, September 12, and November 21, 2002; September 22 and November 20, 2003; and February 18 and April 14, 2004.

Brief description of amendments: The amendments revised the Technical Specifications to incorporate changes resulting from use of an alternate source term.

Date of Issuance: June 1, 2004.

Effective date: These license amendments are effective as of the date of issuance and shall be implemented in accordance with the schedule provided in the licensee's letter dated February 18, 2004.

Amendment Nos.: 338, 339 & 339.

Renewed Facility Operating License Nos. DPR–38, DPR–47, and DPR–55: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 22, 2002 (67 FR 2922).

The supplements dated May 20, September 12, and November 21, 2002; and February 18 and April 14, 2004, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register** on January 22, 2002 (67 FR 2922). The supplements dated September 22, 2003, and November 20, 2003, did change the NRC staff's proposed no significant hazards consideration determination. The NRC staff's proposed no significant hazards consideration determination based on the submittals dated September 22, 2003, and November 20, 2003, were published in the **Federal Register** on October 14, 2003 (68 FR 59215), and December 9, 2003 (68 FR 68660), respectively.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 1, 2004.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Date of application for amendments: July 29, 2003, and as supplemented by submittal dated January 14, 2004.

Brief description of amendments: Revise the technical specifications by adding required actions for inoperable 250 VDC or 125 VDC battery charger, by relocating certain DC power surveillance requirements and criteria to a licensee controlled program, and by providing alternative criteria for battery charger testing and battery monitoring with required actions. Additionally, a new program for battery monitoring and maintenance is added to the technical specifications.

Date of issuance: June 8, 2004.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment Nos.: 207/199.

Facility Operating License Nos. DPR–19 and DPR–25: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** October 14, 2003 (68 FR 59215).

The supplemental submittal contained clarifying information that was within the scope of the original application and did not change the staff's initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 8, 2004.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–412, Beaver Valley Power Station, Unit No. 2, Beaver County, Pennsylvania

Date of application for amendment: February 4, 2003, as supplemented by letters dated October 24, 2003, and April 6, 2004.

Brief description of amendment: The amendment allowed the engineered safeguards features actuation system slave relay test frequency in footnote (1) to Technical Specification (TS) 4.3.2.1.1 to be changed from once per 92 days to once per 12 months provided a satisfactory contact loading analysis has been completed, and a satisfactory slave relay service life has been established, for the slave relay being tested.

Date of issuance: May 14, 2004.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No: 141.

Facility Operating License No. NPF–73. Amendment revised the TSs.

Date of initial notice in ***Federal Register:*** March 18, 2003 (68 FR 12953).

The supplements dated October 24, 2003, and April 6, 2004, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 14, 2004.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: January 30, 2004.

Brief description of amendment: The amendment eliminates requirements for hydrogen recombiners and relocates the requirements for hydrogen and oxygen monitors to the licensee's Commitment Tracking Program.

Date of issuance: May 21, 2004.

Effective date: As of the date of issuance and shall be implemented within 120 days.

Amendment No.: 138.

Facility Operating License No. DPR–22. Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 2, 2004 (69 FR 9862).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 21, 2004.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota

Date of application for amendments: January 30, 2004, supplemented by letter dated May 6, 2004.

Brief description of amendments: The amendments eliminate requirements for hydrogen recombiners and relocate the requirements for hydrogen monitors to the Technical Requirements Manual.

Date of issuance: June 8, 2004.

Effective date: As of the date of issuance and shall be implemented within 120 days.

Amendment Nos.: 163 and 154.

Facility Operating License Nos. DPR–42 and DPR–60: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 2, 2004 (69 FR 9862).

The supplemental letter contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original Federal Register notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 8, 2004.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of application for amendments: December 1, 2003, as supplemented on March 10 and 30, 2004.

Brief description of amendments: The amendments revised the Technical Specifications to change the peak calculated post accident primary containment internal pressure values for the primary containment leakage rate testing program.

Date of issuance: May 28, 2004.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 241 and 184.

Renewed Facility Operating License Nos. DPR–57 and NPF–5: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 20, 2004 (69 FR 2747).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 28, 2004.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of application for amendments: December 30, 2003.

Brief description of amendments: The amendments revised the staff position titles in Section 5.0 "Administrative Controls" of the Technical Specifications.

Date of issuance: June 3, 2004.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 242 and 185.

Renewed Facility Operating License Nos. DPR–57 and NPF–5: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 2, 2004 (69 FR 9865).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 3, 2004.

No significant hazards consideration comments received: No.

STP Nuclear Operating Company, Docket No. 50–498, South Texas Project, Unit 1, Matagorda County, Texas

Date of amendment request: October 16, 2003, as supplemented March 3, 2004.

Brief description of amendments: The amendment provides a one-time change to Technical Specification 4.4.5.3a to extend the steam generator inspection interval to 44 months for STP, Unit 1.

Date of issuance: June 8, 2004.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: Unit 1—162.

Facility Operating License No. NPF–76: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 12, 2003 (68 FR 64139). The supplement dated March 4, 2003, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 8, 2004.

No significant hazards consideration comments received: No.

Virginia Electric and Power Company, Docket No. 50–339, North Anna Power Station, Unit 2, Louisa County, Virginia

Date of application for amendment: January 23, 2004.

Brief description of amendment: This amendment revises Technical Specification Surveillance Requirements 3.5.1.4, 3.5.4.3, and 3.6.7.3 in order to delete a note that differentiates between the boron concentrations at North Anna, Units 1 and 2, for the safety injection accumulators, the refueling water storage tank, and the casing cooling tank.

Date of issuance: June 4, 2004.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No: 218.

Renewed Facility Operating License No. NPF–7: Amendment changes the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 30, 2004 (69 FR 16624).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 4, 2004.

No significant hazards consideration comments received: No.

Notice of Issuance of Amendments to Facility Operating Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov*.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and electronically on the Internet at the NRC Web site, *http://www@nrc.gov/reading-rm/doc-collections/cfr/*. If there are problems in accessing the document, contact the PDR Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert

opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact.[1] Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Each contention shall be given a separate numeric or alpha designation within one of the following groups:

1. Technical—primarily concerns/issues relating to technical and/or health and safety matters discussed or referenced in the applications.

2. Environmental—primarily concerns/issues relating to matters discussed or referenced in the environmental analysis for the applications.

3. Miscellaneous—does not fall into one of the categories outlined above.

As specified in 10 CFR 2.309, if two or more petitioners/requestors seek to co-sponsor a contention, the petitioners/requestors shall jointly designate a representative who shall have the authority to act for the petitioners/requestors with respect to that contention. If a petitioner/requestor seeks to adopt the contention of another sponsoring petitioner/requestor, the petitioner/requestor who seeks to adopt the contention must either agree that the sponsoring petitioner/requestor shall act as the representative with respect to that contention, or jointly designate with the sponsoring petitioner/requestor a representative who shall have the authority to act for the petitioners/requestors with respect to that contention.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) e-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, *hearingdocket@nrc.gov;* or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415–1101, verification number is (301) 415–1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301–415–3725 or by e-mail to *OGCMailCenter@nrc.gov.* A copy of the request for hearing and petition for leave to intervene should also be sent to the attorney for the licensee.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer or the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(i)–(viii).

Duke Energy Corporation, Docket No. 50–270, Oconee Nuclear Station, Unit 2, Oconee County, South Carolina

Date of amendment request: June 4, 2004.

Description of amendment request: The amendment revised Technical Specification 3.6.5, "Reactor Building Spray and Cooling Systems," to add a note that states that Limiting Condition of Operation 3.0.4 is not applicable.

Date of issuance: June 4, 2004.

Effective date: June 4, 2004.

Amendment No.: 340.

Facility Operating License No. DPR–47: Amendment revises the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration (NSHC): No. The Commission's related evaluation of the amendment, finding of emergency circumstances, state consultation, and final NSHC determination are contained in a safety evaluation dated June 4, 2004.

Attorney for licensee: Anne W. Cottingham, Winston and Strawn LPP, 1400 L Street, NW., Washington, DC 20005.

NRC Section Chief: Stephanie M. Coffin, Acting.

Dated at Rockville, Maryland, this 14th day of June 2004.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 04–13753 Filed 6–21–04; 8:45 am]

BILLING CODE 7590–01–P

[1] To the extent that the applications contain attachments and supporting documents that are not publicly available because they are asserted to contain safeguards or proprietary information, petitioners desiring access to this information should contact the applicant or applicant's counsel and discuss the need for a protective order.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comment Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the Agency is preparing an information request for OMB review and approval and to request public review and comment on the submission. Comments are being solicited on the need for the information, the accuracy of the Agency's burden estimate; the quality, practical utility and clarity of the information to be collected; and on ways to minimize the reporting burden, including automated collection techniques and uses of other forms of technology. The proposed form, OMB control number 3420–0004, under review is summarized below.

DATES: Comments must be received within 60 calendar days of publication of this Notice.

ADDRESSES: Copies of the subject form and the request for review prepared for submission to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the Agency Submitting Officer.

FOR FURTHER INFORMATION CONTACT:

OPIC Agency Submitting Officer

Bruce I. Campbell, Records Manager, Overseas Private Investment Corporation, 1100 New York Avenue, NW., Washington, DC 20527; 202/336–8563.

Summary of Form Under Review

Type of Request: Form Renewal.
Title: Project Information Report.
Form Number: OPIC 71.
Frequency of Use: No more than once per contract.
Type of Respondents: Business or other institutions (except farms).
Description of Affected Public: U.S. companies investing overseas.
Reporting Hours: 40 hours per project.
Number of Responses: 30 per year.
Federal Cost: $2781.00.
Authority for Information Collection: Title 22 U.S.C. 2191(k)(2) and 2199(h) of the Foreign Assistance Act of 1961, as amended.
Abstract (Needs and Uses): The project information report is necessary to elicit and record the information on the developmental, environmental, and U.S. economic effects of OPIC-assisted projects. The information will be used by OPIC's staff and management solely as a basis for monitoring these projects, and reporting the results in aggregate form, as required by Congress.

Dated: June 16, 2004.

Eli Landy,

Senior Counsel, Administrative Affairs, Department of Legal Affairs.

[FR Doc. 04–14055 Filed 6–21–04; 8:45 am]

BILLING CODE 3210–01–M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Committee Meetings

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on—

Thursday, August 12, 2004, Thursday, September 2, 2004.

The meetings will start at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, DC.

The Federal Prevailing Rate Advisory Committee is composed of a Chair, five representatives from labor unions holding exclusive bargaining rights for Federal blue-collar employees, and five representatives from Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

These scheduled meetings will start in open session with both labor and management representatives attending. During the meetings either the labor members or the management members may caucus separately with the Chair to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would unacceptably impair the ability of the Committee to reach a consensus on the matters being considered and would disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public because of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of a meeting.

Annually, the Chair compiles a report of pay issues discussed and concluded recommendations. These reports are available to the public, upon written request to the Committee's Secretary.

The public is invited to submit material in writing to the Chair on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on this meeting may be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 5538, 1900 E Street, NW., Washington, DC 20415 (202) 606–1500.

Dated: June 15, 2004.

Mary M. Rose,

Chairperson, Federal Prevailing Rate Advisory Committee.

[FR Doc. 04–14029 Filed 6–21–04; 8:45 am]

BILLING CODE 6325–49–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3578]

State of Iowa; Amendment #2

In accordance with a notice received from the Department of Homeland Security—Federal Emergency Management Agency, effective June 14, 2004, the above numbered declaration is hereby amended to include Carroll, Fremont, Mills, and Page Counties as disaster areas due to damages caused by severe storms, tornadoes, and flooding occurring on May 19, 2004, and continuing.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Cass and Otoe in the State of Nebraska; and Atchison and Nodaway Counties in the State of Missouri may be filed until the specified date at the previously designated location. All other counties contiguous to the above named primary counties have been previously declared. The number assigned to this disaster for economic injury is 9ZJ800 for Missouri. All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is July 26, 2004, and for economic injury the deadline is February 25, 2005.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 16, 2004.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 04–14086 Filed 6–21–04; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3592]

Commonwealth of Virginia

As a result of the President's major disaster declaration on June 15, 2004, I find that Lee, Russell, and Tazewell Counties in the Commonwealth of Virginia constitute a disaster area due to damages caused by severe storms, tornadoes, and flooding occurring on May 24, 2004, and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on August 16, 2004, and for economic injury until the close of business on March 15, 2005, at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd., South 3rd Fl., Niagara Falls, NY 14303–1192.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Bland, Buchanan, Dickenson, Scott, Smyth, Washington, and Wise Counties in the Commonwealth of Virginia; Bell and Harlan Counties in the State of Kentucky; Claiborne and Hancock Counties in the State of Tennessee; and McDowell and Mercer Counties in the State of West Virginia.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	5.750
Homeowners without credit available elsewhere	2.875
Businesses with credit available elsewhere	5.500
Businesses and non-profit organizations without credit available elsewhere	2.750
Others (including non-profit organizations) with credit available elsewhere	4.875
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	2.750

The number assigned to this disaster for physical damage is 359211. For economic injury the number is 9ZJ300 for Virginia; 9ZJ400 for Kentucky; 9ZJ500 for Tennessee; and 9ZJ600 for West Virginia.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 16, 2004.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 04–14085 Filed 6–21–04; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Small Business Size Standards: Waiver of the Nonmanufacturer Rule

AGENCY: U.S. Small Business Administration.

ACTION: Notice of intent to waive the Nonmanufacturer Rule for Ice Making Machinery Manufacturing.

SUMMARY: The U.S. Small Business Administration (SBA) is considering granting a waiver of the Nonmanufacturer Rule for Ice Making Machinery Manufacturing. The basis for waivers is that no small business manufacturers are supplying these classes of products to the Federal government. The effect of a waiver would be to allow otherwise qualified regular dealers to supply the products of any domestic manufacturer on a Federal contract set aside for small businesses or awarded through the SBA's 8(a) Business Development Program.

DATES: Comments and sources must be submitted on or before July 12, 2004.

FOR FURTHER INFORMATION CONTACT: Edith Butler, Program Analyst, by telephone at (202) 619–0422; by FAX at (202) 205–7280; or by e-mail at *edith.butler@sba.gov.*

SUPPLEMENTARY INFORMATION: Section 8(a)(17) of the Small Business Act, (Act)15 U.S.C. 637(a)(17), requires that recipients of Federal contracts set aside for small businesses or SBA's 8(a) Business Development Program provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product.

This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any "class of products" for which there are no small business manufacturers or processors available to participate in the Federal market.

As implemented in SBA's regulations at 13 CFR 121.1204, in order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. The SBA defines "class of products" based on six digit coding systems. The first coding system is the Office of Management and Budget North American Industry Classification System (NAICS). The second is the Product and Service Code established by the Federal Procurement Data System.

The SBA received a request on June 14, 2004 to waive the Nonmanufacturer Rule for Ice Making Machinery Manufacturing. In response, SBA is currently processing a request to waive the Nonmanufacturer Rule for Ice Making Machinery Manufacturing, North American Industry Classification System (NAICS) 333415. The public is invited to comment or provide source information to SBA on the proposed waiver of the nonmanufacturer rule for this NAICS code.

Authority: 15 U.S.C. 637(a)(17).

Dated: June 17, 2004.

Barry S. Meltz,

Acting Associate Administrator for Government Contracting.

[FR Doc. 04–14087 Filed 6–21–04; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 4748]

Culturally Significant Objects Imported for Exhibition Determinations: "Princely Splendor: The Dresden Court 1580–1620"

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 (68 FR 19875), I hereby determine that the objects to be included in the exhibition "Princely Splendor: The Dresden Court 1580–1620" imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner. I also determine that the exhibition or display of the exhibit objects at the Metropolitan Museum of Art, New York, New York on or about October 25, 2004, to on or about January 16, 2005, and at possible additional venues yet to be determined, is in the national interest. Public notice of these Determinations is ordered to be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects covered by this notice, contact Wolodymyr R. Sulzynsky, the Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–5078). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: June 10, 2004.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 04–14110 Filed 6–21–04; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 4736]

U.S. Advisory Commission on Public Diplomacy; Notice of Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will

be held at the U.S. Embassy in Ottawa, Canada on July 13, 2004, at 9 a.m. The Commissioners will discuss aspects of their reporting in FY2001.

The Commission was reauthorized pursuant to Public Law 106–113 (H.R. 3194, Consolidated Appropriations Act, 2000). The U.S. Advisory Commission on Public Diplomacy is a bipartisan Presidentially appointed panel created by Congress in 1948 to provide oversight of U.S. Government activities intended to understand, inform and influence foreign publics. The Commission reports its findings and recommendations to the President, the Congress and the Secretary of State and the American people. Current Commission members include Barbara M. Barrett of Arizona, who is the Chairman; Harold C. Pachios of Maine; Ambassador Penne Percy Korth of Washington, DC; Ambassador Elizabeth F. Bagley of Washington, DC; Charles "Tre" Evers III of Florida; Jay T. Snyder of New York; and Maria Sophia Aguirre of Washington, DC.

For more information, please contact Matt J. Lauer at (202) 203–7880.

Dated: June 14, 2004.

Matthew J. Lauer,

Executive Director, U.S. Advisory Commission on Public Diplomacy, Department of State.

[FR Doc. 04–14109 Filed 6–21–04; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF STATE

[Delegation of Authority 275]

Delegation by the Deputy Secretary of State to the Assistant Secretary for Educational and Cultural Affairs of All Authorities Normally Vested in the Under Secretary for Public Diplomacy and Public Affairs

By virtue of the authority vested in the Secretary of State by the laws of the United States, including the Mutual Educational and Cultural Exchange Act of 1961, the United States Information and Educational Exchange Act of 1948, and the State Department Basic Authorities Act of 1956, and delegated to me pursuant to Delegation of Authority No. 245 (April 23, 2001), I hereby delegate to the Assistant Secretary for Educational and Cultural Affairs, to the extent authorized by law, all authorities vesfed in the Under Secretary for Public Diplomacy and Public Affairs, including all authorities vested in the Secretary that have been delegated to that Under Secretary by Delegation of Authority No. 234 (October 1, 1999), or that may be delegated or re-delegated to that Under Secretary.

Any authorities covered by this delegation may also be exercised by the Secretary, the Deputy Secretary, and the Under Secretary for Political Affairs.

Any act, executive order, regulation or procedure subject to, or affected by, this delegation shall be deemed to be such act, executive order, regulation or procedure as amended from time to time.

This delegation shall enter into effect on June 17, 2004, and shall expire upon the appointment and entry upon duty of a new Under Secretary for Public Diplomacy and Public Affairs.

Any re-delegation of authority by the Under Secretary for Public Diplomacy and Public Affairs to the Assistant Secretary for Educational and Cultural Affairs, pursuant to Delegation of Authority No. 234, shall remain in effect.

This delegation shall be published in the **Federal Register.**

Dated: June 11, 2004.

Richard L. Armitage,

Deputy Secretary of State, Department of State.

[FR Doc. 04–14108 Filed 6–21–04; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA–02–13481 (PD–29(R))]

Massachusetts Requirements on the Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

ACTION: Notice of administrative determination of preemption by RSPA's Associate Administrator for Hazardous Materials Safety.

Local Laws Affected: Title 105 Code of Massachusetts Regulations (CMR) 480.000 *et seq.*

Applicable Federal Requirements: Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, and the Hazardous Materials Regulations (HMR), 49 CFR parts 171–180.

Modes Affected: Highway and Rail.

SUMMARY: Federal hazardous material transportation law preempts the following requirements because they are not substantively the same as requirements in the Federal hazardous material transportation law and the HMR:

(1) 105 CMR 480.100(a) that storage containers must be "rodent proof" and "fly-tight" when those containers are used for transporting medical waste in commerce, including preparing medical waste for transportation in commerce.

(2) 105 CMR 480.200(C) that 3 mil bags must be used for waste that is transported off-site.

(3) 105 CMR 480.200(E) that pathological waste and contaminated animal carcasses must be double-bagged in 3 mil bags when transported off-site for disposal.

(4) 105 CMR 480.300(A) that a distinctive label must be used on a container of "sharp wastes * * * to indicate that it contains sharp waste capable of inflicting punctures or cuts" when those containers are used for transporting medical waste in commerce, including preparing medical waste transportation in commerce.

(5) 105 CMR 480.300(B) that a label with the name, address, and telephone number of the generator must be placed on "every container or bag of waste that has not been rendered noninfectious and which will be transported off the premises of the waste generator."

(6) 105 CMR 480.500(C) that the generator of medical waste must designate on a manifest the address of the delivery site, that the transporter and disposal facility must sign the manifest, and that the disposal facility must return the signed original to the generator.

(7) 105 CMR 480.500(E) that the generator must retain more than one copy of the manifest, and retain a copy of the manifest for more than 375 days after the material is accepted by the initial carrier.

The following requirements are not preempted to the extent that they are applied and enforced in the same manner as requirements in the HMR:

(1) 105 CMR 480.500(A) & (B) that the generator of medical waste to be transported in commerce must prepare a shipping paper or manifest that includes a description of the waste, the total quantity, and the type of container in which the waste is transported.

(2) 105 CMR 480.500(C) that the generator of medical waste must sign the manifest.

FOR FURTHER INFORMATION CONTACT: Frazer C. Hilder, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001 (Tel. No. 202–366–4400).

SUPPLEMENTARY INFORMATION:

I. Background

In this determination, RSPA considers requirements of the Massachusetts Department of Public Health (Mass-DPH) applicable to the storage and disposal of "infectious or physically dangerous medical or biological waste." These requirements in 105 CMR 480.000 *et seq.* are in addition to, and appear to differ from, the requirements in the HMR for the transportation of infectious substances, including regulated medical waste. (Massachusetts appears to have two sets of State regulations applicable to these materials, because it has also adopted the "highway related portions of the Federal Hazardous Materials Regulations" in 49 CFR parts 171–180 "as regulations of the Registry of Motor Vehicles governing * * * the transportation of hazardous materials upon the public ways of the Commonwealth of Massachusetts in both intrastate and interstate commerce." 540 CMR 14.03.)

In its August 30, 2002 application, the Medical Waste Institute (the "Institute") applied for a determination that Federal hazardous material transportation law preempts certain packaging, labeling, and manifesting requirements for these waste materials on the ground that these requirements are not substantively the same as requirements in the HMR. The Institute specifically challenges requirements in:

—105 CMR 480.100(a) that storage containers must be "rodent proof" and "fly-tight" without defining those standards, which are not contained in the HMR

—105 CMR 480.200(C) & (E) that 3 mil bags must be used for waste that is transported off-site, and that pathological waste and contaminated animal carcasses must be double-bagged in 3 mil bags when transported off-site for disposal.

—105 CMR 480.300(A) that a distinctive label must be used on a container of "sharp wastes * * * to indicate that it contains sharp waste capable of inflicting punctures or cuts."

—105 CMR 480.300(B) that a label with the name, address, and telephone number of the generator must be placed on "every container or bag of waste that has not been rendered noninfectious and which will be transported off the premises of the waste generator."

—105 CMR 480.500 for use of a "manifest" containing specified information as a "tracking document designed to record the movement of waste from the generator through its trip with a transporter to an approved disposal facility and final disposal."

In a notice published in the **Federal Register** on December 12, 2002 (67 FR 76443), RSPA invited interested persons to submit comments on the Institute's application and address specific issues including the differences between the packaging requirements in 105 CMR 480.100 & 480.200 and the requirements in the HMR; the meaning of requirements for a "rodent proof" and "fly-tight" container; and whether the Massachusetts packaging, labeling, and manifesting requirements (i) are substantively the same as requirements in the HMR, (ii) present an obstacle to accomplishing and carrying out Federal hazardous material transportation law or the HMR, or (iii) are authorized by another Federal law. In response to that notice, Mass-DPH and the Maine Department of Environmental Protection (Maine-DEP) submitted comments. Essential Services Partnerships, LLC (ESP) and the Institute submitted rebuttal comments.

II. Federal Preemption

As discussed in the December 12, 2002 notice, 49 U.S.C. 5125 contains express preemption provisions that are relevant to this proceeding. 67 FR at 76444–45. As amended by Section 1711 of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2319), 49 U.S.C. 5125(a) provides that—in the absence of a waiver of preemption by DOT under § 5125(e) or specific authority in another Federal law—a requirement of a State, political subdivision of a State, or Indian tribe is preempted if

(1) complying with a requirement of the State, political subdivision, or tribe and a requirement of this chapter, a regulation prescribed under this chapter, or a hazardous materials transportation security regulation or directive issued by the Secretary of Homeland Security is not possible; or

(2) the requirement of the State, political subdivision, or tribe, as applied or enforced, is an obstacle to accomplishing and carrying out this chapter, a regulation prescribed under this chapter, or a hazardous materials transportation security regulation or directive issued by the Secretary of Homeland Security.

These two paragraphs set forth the "dual compliance" and "obstacle" criteria that RSPA had applied in issuing inconsistency rulings prior to 1990, under the original preemption provision in the Hazardous Materials Transportation Act (HMTA). Pub. L. 93–633 § 112(a), 88 Stat. 2161 (1975). The dual compliance and obstacle criteria are based on U.S. Supreme Court decisions on preemption. *Hines* v. *Davidowitz*, 312 U.S. 52 (1941); *Florida Lime & Avocado Growers, Inc.* v. *Paul*, 373 U.S. 132 (1963); *Ray* v. *Atlantic Richfield, Inc.*, 435 U.S. 151 (1978).

Subsection (b)(1) of 49 U.S.C. 5125 provides that a non-Federal requirement concerning any of the following subjects is preempted—unless authorized by another Federal law or DOT grants a waiver of preemption—when the non-Federal requirement is not "substantively the same as" a provision of Federal hazardous material transportation law, a regulation prescribed under that law, or a hazardous materials security regulation or directive issued by the Secretary of Homeland Security:

(A) The designation, description, and classification of hazardous material.

(B) the packing, repacking, handling, labeling, marking, and placarding of hazardous material.

(C) the preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents.

(D) the written notification, recording, and reporting of the unintentional release in transportation of hazardous material.

(E) the design, manufacturing, fabricating, marking, maintenance, reconditioning, repairing, or testing of a packaging or a container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

To be "substantively the same," the non-Federal requirement must conform "in every significant respect to the Federal requirement. Editorial and other similar *de minimis* changes are permitted." 49 CFR 107.202(d).

The November 2002 amendments to the preemption provisions in 49 U.S.C. 5125 reaffirmed Congress's long-standing view that a single body of uniform Federal regulations promotes safety (including security) in the transportation of hazardous materials. Thirty years ago, when it was considering the HMTA, the Senate Commerce Committee "endorse[d] the principle of preemption in order to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation." S. Rep. No. 1102, 93rd Cong. 2nd Sess. 37 (1974). When Congress expanded the preemption provisions in 1990, it specifically found that:

(3) Many States and localities have enacted laws and regulations which vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers which attempt to

comply with multiple and conflicting registration, permitting, routing, notification, and other regulatory requirements,

(4) because of the potential risks to life, property, and the environment posed by unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials is necessary and desirable,

(5) in order to achieve greater uniformity and to promote the public health, welfare, and safety at all levels, Federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable.

Pub. L. 101–615 § 2, 104 Stat. 3244. (In 1994, Congress revised, codified and enacted the HMTA "without substantive change," at 49 U.S.C. Chapter 51. Pub. L. 103–272, 108 Stat. 745.) A United States Court of Appeals has found that uniformity was the "linchpin" in the design of the Federal laws governing the transportation of hazardous materials. *Colorado Pub. Util. Comm'n* v. *Harmon*, 951 F.2d 1571, 1575 (10th Cir. 1991).

Under 49 U.S.C. 5125(d)(1), any person (including a State, political subdivision of a State, or Indian tribe) directly affected by a requirement of a State, political subdivision or tribe may apply to the Secretary of Transportation for a determination whether the requirement is preempted. The Secretary of Transportation has delegated authority to RSPA to make determinations of preemption, except for those that concern highway routing (which have been delegated to the Federal Motor Carrier Safety Administration). 49 CFR 1.53(b).

Section 5125(d)(1) requires that notice of an application for a preemption determination must be published in the **Federal Register**. Following the receipt and consideration of written comments, RSPA will publish its determination in the **Federal Register**. *See* 49 CFR 107.209. A short period of time is allowed for filing of petitions for reconsideration. 49 CFR 107.211. Any party to the proceeding may seek judicial review in a Federal district court. 49 U.S.C. 5125(f).

Preemption determinations do not address issues of preemption arising under the Commerce Clause, the Fifth Amendment or other provisions of the Constitution or under statutes other than the Federal hazardous material transportation law unless it is necessary to do so in order to determine whether a requirement is authorized by another Federal law, or whether a fee is "fair" within the meaning of 49 U.S.C. 5125(g)(1). A State, local or Indian tribe requirement is not authorized by another Federal law merely because it is not preempted by another Federal statute. *Colorado Pub. Util. Comm'n* v. *Harmon*, above, 951 F.2d at 1581 n.10.

In making preemption determinations under 49 U.S.C. 5125(d), RSPA is guided by the principles and policies set forth in Executive Order No. 13132, entitled "Federalism." 64 FR 43255 (August 10, 1999). Section 4(a) of that Executive Order authorizes preemption of State laws only when a statute contains an express preemption provision, there is other clear evidence that Congress intended to preempt State law, or the exercise of State authority directly conflicts with the exercise of Federal authority. Section 5125 contains express preemption provisions, which RSPA has implemented through its regulations.

III. Discussion

A. Federal Regulation of Medical Waste as a Hazardous Material, not as a Hazardous Waste

For more than 30 years, DOT has regulated the transportation of medical waste as a hazardous material, as RSPA explained in PD–23(RF), Morrisville, PA Requirements for Transportation of "Dangerous Waste," 66 FR 37260 (July 17, 2001), decision on petition for reconsideration, 67 FR 2948 (Jan. 22, 2002). Because "the majority of [medical] wastes are untreated and, thus, may potentially contain infectious substances, RSPA strongly believes that the public and transport personnel [should] be protected from the hazards of these materials during transportation." *Id.*, quoting from 56 FR 66124, 66142 (Dec. 20, 1991). Except for a two-year demonstration project in five States, the U.S. Environmental Protection Agency (EPA) has not regulated medical waste and, in a March 24, 1989 final rule (54 FR12326), EPA confirmed that it "did not list infectious waste in the final rule" listing hazardous wastes under the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*

The requirements in the HMR for transporting infectious substances, including regulated medical waste, were most recently revised in 2002 and are based on the classification criteria for infectious substances in the "risk group" table of the World Health Organization. 67 FR 53119 (Aug. 14, 2002); revision of effective date, 67 FR 54967 (Aug. 27, 2002); correction, 67 FR 57635 (Sept. 11, 2002). In these revisions, RSPA defined "regulated medical waste" as

> a waste or reusable material known to contain or suspected of containing an infectious substance in Risk Group 2 or 3 and generated in the diagnosis, treatment, or immunization of human beings or animals; or the production or testing of biological products. *Regulated medical waste* containing an infectious substance in Risk Group 4 must be classed as Division 6.2, described as an infectious substance, and assigned to UN 2814 or UN 2900 as appropriate.

49 CFR 173.134(a)(5). This category clearly includes the "infectious or physically dangerous medical or biological waste" subject to the Massachusetts requirements in 105 CMR 480.000 *et seq.* The Institute does not "take issue" with the definition of "infectious or physically dangerous medical or biological waste" in 105 CMR 490.010 but suggests that this definition may be preempted under 49 U.S.C. 5125(b)(1)(A) to the extent that it is not substantively the same as the designation, description, and classification of "regulated medical waste" in the HMR.

B. Summary of Application and Comments

In its application, the Institute contends that the challenged Massachusetts requirements are preempted because they are not substantively the same as requirements in the HMR. The Institute states that the HMR do not require "testing or other proof to ensure that a container is rodent proof and fly-tight," and that the HMR do not require the use of 3 mil bags, but rather allow "for a variety of packaging materials as long as the user can show that the packaging complies with the performance tests or requirements in the exceptions to the rules." The Institute states that the HMR do not require "a special label to be used on sharps containers nor * * * a label to indicate information about the generator." The Institute also argues that "manifesting by state and local governments for other than hazardous wastes is in conflict with the HMR," under RSPA's decision in PD–23(RF).

The Institute notes that "[s]hippers and carriers should not be confused by the rules regardless of where they are conducting business nor should they be required to stop at every town and state border to repackage, re-label, and prepare new shipping documents." In response to comments from Maine DEP, the Institute argues that "stopping at every state border to repackage, re-label, and re-create shipping papers would not prevent terrorist activity, but would provide a clear opportunity for such activity."

Mass-DPH appears to accept the Institute's arguments with respect to the packaging and labeling requirements at issue. It states that it "is contemplating making changes in its regulations to assure its approach is better coordinated with applicable federal requirements," and it addresses only "those questions that are relevant to the claim that RSPA should find that the Department's manifesting requirements are preempted." Mass-DPH states that its manifest requirements differ from those considered in PD–23(R) because it does not require a "specific form" but rather that the generator prepare a "tracking document" that contains certain information, is signed by the generator, transporter, and disposal facility, and then is returned to the generator for retention for three years. Mass-DPH argues that, because its regulations do not "extend or require the use of the Federal hazardous waste manifest," its manifest requirement is not preempted under the "substantively the same as" standard, and that, "because the use of the Federal hazardous waste manifest has not been extended to materials not defined as hazardous waste, * * * the Massachusetts requirement in no way presents "an obstacle to carrying out Federal hazmat law or the HMR.'"

In rebuttal comments, the Institute compares the specific requirements in 105 CMR 480.500 with the HMR. It notes that the requirement to include a "description of the waste" is not as specific as the requirements in 49 CFR 172.202, and that shippers (generators) appear to be omitting the packing group when they identify the "type of container" used. The Institute also states that the HMR (1) do not require a shipping paper to contain the address where a hazardous waste is to be delivered, (2) do not require the transporter or consignee to sign a shipping paper, (3) do not require the consignee to return a copy of the shipping paper to the offeror (generator), and (4) require an offeror to maintain a copy of the shipping paper (or an electronic image thereof) for 375 days, rather than copies "as initially sent out and as returned by the disposal facility for a period of three years."

Maine-DEP comments that the Massachusetts packaging, labeling and manifest requirements do not present an obstacle to complying with Federal hazardous material transportation law and the HMR, because the "majority of these requirements are the responsibility of the generator of the medical waste and will not be a burden to the transporter." It states that these requirements "have been put in place to protect public health and the environment," and that "a valid argument has not been put forth to justify preempting these requirements for medical waste" that "has an inherent negative value." Maine-DEP also states that "proper labeling, packaging, and manifest requirements for medical waste are consistent with the national effort to combat acts of bio-terrorism," and that it is important for emergency "response personnel and regulatory inspectors be able to easily identify infectious medical waste." It asserts that "[r]equiring the generator to initiate a manifest is a prudent step toward managing medical waste."

ESP states that it has encountered "discriminatory, arbitrary and capricious regulatory obstacles * * * stemming from conflicting adoption and interpretation" of the regulations in 105 CMR 480.000 *et seq.* by the Massachusetts Department of Environmental Protection. While ESP states that the Mass-DPH regulations in "105 CMR 480.000 *et seq.* are not inherently in conflict with the regulations of the DOT," ESP's greater concerns seem to be with the authority of "each of the 350 communities in Massachusetts to issue a permit, require a fee and require and conduct a vehicle inspection of Interstate Transportation haulers of [regulated medical waste] in the form of an 'Offal Permit.'" ESP states that a "broader ranging federal preemption decision is needed from the DOT to provide public health regulators and hazardous material haulers with the ability to over come the solid waste permitting constraints and the 'NIMBY' mentality that infects both the implementation and interpretation of solid waste regulations when they are used for solid waste regulators for RMW management in the United States."

C. Packaging and Labeling Requirements

The HMR provide that packagings used for the transportation of infectious substances must meet the general packaging requirements in subpart B of 49 CFR part 173 and also, in most cases, certain performance requirements in the HMR (such as a free-fall drop, stacking, leakproofness, water spray, or resistence to puncture by a steel rod, depending on the type of packaging and its contents). 49 CFR 173.196, 173.197. There are also specific requirements for the inner packagings that may be used when regulated medical waste is shipped in a "large packaging," a "wheeled cart," or a "bulk outer packaging." 49 CFR 173.197(e). Among these inner packaging requirements are:

—Solid (or absorbed liquid) regulated medical waste may be placed in plastic film bags that (1) do not exceed 175 L (46 gallons), (2) are marked and certified as having passed specified standard test methods of the American Society of Testing and Materials for tear and impact resistance, and (3) are marked or tagged with the name and location of the offeror except when the entire contents of the large packaging, wheeled cart, or bulk outer packaging originates at a single location and is delivered to a single location.

—Liquid regulated medical waste must be in a rigid inner packaging that is no larger than 19 L (5 gallons).

—Inner containers for sharps must be puncture-resistant and, if larger than 76 L (20 gallons), must be capable of passing performance tests in the HMR at the Packing Group II performance level.

However, there is no requirement in the HMR that packagings used to transport medical waste must be "rodent proof" or "fly-tight." In addition, plastic film bags are not authorized as single or outer packagings for medical waste; as inner packagings, these bags must meet the tear and impact resistence tests, but they need not be 3 mil thick and no wastes need be "double bagged."

The HMR require that a bulk packaging containing a regulated medical waste must be marked with the UN identification number of this material (UN3291) and the "BIOHAZARD" marking conforming to 29 CFR 1910.1030(g)(1)(i) in the regulations of the Occupational Safety and Health Administration. 49 CFR 172.302(a), 172.323. A non-bulk packaging for regulated medical waste must be marked with the proper shipping name ("Regulated Medical Waste") and UN identification number. 49 CFR 172.301(a). The "INFECTIOUS SUBSTANCE" hazard warning label must also be affixed to the outer packaging, except when the transportation is by a private or contract carrier and the packaging is marked with the "BIOHAZARD" marking. 49 CFR 172.400(a), 173.134(c)(1)(i). (There is no placard specified for infectious substances, including regulated medical waste.). But the HMR do not require a distinctive label on sharps containers and, while inner packagings for regulated medical waste "must be durably marked or tagged with the name and location (city and state) of the offeror," 49 CFR 173.197(e), there is no requirement for the outer packaging to have a label with the name, address, and telephone number of the generator of the waste. Indeed, in its final rule on "Security Requirements for Offerors and Transporters of Hazardous Materials," 68 FR 14510, 14512–13 (Mar. 25, 2003),

RSPA decided not to adopt its earlier proposal to require a hazardous material shipping paper to include the name and address of the consignor and consignee of the shipment.

Accordingly, as applied to medical waste in transportation in commerce, or prepared for transportation in commerce, these packaging and labeling requirements in 105 CMR 480.100(a), 480.200(C) & (E), and 480.300(A) & (B) are not substantively the same as requirements in the HMR and, accordingly, are preempted under 49 U.S.C. 5125(b)(1)(B).

D. Manifest Requirements

The HMR provide that any person who offers an infectious substance, including regulated medical waste, for transportation in commerce must describe the material on a shipping paper that contains:

—The proper shipping name, hazard class or division, identification number, and packing group of the material, in that sequence (49 CFR 172.202 (a)(1)–(4), (b));

—the total quantity of the material (with an indication of the unit of measurement, except that the total quantity of a material in bulk packagings may be indicated by the number of packages, *e.g.*, "1 cargo tank") and the number and type of packages, before or after the previous description (49 CFR 172.202(a)(5)(c));

—the telephone number, that is monitored at all times the material is in transportation, of a person who is either knowledgeable of the material and has comprehensive emergency response information for that material or who has immediate access to a person who possesses such knowledge and information (49 CFR 172.201(d), 172.604(a)(3)); and

—a signed certification by the offeror that the material is "properly classified, described, packaged, marked and labeled, and . . . in proper condition for transportation according to the regulations of the Department of Transportation" (49 CFR 172.204(a)(1)).

As noted above, in a recent rulemaking, RSPA decided not to require the shipping paper to include the name and address of the consignor and consignee of the shipment. Moreover, there is no requirement in the HMR for the transporter or the consignee (delivery facility) to sign the shipping paper or for the delivery facility to return a copy of the shipping paper to the offeror. At present, the HMR also provide that the offeror and carrier of an infectious substance, including a regulated medical waste, must retain a copy of the shipping paper (or an electronic image thereof) for 375 days after the material is accepted by the initial carrier. 49 CFR 172.201(e), 174.24(b), 177.817(f). (DOT has proposed an amendment to 49 U.S.C. 5110 to increase to three years the period for retaining shipping papers.)

The requirements in 105 CMR 480.500(B) for the manifest to include a description of the waste, the total quantity, and the type of container in which the waste is transported, and the requirement in 105 CMR 480.500(C) for the generator to sign the manifest, appear to be substantively the same as requirements in the HMR and, therefore, are not preempted under 49 U.S.C. 5125(b)(1)(C). To the extent that these requirements are applied or enforced in a different manner than the requirements in the HMR, as suggested in the Institute's rebuttal comments, these requirements may be preempted under 49 U.S.C. 5125(a)(2) as an "obstacle to accomplishing and carrying out" the HMR.

On the other hand, the requirements in 105 CMR 480.500(C) for the generator to designate the address of delivery site, for the transporter and disposal facility to sign the manifest, and for the disposal facility to return the signed original to the generator, and the requirement in 105 CMR 480.500(E) for the generator to retain more than one copy of the manifest, or to retain any copy for more than 375 days after the material is accepted by the initial carrier, are not substantively the same as requirements in Federal hazardous material transportation law and the HMR and, accordingly, are preempted under 49 U.S.C. 5125(b)(1)(C). If and when 49 U.S.C. 5110 is amended to increase to three years the retention period for shipping papers, that requirement in 105 CMR 480.500(C) will no longer be preempted (so long as the three-year retention period is applied in the same manner as specified in the Federal hazardous material transportation law and the HMR).

IV. Ruling

Federal hazardous material transportation law preempts the following requirements because they are not substantively the same as requirements in the Federal hazardous material transportation law and the HMR:

(1) 105 CMR 480.100(a) that storage containers must be "rodent proof" and "fly-tight" when those containers are used for transporting medical waste in commerce, including preparing medical waste transportation in commerce.

(2) 105 CMR 480.200(C) that 3 mil bags must be used for waste that is transported off-site.

(3) 105 CMR 480.200(E) that pathological waste and contaminated animal carcasses must be double-bagged in 3 mil bags when transported off-site for disposal.

(4) 105 CMR 480.300(A) that a distinctive label must be used on a container of "sharp wastes * * * to indicate that it contains sharp waste capable of inflicting punctures or cuts" when those containers are used for transporting medical waste in commerce, including preparing medical waste transportation in commerce.

(5) 105 CMR 480.300(B) that a label with the name, address, and telephone number of the generator must be placed on "every container or bag of waste that has not been rendered noninfectious and which will be transported off the premises of the waste generator."

(6) 105 CMR 480.500(C) that the generator of medical waste must designate on a manifest the address of the delivery site, that the transporter and disposal facility must sign the manifest, and that the disposal facility must return the signed original to the generator.

(7) 105 CMR 480.500(E) that the generator must retain more than one copy of the manifest, and retain a copy of the manifest for more than 375 days after the material is accepted by the initial carrier.

The following requirements are not preempted to the extent that they are applied and enforced in the same manner as requirements in the HMR:

(1) 105 CMR 480.500(A) & (B) that the generator of medical waste to be transported in commerce must prepare a shipping paper or manifest that includes a description of the waste, the total quantity, and the type of container in which the waste is transported.

(2) 105 CMR 480.500(C) that the generator of medical waste must sign the manifest.

V. Petition for Reconsideration/Judicial Review

In accordance with 49 CFR 107.211(a), any person aggrieved by this decision may file a petition for reconsideration within 20 days of publication of this decision in the **Federal Register**. Any party to this proceeding may seek review of RSPA's decision "in an appropriate district court of the United States * * * not later than 60 days after the decision becomes final." 49 U.S.C. 5125(f).

This decision will become RSPA's final decision 20 days after publication in the **Federal Register** if no petition for

reconsideration is filed within that time. The filing of a petition for reconsideration is not a prerequisite to seeking judicial review of this decision under 49 U.S.C. 5125(f).

If a petition for reconsideration is filed within 20 days of publication in the **Federal Register**, the action by RSPA's Associate Administrator for Hazardous Materials Safety on the petition for reconsideration will be RSPA's final action. 49 CFR 107.211(d).

Issued in Washington, DC on June 15, 2004.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 04–14075 Filed 6–21–04; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA–98–4470]

Pipeline Safety: Meeting of the Technical Pipeline Safety Standards Advisory Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee

AGENCY: Office of Pipeline Safety, Research and Special Programs Administration, DOT.

ACTION: Notice; Meeting of the Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee.

SUMMARY: The Research and Special Programs Administration's (RSPA) Office of Pipeline Safety (OPS) will convene a conference call of the Technical Pipeline Safety Standards Committee (TPSSC) and the Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC) to vote on a proposed rule to require underwater periodic inspection of gas and hazardous liquid pipelines. The advisory committees will discuss the proposals and comments and vote on the reasonableness, cost-effectiveness, and practicability of the proposed regulation.

ADDRESSES: The conference call will be held on June 30, 2004, from 1 p.m. to 4 p.m., EST. The Advisory Committee members will participate via telephone conference call. Members of the public may attend the meeting at the U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC Room 6332–6336.

An opportunity will be provided for the public to make short statements on the topic under discussion. Anyone wishing to make an oral statement should notify Jean Milam, (202) 493–0967, not later than June 25, 2004, on the topic of the statement and the length of the presentation. The presiding officer at the meeting may deny any request to present an oral statement and may limit the time of any presentation.

You may submit comments [identified by DOT DMS Docket Number RSPA–03–15852] by any of the following methods:

- Web site: *http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- Fax: 1–202–493–2251.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- Federal Rulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number or Regulatory Identification Number (RIN for this rulemaking). For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to *http://dms.dot.gov.* including any personal information provided. Please see the Privacy Act heading under Regulatory Notices.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to Room PL–40 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

You may obtain copies of this proposed rule or other material in the docket. All materials in this docket may be accessed electronically at *http://dms.dot.gov.*

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Jean Milam at (202) 493–0967.

FOR FURTHER INFORMATION CONTACT: Cheryl Whetsel, RSPA/OPS, (202) 366–4431 or Richard Huriaux, RSPA/OPS, (202) 366–4565, in regard to the subject matter of this notice.

SUPPLEMENTARY INFORMATION:

The TPSSC and THLPSSC are statutorily mandated advisory committees that advise the Research and Special Programs Administration's Office of Pipeline Safety on proposed safety standards for gas and hazardous liquid pipelines. These advisory committees are constituted in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 1). The committees consist of 15 members—five each representing government, industry, and the public. The TPSSC and THLPSSC are tasked with determining reasonableness, cost-effectiveness, and practicability of proposed pipeline regulations.

Federal law requires that RSPA/OPS submit cost-benefit analyses and risk assessment information on proposed safety standards to the advisory committees. The TPSSC and the THLPSSC evaluate the merits of the data and methods used within the analyses, and when appropriate, provide recommendations relating to the cost-benefit analyses.

The advisory committees will discuss the Notice of Proposed Rulemaking (NPRM) entitled, "Pipeline Safety: Underwater Periodic Inspection" (68 FR 69368) and vote on the reasonableness, cost-effectiveness, and practicability of the proposed regulation. The NPRM proposes to amend the pipeline safety regulations to require operators of gas and hazardous liquid pipelines to have procedures for periodic inspections of underwater pipeline facilities in waters less than 15 feet deep. These inspections will inform the operator if the pipeline is exposed or a hazard to navigation.

RSPA/OPS will issue a final rule based on the proposed rule, the comments received from the public, and the vote and comments of the advisory committees.

Authority: 49 U.S.C. 60102, 60115.

Issued in Washington, DC on June 17, 2004.

Richard D. Huriaux,

Director, Technical Standards.

[FR Doc. 04–14076 Filed 6–21–04; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Proposed Renewal of Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. Currently, the OCC is soliciting comment concerning its extension, without change, of an information collection titled "Electronic Banking—12 CFR 7".

DATES: You should submit written comments by August 23, 2004.

ADDRESSES: You should direct all written comments to the Communications Division, Attention: 1557–0225, Third Floor, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219. In addition, you may send comments by facsimile transmission to (202)874–5274, or by electronic mail to *regs.comments@occ.treas.gov*.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from John Ference or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division (1557–0225), Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219. You can inspect and photocopy the comments at the OCC's Public Reference Room, 250 E Street, SW., Washington, DC, between 9 a.m. and 5 p.m. on business days. You can make an appointment to inspect the comments by calling (202) 874–5043.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: Electronic Banking—12 CFR 7.

OMB Number: 1557–0225.

Form Number: None.

Abstract: This submission covers an existing regulation and involves no change to the regulation or to the information collections embodied in the regulation. The OCC requests only that OMB renew its approval of the information collection in the current regulation.

The regulatory requirements for this information collection are as follows:

12 CFR 7.5010 requires a national bank that shares a co-branded web site or other electronic space with a bank subsidiary or a third party to make certain disclosures designed to enable its customers to distinguish its products and services from those of the subsidiary or third party.

Type of Review: Extension, without change, of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 1,609.

Estimated Total Annual Responses: 1,609.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 1,609 burden hours.

Comments: Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: June 16, 2004.

Stuart Feldstein,

Assistant Director, Legislative & Regulatory Activities Division.

[FR Doc. 04–14028 Filed 6–21–04; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF VETERANS AFFAIRS

Chiropractic Advisory Committee; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Chiropractic Advisory Committee will meet Tuesday, July 13, 2004, from 8:15 a.m. until 5 p.m. and Wednesday, July 14, 2004 from 8 a.m. until 4 p.m. at 811 Vermont Avenue NW, Room 819, Washington, DC 20420. The meeting is open to the public.

The purpose of the Committee is to provide direct assistance and advice to the Secretary of Veterans Affairs in the development and implementation of the chiropractic health program. Matters on which the Committee shall assist and advise the Secretary include protocols governing referrals to chiropractors and direct access to chiropractic care, scope of practice of chiropractic practitioners, definitions of services to be provided and such other matters as the Secretary determines to be appropriate.

On July 13, the Committee will receive an update on the status of recommendations to the Secretary, an update on the status of program implementation, and begin development of recommendations for program evaluation. On July 14, the Committee will receive a briefing on academic affiliations, continue discussion of recommendations for program evaluation if additional time is needed, and begin discussion of the Committee's final report.

Any member of the public wishing to attend the meeting is requested to contact Ms. Sara McVicker, RN, MN, Designated Federal Officer, at (202) 273–8559 no later than 5:00 p.m. Eastern time on Thursday, July 8, 2004 in order to facilitate entry to the building.

Oral comments from the public will not be accepted at the meeting. It is preferred that any comments be transmitted electronically to *sara.mcvicker@mail.va.gov* or mailed to: Chiropractic Advisory Committee, Medical Surgical Services SHG (111), U.S. Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420.

Dated: June 14, 2004.

By Direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. 04–13998 Filed 6–21–04; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register
Vol. 69, No. 119
Tuesday, June 22, 2004

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Forest Service

Fishlake National Forest, Utah, Fishlake OHV Route Designation Project

Correction

In notice document 04–12780 beginning on page 31786 in the issue of Monday, June 7, 2004, make the following correction:

On page 31787, in the second column, under the heading "**Proposed Action**", in the third and fourth lines, "*http://www.fs.fed.us/r4/fishlake/projects/obv.shtml*" should read "*http://www.fs.fed.us/r4/fishlake/projects/ohv.shtml*".

[FR Doc. C4–12780 Filed 6–21–04; 8:45 am]
BILLING CODE 1505–01–D

Federal Register

Tuesday,
June 22, 2004

Part II

Department of Transportation

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 175, 176, 178 and 180

Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 175, 176, 178 and 180

[Docket No. RSPA–04–17036 (HM–215G)]

RIN 2137–AD92

Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: RSPA is proposing to amend the Hazardous Materials Regulations (HMR) to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements. Because of recent changes to the International Maritime Dangerous Goods Code (IMDG Code), the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations), these revisions are necessary to facilitate the transport of hazardous materials in international commerce.

DATES: Comments must be received by August 23, 2004.

ADDRESSES: Address your comments to the Dockets Management System, U.S. Department of Transportation, 400 Seventh St., SW., Room PL 402, Washington, DC 20590.

Comments. You may submit comments identified by the docket number (RSPA–04–17036) by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- Web site: *http://dms.dot.gov*. Follow the instructions for submitting comments on the DOT electronic docket site.
- Fax: 1–202–493–2251.
- Mail: Docket Management System; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–402, Washington, DC 20590–001.
- Hand Delivery: To the Docket Management System; Room PL–402 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this notice. For detailed instructions on submitting comments and additional information on the rulemaking process, *see* the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to *http://dms.dot.gov* including any personal information provided. Please *see* the Privacy Act heading under **SUPPLEMENTARY INFORMATION.**

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to the Docket Management System (*see* **ADDRESSES**).

FOR FURTHER INFORMATION CONTACT: Charles Betts, Office of Hazardous Materials Standards, telephone (202) 366–8553, or Shane Kelley, International Standards, telephone (202) 366–0656, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Contents

I. Background

On December 21, 1990, RSPA (we) published a final rule (Docket HM–181; 55 FR 52402) based on the UN Recommendations, which comprehensively revised the Hazardous Materials Regulations (HMR), 49 CFR parts 171 to 180, for harmonization with international standards. Since publication of the 1990 final rule, we have issued five additional international harmonization final rules (Dockets HM–215A, 59 FR 67390; HM–215B, 62 FR 24690; HM–215C, 64 FR 10742; HM–215D, 66 FR 33316; and HM–215E, 68 FR 44992). The rules provided additional harmonization with international transportation requirements by more fully aligning the HMR with the corresponding biennial updates of the UN Recommendations, the IMDG Code and the ICAO Technical Instructions.

The UN Recommendations are not regulations, but rather are recommendations issued by the UN Committee of Experts on the Transport of Dangerous Goods (TDG) and on the Globally Harmonized System of Classification and Labeling (GHS). These recommendations are amended and updated biennially by the UN Committee of Experts. They serve as the basis for National, regional, and international modal regulations; specifically, the IMDG Code issued by the International Maritime Organization (IMO), and the ICAO Technical Instructions issued by the ICAO. In 49 CFR 171.12, the HMR authorize domestic transportation of hazardous materials shipments prepared in accordance with the IMDG Code if all or part of the transportation is by vessel, subject to certain conditions and limitations. In § 171.11, subject to certain conditions and limitations, the HMR authorize the offering, acceptance and transport of hazardous materials by aircraft, and by motor vehicle either before or after being transported by aircraft, provided the shipment is in accordance with the ICAO Technical Instructions.

The continually increasing amount of hazardous materials transported in international commerce warrants the harmonization of domestic and international requirements to the greatest extent possible. Harmonization serves to facilitate international transportation and at the same time ensures the safety of people, property and the environment. While the intent of the harmonization rulemakings is to align the HMR with international standards, we review and consider each amendment on its own merit. Each amendment is considered on the basis of the overall impact on transportation safety and the economic implications associated with its adoption into the HMR. Our goal is to harmonize without sacrificing the current HMR level of safety and without imposing undue burdens on the regulated public. In our efforts to continue to align the HMR with international requirements, this notice of proposed rulemaking (NPRM) proposes changes to the HMR based on the Thirteenth Revised Edition of the

UN Recommendations, Amendment 32 to the IMDG Code, and the 2005–2006 ICAO Technical Instructions, which become effective January 1, 2005. Petitions for rulemaking concerning harmonization with international standards and the facilitation of international transportation are also addressed in this NPRM and serve as the basis of certain proposed amendments. Other proposed amendments are based on feedback from the regulated industry, other DOT modal administrations and our initiative. Also included are various proposed editorial clarifications. Unless otherwise stated, the proposed revisions are for harmonization with international standards.

II. Overview of Proposed Changes in This NPRM

Proposed amendments to the HMR in this NPRM include, but are not limited to the following:

- Amendments to the Hazardous Materials Table (HMT) which would 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.
- Removal of the air eligibility marking requirement.
- Addition of a "KEEP AWAY FROM HEAT" marking requirement for packages offered for transportation by air.
- Amendment to require that aerosol cans that are carried aboard an aircraft in accordance with § 175.10(a)(4) have their release devices protected by a cap or other suitable means.
- A grandfather provision to allow the shipment of materials classified as corrosive to steel or aluminum under ASTM G 31–72.
- A provision to require that the word "overpack" be marked on overpacks to indicate that this marking implies that inside packages comply with prescribed specifications.
- An amendment to the criteria for classification of materials that are corrosive to metals.
- Revision of the limited quantity provisions for Class 6.1, PG II materials and other hazard classes of materials to take into account materials with a subsidiary hazard of 6.1, PG II.
- Amendments to the packaging requirements for materials classified as Division 6.1, Packing Group I, Hazard Zone A or Hazard Zone B.
- Revision of the organic peroxide packaging requirements in order to have one consolidated packaging section for organic peroxides. The revised section will include three separate tables for organic peroxides authorized for transport in non-bulk packagings, IBCs, and bulk packagings other than IBCs, respectively. Additionally, the packaging tables will be updated through the amendments to the organic peroxide requirements that will add, revise, or delete certain entries in the organic peroxide tables.

III. Overview of Amendments Not Being Considered for Adoption in This NPRM

This NPRM proposes changes to the HMR based on amendments to the Thirteenth Revised Edition of the UN Recommendations, Amendment 32 to the IMDG Code, and the 2005–2006 ICAO Technical Instructions, which become effective January 1, 2005. However, we are not proposing to adopt all of the amendments to those documents into the HMR. In many cases, amendments to the international regulation have not been adopted because of the framework or structure of the HMR. In several cases, we are handling certain amendments in separate rulemakings. For example, all amendments related to infectious substances are being handled under Docket HM–226A. In some instances, such as the amendment to ICAO TI to allow certain oxygen generators aboard passenger carrying aircraft, we do not believe the amendment to be in the interest of public safety.

If we have inadvertently omitted an amendment in this NPRM, we will attempt to include the omission in the final rule. However, our options for making changes in a final rule are limited by requirements of the Administrative Procedures Act. In some instances, we can adopt a provision inadvertently omitted from the NPRM if it is clearly within the scope of changes proposed in the notice, does not require substantive changes from the international standard on which it is based, and imposes minimal or no cost impacts on persons subject to the requirement. Otherwise, in order to provide opportunity for notice and comment the change must be proposed in an NPRM.

One of the goals of this rulemaking is to continue to maintain consistency between the HMR and the international requirements. We are not striving to "match-up" the HMR with the international regulations but rather striving to remove potential barriers to international transportation.

Below is a listing of those significant amendments to the international regulations that we are not proposing to adopt into the HMR with a brief explanation why:

- Requirements for infectious substances and genetically modified micro-organisms;

(Amendments to the HMR related to infectious substances will be addressed in a future rulemaking under Docket HM–226A. Several other Federal agencies regulate genetically modified micro-organisms; thus we do not plan to adopt provisions for their transport in the HMR.)

- Compressed gas cylinders;

(Amendments to the HMR related to compressed gas cylinders will be addressed in a future rulemaking under Docket HM–220E.)

- Environmentally hazardous substances;

(Delay in action pending further amendments to the international regulations.)

- Hazardous materials security;

(Amendments to the HMR related to the UN Model Regulation's hazardous materials security requirements were promulgated in a rulemaking under the HM–232 Docket series.)

- Requirements for radioactive materials;

(Amendments to the HMR related to Class 7 (radioactive) materials are being addressed in a rulemaking under the HM–230 Docket series.)

- Non-specification bulk packagings;

(We are not adopting the new requirements in the UN Recommendations for non-specification bulk packagings including the additional inspection, testing and marking requirements. We are unsure about the cost impacts of imposing these additional amendments and, therefore, are not proposing to adopt any additional amendments at this time.)

- The reference to EN 10028–3, Part 3 for defining steel grain size relevant to the definition of fine grain steel;

(We do not believe there is a need to adopt the European standard EN 10028–3, Part 3 because this standard is equivalent to ASTM E 112–96 (IBR, *see* § 171.7 of this subchapter). In addition, the ASTM standard is currently referenced in the HMR and is more commonly used and recognized in the U.S.)

- Bulk authorization for UN0331, UN0332 and UN3375;

(For several years, we have authorized, under exemption, the transport of certain blasting agents in bulk packagings. We are currently

reviewing those exemptions to determine if they should be included in the HMR. The amendments in the UN Recommendations related to the bulk authorizations for UN0331, UN0332 and UN3375 will be included in that review.)

- The removal of wooden barrel requirements;

(The removal of the wooden barrel requirements (2C1 and 2C2) may be considered in a future rulemaking.)

- The 24-hour gasket relaxation requirement;

(A requirement that removable head packagings for liquids not be drop tested until at least 24 hours after filling and closing to allow for any possible gasket relaxation was adopted in the thirteenth revised edition of the UN Model Regulations. We have conducted testing in coordination with drum manufacturers and have determined that this requirement is not substantiated by the results of the tests conducted. Therefore, we are not adopting into the HMR amendments relative to the 24-hour gasket relaxation requirement. We also opposed this requirement when it was considered by the UN TDG Sub-Committee.)

- Authorization to transport protective breathing equipment (PBE's) with an oxygen generator as cargo onboard a passenger-carrying aircraft.

(We do not believe that oxygen generators should be transported aboard passenger carrying aircraft. Therefore, we are not adopting the ICAO amendment that would allow oxygen generators in protective breathing equipment to be transported in passenger carrying aircraft.)

IV. Section-by-Section Review

Part 171

Section 171.7

Paragraph (a)(3) (incorporation by reference materials) would be updated to include the most recent edition of the ICAO Technical Instructions, the IMDG Code and the UN Recommendations. The updated editions of these standards become effective January 1, 2005. Additionally, the International Maritime Organization (IMO) recommends authorizing a one-year transition period, with a delayed compliance date of January 1, 2006, for the use of the updated edition (Amendment 32) of the IMDG Code.

The standards would be updated as follows:

- The ICAO Technical Instructions, 2005–2006 Edition.
- The IMDG Code, Amendment 32.
- The UN Recommendations, Thirteenth Edition.
- The UN Manual of Tests and Criteria, 4th Revised Edition.

Paragraph (b) (list of informational materials not requiring incorporation by reference) would be revised by adding an additional reference for a new method for determining the size of an emergency-relief device for portable tanks transporting organic peroxides. This revision is based on a petition for rulemaking numbered P–1428. The petition was submitted by Mr. Lynne Harris for the Organic Peroxides Producers Safety Division of the Society of the Plastics Industry, Inc.

The reference would be added as follows:

- *The Society of the Plastics Industry, Inc., Organic Peroxide Producers Safety Division,* 1801 K Street, NW., Suite 600K, Washington, DC 20006–1301. Example of a Test Method for Venting Sizing: OPPSD/SPI Methodology.

Section 171.8

The definition for "salvage packaging" would be revised to include the term "non-conforming." The term "non-conforming" was added to the definition by the UN Committee of Experts in December 2000. In addition to situations involving damaged, defective or leaking packages of dangerous goods, occasionally an undamaged primary container is found to be tested to a performance level which is less than that required for the specific substance it contains (*e.g.*, a drum tested to PG II standards containing a PG I substance). In other instances, the primary container is found to be a non-performance tested packaging containing a regulated substance. In these situations, it may not be safe or practical to transfer the material to the correct packaging to continue on to the consignee. Therefore, the use of salvage packaging to contain "non-conforming" packages will minimize the risk to those handling the package during its transport back to the shipper or to an appropriate disposal location.

Section 171.11

Paragraph (d)(15) would be revised to clarify that the limitations therein also apply to oxygen generators contained in personal breathing equipment. In addition, paragraph (d)(17) would be revised to indicate that an organic peroxide that is not identified by a technical name in any of the organic peroxide tables found in § 173.225 of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.128(d) of this subchapter.

Section 171.12

In § 171.12, paragraph (b)(20) would be revised to indicate that an organic peroxide that is not identified by a technical name in any of the organic peroxide tables found in § 173.225 of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.128(d) of this subchapter.

Section 171.12a

Paragraph (a) would be revised to clarify the requirements for the return to Canada of bulk packagings that correspond to DOT or UN Specification. Paragraph (b)(9)(ii) would be revised to indicate that the shipping certification must be completed for shipments from Canada that enter the U.S. Paragraph (b)(18) would be revised to indicate that an organic peroxide that is not identified by a technical name in any of the organic peroxide tables found in § 173.225 of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.128(d) of this subchapter.

Section 171.14

Paragraphs (d) and (d)(1) would be revised to authorize a delayed implementation date for the proposed amendments in this NPRM. We are proposing an effective date of October 1, 2004, and a voluntary compliance date of January 1, 2005, to correspond with the effective implementation dates of the 2005–2006 ICAO Technical Instructions and Amendment 32 of the IMDG Code. This authorization would allow shippers to prepare their international shipments in accordance with international standards that will become effective on January 1, 2005. We are also, proposing to authorize a delayed compliance date of January 1, 2006, which is comparable to the transitional provisions provided in the final rule published under Docket HM–215E. The delayed mandatory compliance date would offer sufficient time to implement the new requirements.

Paragraph (d)(2) would be revised to authorize certain intermixing of old and new requirements.

Part 172

Section 172.101

In the regulatory text preceding the Hazardous Materials Table, we are proposing the following changes:

Paragraph (c)(11) and the corresponding note to paragraph (c)(11) would be amended to revise a section reference. The reference to § 173.225(c)

in the first sentence would be revised to read § 173.225(b) and the reference to § 173.225(c)(2) in the note to paragraph (c)(11) would be revised to read § 173.225(b)(2).

Paragraph (d)(4) would be revised by adding a statement indicating that when the abbreviation "Comb liq." is found in the "Hazard class of division" column of the Hazardous Materials Table (column 3), the material falls into the "Combustible liquid" hazard class.

Paragraph (i)(3) of this section would be revised to specify that Column 7 of the Hazardous Materials Table contains additional bulk packaging authorizations and limitations for the use of UN portable tanks.

Section 172.101 The Hazardous Materials Table (HMT). We are proposing to make various amendments to the HMT. Readers should review all changes for a complete understanding of the proposed Table amendments. The HMT is being reprinted in its entirety due to the numerous changes. Proposed amendments to the HMT for the purpose of harmonizing with international standards, unless otherwise stated, include, but are not limited to the following:

- We propose to revise several entries by adding the qualifying word "liquid." This action is consistent with the revisions to proper shipping names that were incorporated into the Thirteenth Revised Edition of the UN Recommendations. Affected entries would be as follows:

UN1392 Alkaline earth metal amalgam
UN1420 Potassium metal alloys
UN1422 Potassium sodium alloys
UN1701 Xylyl bromide
UN1742 Boron trifluoride acetic acid complex
UN1743 Boron trifluoride propionic acid complex
UN2235 Chlorobenzyl chlorides
UN2236 3-Chloro-4-methylphenyl isocyanate
UN2306 Nitrobenzotrifluorides
UN2445 Lithium alkyls
UN2552 Hexafluoroacetone hydrate
UN2937 alpha-Methylbenzyl alcohol
UN3276 Nitriles, toxic, n.o.s.
UN3278 Organophosphorus compound, toxic, n.o.s.
UN3280 Organoarsenic compound, n.o.s.
UN3282 Organometallic compound, toxic, n.o.s.
UN3281 Metal carbonyls, n.o.s.

- We propose to revise several entries by adding the qualifying word "solid." This action is consistent with the revisions to proper shipping names that were incorporated into the Thirteenth Revised Edition of the UN Recommendations. Affected entries would be as follows:

UN1445 Barium chlorate
UN1447 Barium perchlorate
UN1459 Chlorate and magnesium chloride mixture
UN1470 Lead perchlorate
UN1578 Chloronitrobenzenes
UN1579 4-Chloro-o-toluidine hydrochloride
UN1650 beta-Naphthylamine
UN1680 Potassium cyanide
UN1689 Sodium cyanide
UN1690 Sodium fluoride
UN1697 Chloroacetophenone
UN1709 2,4-Toluylenediamine
UN1812 Potassium fluoride
UN1843 Ammonium dinitro-o-cresolate
UN2074 Acrylamide
UN2239 Chlorotoluidines
UN2261 Xylenols
UN2446 Nitrocresols
UN2662 Hydroquinone
UN3283 Selenium compound, n.o.s.

- We propose to revise several entries by removing the qualifying word "solid." This action would provide consistency with the Thirteenth Revised Edition of the UN Recommendations and enable us to remove all corresponding solution entries. The affected entries would be as follows:

UN1489 Potassium perchlorate, solid
UN1598 Dinitro-o-cresol, *solid*
UN1638 Mercury iodide, *solid*
UN1740 Hydrogendifluorides, n.o.s. *solid*
UN2439 Sodium hydrogendifluoride, *solid*

- We propose to delete several entries. This action would remove from the HMR the solution form of entries that are not identified as solutions in the Thirteenth Revised Edition of the UN Recommendations. The deleted entries would be as follows:

UN1489 Potassium perchlorate, solution
UN1598 Dinitro-o-cresol, *solution*
UN1638 Mercury iodide, *solution*
UN1740 Hydrogendifluorides, n.o.s. *solutions*
UN2439 Sodium hydrogendifluoride *solution*

- We propose to revise the proper shipping name "Butadienes, stabilized," UN1010 to read "Butadienes, stabilized *or* Butadienes and hydrocarbon mixture, stabilized, *containing more than 40% butadienes*."
- We propose to revise the proper shipping name "Potassium hydrogendifluoride, *solid*," UN1811 to read "Potassium hydrogendifluoride, solid."
- We propose to revise the proper shipping name "Refrigerating machines, *containing non-flammable, non-toxic, liquefied gas or ammonia solution (UN2672)*," UN2857 to read "Refrigerating machines *containing non-flammable, non-toxic gases or ammonia solutions (UN2672)*."
- Four references to IB52 and four references to T23 would be removed from column 7 of the HMT. This change is necessary because IB52 and T23 would be relocated to § 173.225. The affected entries would be:

UN3109 Organic peroxide type F, liquid
UN3110 Organic peroxide type F, solid
UN3119 Organic peroxide type F, liquid, temperature controlled
UN3120 Organic peroxide type F, solid, temperature controlled

- IP5 would be removed from column 7 of the HMT for the following UN numbers:

UN1791 Hypochlorite solution
UN2014 Hydrogen peroxide, aqueous solution with not less than 20% but not more than 60% hydrogen peroxide (*stabilized as necessary*).
UN3149 Hydrogen peroxide and peroxyacetic acid mixture with acid(s), water and not more than 5% peroxyacetic acid.

- We propose to delete several entries. This action is consistent with the deletion of proper shipping names that were incorporated into the Thirteenth Revised Edition of the UN Recommendations that we are proposing to adopt into the HMR. The entries identified by corresponding "UN" numbers are:

UN2003 Metal alkyls, water-reactive, n.o.s. *or* Metal aryls, water-reactive, n.o.s.
UN3049 Metal alkyl halides, water-reactive, n.o.s. *or* Metal aryl halides, water-reactive, n.o.s.
UN3050 Metal alkyl hydrides, water-reactive, n.o.s. *or* Metal aryl hydrides, water-reactive, n.o.s.
UN3207 Organometallic compound *or* Compound solution *or* Compound dispersion, water-reactive, flammable, n.o.s.
UN3203 Pyrophoric organometallic compound, water-reactive, n.o.s., liquid Pyrophoric organometallic compound, water-reactive, n.o.s., solid
UN3372 Organometallic compound, solid, water-reactive, flammable, n.o.s.

- We propose to add the following new entries. Many of these entries are the liquid or solid form of entries that are already listed in the HMT. This action is consistent with the addition of proper shipping names that were incorporated into the Thirteenth Revised Edition of the UN Recommendations. Affected entries would be as follows:

UN3377 Sodium perborate monohydrate
UN3378 Sodium carbonate peroxyhydrate
UN3379 Desensitized explosives, liquid, n.o.s.
UN3380 Desensitized explosives, solid, n.o.s.
UN3401 Alkali metal amalgam, solid
UN3402 Alkaline earth metal amalgam, solid
UN3403 Potassium metal alloys, solid
UN3404 Potassium sodium alloys, solid

UN3405 Barium chlorate solution
UN3406 Barium perchlorate solution
UN3407 Chlorate and magnesium chloride mixture solution
UN3408 Lead perchlorate solution
UN3409 Chloronitrobenzenes, liquid
UN3410 4-Chloro-o-toluidine hydrochloride solution
UN3411 beta-Naphthylamine solution
UN3413 Potassium cyanide solution
UN3414 Sodium cyanide solution
UN3415 Sodium fluoride solution
UN3416 Chloroacetophenone, liquid
UN3417 Xylyl bromide, solid
UN3418 2,4-Toluylenediamine solution
UN3419 Boron trifluoride acetic acid complex, solid
UN3420 Boron trifluoride propionic, acid complex, solid
UN3421 Potassium hydrogendifluoride solution
UN3422 Potassium fluoride solution
UN3423 Tetramethylammonium hydroxide, solid
UN3424 Ammonium dinitro-o-cresolate solution
UN3425 Bromoacetic acid, solid
UN3426 Acrylamide solution
UN3427 Chlorobenzyl chlorides, solid
UN3428 3-Chloro-4-Methylphenyl isocyanate, solid
UN3429 Chloro-toluidines, liquid
UN3430 Xylenols, liquids
UN3431 Nitrobenzotrifluorides, solid
UN3432 Polychlorinated biphenyls, solid
UN3433 Lithium alkyls, solid
UN3434 Nitrocresols, liquid
UN3435 Hydroquinone solution
UN3436 Hexafluoroacetone hydrate, solid
UN3437 Chlorocresols, solid
UN3438 alpha-Methylbenzyl alcohol, solid
UN3439 Nitriles, toxic, solid, n.o.s.
UN3440 Selenium compound, liquid, n.o.s.
UN3441 Chlorodinitrobenzenes, solid
UN3442 Dichloroanilines, solid
UN3443 Dinitrobenzenes, solid
UN3444 Nicotine hydrochloride, solid
UN3445 Nicotine sulphate, solid
UN3446 Nitrotoluenes, solid
UN3447 Nitroxylenes, solid
UN3448 Tear gas substance, solid, n.o.s.
UN3449 Bromobenzyl cyanides, solid
UN3450 Diphenylchloroarsine, solid
UN3451 Toluidines, solid
UN3452 Xylidines, solid
UN3453 Phosphoric acid, solid
UN3454 Dinitrotoluenes, solid
UN3455 Cresols, solid
UN3456 Nitrosyl-sulphuric acid, solid
UN3457 Chloronitrotoluenes, solid
UN3458 Nitroanisoles, solid
UN3459 Nitrobromobenzenes, solid
UN3460 N-Ethylbenzyltoluidines, solid
UN3461 Aluminium alkyl halides, solid
UN3462 Toxins, extracted from living sources, solid, n.o.s.
UN3464 Organophosphorus compound, toxic, solid, n.o.s.
UN3465 Organoarsenic compound, solid, n.o.s.
UN3466 Metal carbonyls, solid, n.o.s.
UN3467 Organometallic compound, toxic, solid, n.o.s.
UN3468 Hydrogen in a metal hydride storage system

• We propose to add the following new generic entries for materials that are poisonous by inhalation. These new names will replace the existing generic entries in the HMT. This action is consistent with the addition of proper shipping names that were incorporated into the Thirteenth Revised Edition of the UN Recommendations. Affected entries would be as follows:

UN3381 Toxic by inhalation liquid, n.o.s. *with an inhalation toxicity lower than or equal to 200 ml/m³ and saturated vapor concentration greater than or equal to 500 LC_{50}.*
UN3382 Toxic by inhalation liquid, n.o.s. *with an inhalation toxicity lower than or equal to 1000 ml/m³ and saturated vapor concentration greater than or equal to 10 LC_{50}.*
UN3383 Toxic by inhalation liquid, flammable, n.o.s. *with an inhalation toxicity lower than or equal to 200 ml/m³ and saturated vapor concentration greater than or equal to 500 LC_{50}.*
UN3384 Toxic by inhalation liquid, flammable, n.o.s. *with an inhalation toxicity lower than or equal to 1000 ml/m³ and saturated vapor concentration greater than or equal to 10 LC_{50}.*
UN3385 Toxic by inhalation liquid, water-reactive, n.o.s. *with an inhalation toxicity lower than or equal to 200 ml/m³ and saturated vapor concentration greater than or equal to 500 LC_{50}.*
UN3386 Toxic by inhalation liquid, water-reactive, n.o.s. *with an inhalation toxicity lower than or equal to 1000 ml/m³ and saturated vapor concentration greater than or equal to 10 LC_{50}.*
UN3387 Toxic by inhalation liquid, oxidizing, n.o.s. *with an inhalation toxicity lower than or equal to 200 ml/m³ and saturated vapor concentration greater than or equal to 500 LC_{50}.*
UN3388 Toxic by inhalation liquid, oxidizing, n.o.s. *with an inhalation toxicity lower than or equal to 1000 ml/m³³³³³³ and saturated vapor concentration greater than or equal to 10 LC_{50}.*
UN3389 Toxic by inhalation liquid, corrosive, n.o.s. *with an inhalation toxicity lower than or equal to 200 ml/m³ and saturated vapor concentration greater than or equal to 500 LC_{50}.*
UN3390 Toxic by inhalation liquid, corrosive, n.o.s. *with an inhalation toxicity lower than or equal to 1000 ml/m³ and saturated vapor concentration greater than or equal to 10 LC_{50}.*

• We propose to add the following new generic entries for organometallic substances. We are not proposing to adopt the "Flowchart scheme for organometallic substances" because we believe that it is intuitive based on the hazard class precedence system in the HMR. This action is consistent with the addition of proper shipping names that were incorporated into the Thirteenth Revised Edition of the UN Recommendations. Affected entries would be as follows:

UN3391 Organometallic substance, solid, pyrophoric
UN3392 Organometallic substance, liquid, pyrophoric
UN3393 Organometallic substance, solid, pyrophoric, water-reactive
UN3394 Organometallic substance, liquid, pyrophoric, water-reactive
UN3395 Organometallic substance, solid, water-reactive
UN3396 Organometallic substance, solid, water-reactive, flammable
UN3397 Organometallic substance, solid, water-reactive, self-heating
UN3398 Organometallic substance, liquid, water-reactive
UN3399 Organometallic substance, liquid, water-reactive, flammable
UN3400 Organometallic substance, solid, self-heating

In addition, we would continue to allow the following specific Organometallic proper shipping names: UN1366, UN1370, UN2005, UN2445, UN3051, UN3052, UN3053, and UN3076. However, we anticipate removing these entries from the HMT by January 1, 2007.

• The U.N. Recommendations have adopted a rationalized approach for the assignment of UN portable tank instructions for solid materials. Based on that rationalized approach, we are making several changes to UN portable tank authorizations in the HMR. These proposals are summarized as follows. For a more specific identification of the affected shipping descriptions, refer to the *UN report* located in the public Docket.

For Division 4.1, Packing Group I materials, the use of UN portable tanks would not be authorized.

For Division 4.3 materials with a subsidiary class of 6.1, in Packing Group I, the use of portable tanks would not be authorized.

For materials of Divisions 4.1, 4.2, 4.3, 5.1, 6.1, and Classes 8 and 9, in Packing Group II, Special Provisions T3 would be specified.

For Division 4.2, Packing Group I materials, T21 and TP7 would be specified.

For Division 4.3, Packing Group I materials, T9 and TP7 would be specified.

For Division 5.1, Packing Group I materials, the use of UN portable tanks would not be authorized.

For Division 6.1 and Class 8, Packing Group I materials, T6 would be specified.

For materials of Divisions 4.1, 4.2, 4.3, 5.1, 6.1, and Classes 8 and 9, in Packing Group III, Special Provisions T1 would be specified.

• Several entries in the HMT would be revised by amending column 9B to

read "forbidden" so that the materials would no longer be authorized for transport aboard cargo aircraft. The entries are being revised because they meet the criteria of either Zone C or Zone D inhalation toxicity. All other Zone C and Zone D toxic by inhalation materials listed in the HMR are currently already forbidden from transport aboard passenger and cargo aircraft (these materials are already forbidden from transport aboard passenger aircraft). The entries to be revised include:

Zone C:
- UN2204 Carbonyl sulfide
- UN1023 Coal gas, compressed
- UN1064 Methyl mercaptan
- UN1048 Hydrogen bromide, anhydrous
- UN1079 Sulfur dioxide

Zone D:
- UN1005 Ammonia, anhydrous
- UN3318 Ammonia solution, *relative density less than 0.880 at 15 degrees C in water, with more than 50 percent ammonia*
- UN1040 Ethylene oxide *or* Ethylene oxide with nitrogen *up to a total pressure of 1MPa (10 bar) at 50 degrees C*
- UN1040 Ethylene oxide or Ethylene oxide with nitrogen *up to a total pressure of 1MPa (10 bar) at 50 degrees C*
- UN2191 Sulfuryl fluoride

Also, *see* § 172.102 for additional HMT amendments.

Appendix B to § 172.101

In Appendix B to § 172.101, List of Marine Pollutants, we are proposing to remove the entries "Isoamyl mercaptan" "Pentanethiols" and "Tetrachlorophenol." We are propo sing to revise the entry "2, 6-Di-tert-Butylphenol" and we are proposing to add the entry "Chloropicrin."

Section 172.102

We are proposing to amend § 172.102, Special Provisions, as follows:

• Several entries in the HMT would be revised by adding special provisions A3, A6, A7, A9, A10, N3, and N36 to align this section with the equivalent special provisions in the ICAO Technical Instructions (13, 2, 5, 4, 7, 21, and 3 respectively). We propose to remove the "A" special provisions for several entries because we have determined that the materials to which the provisions apply are currently not authorized for transportation on either passenger or cargo aircraft.

The following entries would be revised by adding special provision A3:
- UN1154 Diethylamine
- UN1788 Hydrobromic acid, *not more than 49% strength*
- UN1789 Hydrochloric acid
- UN2031 Nitric acid, *other than red fuming, with more than 70% nitric acid*
- UN2604 Boron trifluoride diethyl etherate

• The following entries would revised by adding A6:
- UN1111 Amyl mercaptan
- UN1228 Mercaptans, liquid, flammable, toxic, n.o.s.
- UN1760 Corrosive liquid, n.o.s.
- UN1903 Disinfectants, liquid, corrosive, n.o.s.
- UN2031 Nitric acid, *other than red fuming, with not more than 70% nitric acid*
- UN2054 Morpholine
- UN2347 Butyl mercaptan
- UN2363 Ethyl mercaptan
- UN2402 Propanethiols
- UN2801 Dye, liquid, corrosive, n.o.s.
- UN2920 Corrosive liquid, flammable, n.o.s.
- UN2922 Corrosive liquid, toxic, n.o.s.
- UN3071 Mercaptans, liquid, toxic, flammable, n.o.s.
- UN3093 Corrosive liquid, oxidizing, n.o.s.
- UN3093 Corrosive liquid, oxidizing, n.o.s.
- UN3094 Corrosive liquid, water-reactive, n.o.s.
- UN3094 Corrosive liquid, water-reactive, n.o.s.
- UN3098 Oxidizing liquid, corrosive, n.o.s.
- UN3099 Oxidizing liquid, toxic, n.o.s.
- UN3139 Oxidizing liquid, n.o.s.
- UN3145 Alkylphenols, liquid, n.o.s. *(including C2–C12 homologues)*
- UN3264 Corrosive liquid, acidic, inorganic, n.o.s.
- UN3265 Corrosive liquid, acidic, organic, n.o.s.
- UN3266 Corrosive liquid, basic, inorganic, n.o.s.
- UN3267 Corrosive liquid, basic, organic, n.o.s.
- UN3301 Corrosive liquid, self-heating, n.o.s.

• The following entries would be revised by adding special provision A7:
- UN1167 Divinyl ether, stabilized
- UN1277 Propylamine
- UN1389 Alkali metal amalgam, liquid
- UN1389 Alkali metal amalgam, solid
- UN1391 Alkali metal dispersion *or* Alkaline earth metal dispersion
- UN1407 Cesium *or* Caesium
- UN1420 Potassium metal alloys
- UN1421 Alkali metal alloy, liquid, n.o.s.
- UN1422 Potassium sodium alloys
- UN1431 Sodium methylate
- UN1796 Nitrating acid mixture *with not more than 50% nitric acid*
- UN1796 Nitrating acid mixture *with more than 50% nitric acid*
- UN1826 Nitrating acid mixture, spent *with not more than 50% nitric acid*
- UN1826 Nitrating acid mixture, spent *with more than 50% nitric acid*
- UN1828 Sulphur chlorides
- UN1938 Bromoacetic acid
- UN2257 Potassium
- UN2749 Tetramethylsilane
- UN3093 Corrosive liquid, oxidizing, n.o.s.
- UN3093 Corrosive liquid, oxidizing, n.o.s.
- UN3094 Corrosive liquid, water-reactive, n.o.s.
- UN3094 Corrosive liquid, water-reactive, n.o.s.
- UN3205 Alkaline earth metal alcoholates, n.o.s.
- UN3205 Alkaline earth metal alcoholates, n.o.s.
- UN3206 Alkali metal alcoholates, self-heating, corrosive, n.o.s.
- UN3206 Alkali metal alcoholates, self-heating, corrosive, n.o.s.
- UN3208 Metallic substance, water-reactive, n.o.s.
- UN3208 Metallic substance, water-reactive, n.o.s.
- UN3208 Metallic substance, water-reactive, n.o.s.
- UN3209 Metallic substance, water-reactive, self-heating, n.o.s.
- UN3209 Metallic substance, water-reactive, self-heating, n.o.s.
- UN3209 Metallic substance, water-reactive, self-heating, n.o.s.

• The following entries would be revised by adding special provision A9:
- UN1449 Barium peroxide
- UN1452 Calcium chlorate
- UN3212 Hypochlorites, inorganic, n.o.s.

• The following entries would be revised by adding special provision A10:
- UN1828 Sulphur chlorides
- UN2401 Piperidine

• The following entry would be revised by adding special provision N3:
- UN2817 Ammonium hydrogendifluoride solution

• The following entries would be revised by adding special provision N36:
- UN1184 Ethylene dichloride
- UN1732 Antimony pentafluoride
- UN1777 Fluorosulphonic acid
- UN2699 Trifluoroacetic acid

• The following entries would be revised by removing certain "A" special provisions since the materials themselves are forbidden for transportation aboard passenger and cargo aircraft:
- UN1541 Acetone cyanohydrin, stabilized (remove A3)
- UN1722 Allyl chloroformate (remove A3)
- UN2692 Boron tribromide (remove A3, A7)
- UN1744 Bromine *or* Bromine solutions (remove A3, A6)
- UN2484 tert-Butyl isocyanate (remove A7)
- UN2485 n-Butyl isocyanate (remove A7)
- UN1752 Chloroacetyl chloride (remove A3, A6, A7)
- UN1754 Chlorosulfonic acid *(with or without sulfur trioxide)* (remove A3, A6, A10)
- UN2382 Dimethylhydrazine, symmetrical (remove A7)
- UN1182 Ethyl chloroformate (remove A3, A6, A7)
- UN2481 Ethyl isocyanate (remove A7)
- UN2014 Hydrogen peroxide, aqueous solutions *with more than 40 percent but not more than 60 percent hydrogen peroxide* (stabilized as necessary) (remove A3, A6)
- UN2015 Hydrogen peroxide, stabilized *or* Hydrogen peroxide aqueous solutions,

stabilized *with more than 60 percent hydrogen peroxide* (remove A3, A6)
NA9206 Methyl phosphonic dichloride (remove A3)
UN2534 Methylchlorosilane (remove A2, A3, A7)
UN2304 Naphthalene, molten (remove A1)
UN1670 Perchloromethyl mercaptan (remove A3, A7)
UN1810 Phosphorus oxychloride (remove A7)
UN2740 n-Propyl chloroformate (remove A3, A6, A7)
UN1829 Sulfur trioxide, stabilized (remove A7)
UN1831 Sulfuric acid, fuming *with 30 percent or more free sulfur trioxide* (remove A3, A6, A7)
UN1834 Sulfuryl chloride (remove A3)
UN1836 Thionyl chloride (remove A7)
UN2474 Thiophosgene (remove A7)
UN1838 Titanium tetrachloride (remove A3, A6)
UN2441 Titanium trichloride, pyrophoric *or* Titanium trichloride mixtures, pyrophoric (remove A7, A8, A19, A20)
UN2442 Trichloroacetyl chloride (remove A3, A7)
UN1295 Trichlorosilane (remove A7)
UN2438 Trimethylacetyl chloride (remove A3, A6, A7)

• Paragraph (b)(3) of this section would be amended to specify that a "B" code refers to a special provision that applies only to certain bulk packaging requirements and that, unless otherwise stated, would not apply to UN portable tanks or IBCs.

• Paragraph (b)(4) of this section would be amended to specify that a code containing the letters "IB" or "IP" refers to a special provision that applies only to transportation in IBCs.

• Paragraph (b)(8) would be redesignated (b)(9) and a new paragraph (b)(8) would be added to specify that a code containing the letters "TP" refers to a special provision that is in addition to those provided by the portable tank instructions or the requirements in part 178.

• Special Provision 47 would be revised to include an additional exception currently in the UN Model Regulations specifying that a leakproofness test is not required when the liquids are fully absorbed in solid material contained in sealed bags.

• Special Provision 135 would be revised to expand the applicability of the proper shipping names "Vehicle, flammable liquid powered" and "Vehicle, flammable gas powered" to include hybrid electric vehicles.

• Special Provision 137 would be revised to expand the exception for "Cotton, dry."

• Special Provision 143 would be removed and relocated to § 173.219 so that the limitations on the types of hazardous materials authorized apply to both self-inflating and non-self-inflating life-saving appliances.

• Special Provision 153 would be relocated to new paragraph (k) in § 173.115 and revised to include amended classification criteria for aerosols containing flammable constituents consistent with criteria in the UN Model Regulations. The revised criteria would include methods for the classification of aerosols based on the percentage of flammable components.

• New Special Provision 163 would be added to specify that Ammonium Nitrate Emulsions would be required to satisfactorily pass Test Series 8 of the UN Manual of Tests and Criteria, Part I, Section 18.

• New Special Provision 164 would be added to specify that an approval is required for "Desensitized explosives, liquid, n.o.s." and "Desensitized explosives, solid, n.o.s."

• New Special Provision 165 would be added to the Calcium hypochlorite PG II and the PG III entries for UN1748 and UN2880 to specify the danger of exothermic decomposition and require shading from direct sunlight and sources of heat during transportation.

• New Special Provision 166 would be added to the PG II entry for calcium hypochlorite, UN2880 and UN1748 to indicate that calcium hypochlorite in the non-friable tablet form may be transported as a PG III material.

• New Special Provision 167 would be added to the proposed new entry for "Hydrogen in a metal hydride storage system" to specify that such storage systems shall always be considered as containing hydrogen.

• New Special Provision 170 would be added to the newly proposed Organometallic substances entries (UN3391, UN3392, UN3393, and UN3394). The special provision would require air to be eliminated from the vapor space by nitrogen or other means.

• New Special Provision 171 would be added to the UN2880 PG III entry. Since UN2880 also covers mixtures of hydrated calcium hypochlorite in any concentration, some formulations in other than tablet form (*e.g.*, in granular form) may meet the criteria for classification in Division 5.1, Packing Group III when subjected to the relevant test in the UN Manual of Tests and Criteria. The PG III entry for calcium hypochlorite would only be authorized when the material is offered in the non-friable tablet form or for granular or powered mixtures. This entry would not be authorized for the pure form of calcium hypochlorite hydrated. We also recognize that some formulations, when tested, do not meet the criteria for classification in Division 5.1. In light of this, we believe that a new Special Provision 171 should be added to the UN2880, PG III entry in the HMT to allow for the possibility to classify powered or granular mixtures of hydrated calcium hypochlorite in Packing Group III when data indicates that the mixture meets the criteria for assignment to PG III.

• Special Provision A11 is currently assigned to UN 2983, Ethylene oxide and Propylene oxide mixtures and UN 1411, Lithium aluminum hydride, ethereal. In the ICAO Technical Instructions these substances are only authorized for transport in metal cylinders. A11 states "For combination packagings, when metal inner packagings are permitted, only specification cylinders constructed of metals which are compatible with the hazardous material may be used." Therefore, to align with ICAO Particular Packing Requirement Number 8, Special Provision A11 would be amended to read "Only specification cylinders constructed of metals which are compatible with the hazardous material may be used."

• Consistent with ICAO, we are adding a proper shipping name to the HMT for "Receptacles, small containing gas, 2.2 with a subsidiary of 5.1." A new "A" code (A14) would be added to prohibit material from being transported as a limited quantity or consumer commodity in accordance with § 173.306 aboard an aircraft. This new "A" code would also be added to the following additional shipping names: "Oxygen, compressed", Carbon dioxide and oxygen mixtures", "Nitrous oxide", "Compressed gas oxidizing", and "Liquefied gas, oxidizing."

• For consistency, the authorization in Special Provision B69 to allow dry sodium or potassium cyanide in siftproof, water-resistant fiberboard IBCs would be relocated to new Special Provision IP20.

• Paragraph (c)(4) of this section would be amended by relocating "Table 2.—Organic Peroxide IBC Code (IB52)" to paragraph (e) of § 173.225 and renaming it the "Organic Peroxide IBC Table." Table 3.—IP Codes would then be redesignated Table 2.—IP Codes. The wording of paragraph (c)(4) would be revised to indicate that Table 3.—IP Codes had been redesignated Table 2.—IP Codes. All references to IB52 in the HMR would be removed and replaced with "Organic Peroxide IBC Table" or "§ 173.225(e)," as applicable.

• Paragraph (c)(7) would be amended by relocating the Portable Tank Code T50 Table to § 173.313 and renaming it "UN Portable Tank Table for Liquefied Compressed Gases." The T50 Table and

its description would be removed from paragraph (c)(7)(iv) and replaced with a statement indicating that the new "UN Portable Tank Table for Liquefied Compressed Gases" is found in § 173.313. All references to T50 in the HMR would be removed and replaced with "UN Portable Tank Table for Liquefied Compressed Gases in § 173.313". In addition, paragraph (c)(7) would be amended by relocating Portable Tank Code T23 to paragraph (g) of § 173.225 and renaming it the "Organic Peroxide Portable Tank Table." Portable Tank Code T23 and its description found in paragraph (c)(7)(iii) would be removed and paragraphs (c)(7)(iv)–(c)(7)(vii) would be redesignated (c)(7)(iii)–(c)(7)(vi), respectively. All references to T23 in the HMR would be removed and replaced with "Organic Peroxide Portable Tank Table" or "§ 173.225(g)," as applicable.

- New paragraph (c)(8) would be added to provide an introduction to the "TP" codes (*i.e.*, portable tank special provisions). The existing paragraph (c)(8) would be redesignated paragraph (c)(9).
- New Special IBC Packing Provision IP13 would be added to specify that transportation by vessel in IBCs would be prohibited.
- New Special IBC Packing Provision IP14 would be added to specify that air must be eliminated from the vapor space by nitrogen purging or other means.
- New Special IBC Packing Provision IP20 would be added to specify that dry sodium cyanide and potassium cyanide are also permitted in siftproof, water-resistant, fiberboard IBCs when transported in closed freight containers or transport vehicles.
- Portable tank Special Provision TP3 would be revised to include the maximum degree of filling (in %) for solids transported above their melting points.
- Special Provision TP6 would be revised by removing the word "event" and replacing it with the "incident."
- Portable tank Special Provision TP9 would be removed from column (7) of the Hazardous Materials Table for all materials that reference a T code special provision. Special provision TP9 states that a material with TP9 in Column (7) may only be transported in a portable tank if approved by the Associate Administrator. A material that has been given a T code does not require approval and is not subject to Special Provision TP9.

Section 172.202

Paragraph (a)(5)(i) would be revised to clarify that for explosive articles the quantity shown on a shipping paper must be expressed in terms of the net mass of the article.

Section 172.203

Paragraph (f) would be revised by including the passenger and cargo aircraft limitation certification statement that is currently found in § 172.204. This would align the HMR with the ICAO TI (see 4.1.5.8.1(b) of the ICAO TI). In addition, in paragraph (o)(3), the reference to § 173.225(c)(2) would be amended to read § 173.225(b)(2). Paragraph (m)(2) would be revised to specify that the phrase "Poison Inhalation Hazard" or "Toxic Inhalation Hazard" is not required to be repeated if it otherwise appears in the shipping description. Finally, a new paragraph (i)(3) would be added to specify additional shipping paper description requirements for a hazardous material consigned under an "n.o.s." entry when offered for transportation by vessel.

Section 172.204 and Section 172.321—Air Eligibility Marking

Under HM–215E (68 FR 44992), the air eligibility marking was adopted into the HMR as new § 172.321. Since publication of that final rule, the ICAO's Dangerous Goods Panel removed the air eligibility marking requirement. In lieu of this marking, ICAO adopted a requirement that the shipping paper certification statement include the statement "I declare that all of the applicable air transport requirements have been met" when a hazardous material is offered for air transportation. Additionally, the revised section provided examples of the applicable air transport requirements that must be met. Based on this action, we are proposing to revise the air eligibility marking requirement by making it optional rather than mandatory and adding the additional shipping paper certification statement for shipments going by aircraft. Therefore, we are proposing to revise § 172.204(c)(3) by requiring that the statement "I declare that all of the applicable air transport requirements have been met" be included on the shipping paper in addition to the current certification statement when a hazardous material is offered for air transportation. Additionally, the revised section would provide examples of the applicable air transport requirements that must be met and various section references. In order to allow shippers to expend stocks of preprinted shipping papers containing the previous certification statement, we are providing an additional ten month transitional provision for the new certification statement.

Section 172.317

A new § 172.317 would be added to require a "KEEP AWAY FROM HEAT" handling mark on packages containing self-reactive substances of Division 4.1 or organic peroxides of Division 5.2 when such packages are transported by air.

Part 173

Section 173.3

The definition for "salvage drums" would be revised to include the term "non-conforming." The term "non-conforming" was added to the definition by the UN Committee of Experts in December 2000.

Section 173.24

For consistency with the UN Recommendations, paragraphs (g)(4) and (g)(5) would be revised to clarify the following:

(A) That IBCs (subject to the requirements in § 173.24(g)) are permitted to be vented to reduce internal pressure; and

(B) That venting of IBCs is not conditional upon whether a bulk special provision is indicated for a particular hazardous material in the § 172.101 hazardous materials table.

In addition, paragraph (i) would be revised to clarify that other general requirements specific to air transportation apply and are found in § 173.27.

Section 173.25

Paragraph (a)(2) would be revised by removing the requirement to mark an overpack with the air eligibility marking. In addition, in paragraph (a)(4), we propose to require overpacks to be marked with the word "OVERPACK" or, alternatively, until October 1, 2007, with a statement indicating that inside packages comply with prescribed specifications. This is in response to adoption by the United Nations of the "OVERPACK" marking to indicate that packages within an overpack comply with prescribed specifications when specification markings on inside packagings within the overpack are not visible.

Section 173.27

Paragraph (i) would be revised to indicate that the air eligibility mark has been removed. This section would reference a new requirement for shippers to place the following statement at the end of the certification statement when a hazardous material is authorized for air transportation: "I declare that all applicable air transport requirements have been met."

Section 173.28

In paragraph (c)(2), we propose to delete the words "or a UN 1H1 plastic drum." This would harmonize the HMR with the UN Model Regulations and remove a source of confusion within the regulated community regarding the reconditioning of a non-bulk packaging.

Section 173.115

In § 173.115, a new paragraph (k) would be added (*see* discussion under § 172.102, Special Provision 153).

Section 173.128

In paragraph (d)(1)(i), the section reference would be revised to read § 173.225(c). In addition, in paragraphs (d)(1)(ii) and (d)(1)(iii), the section reference would be revised to read § 173.225(b).

Section 173.132

In paragraph (b)(1), we propose to revise the definition of LD_{50} for acute oral toxicity to indicate that adult albino rats may be tested without regard to gender. The current definition for LD_{50} for acute oral toxicity in § 173.132(b)(1) is based on the Organization for Economic Co-Operation and Development (OECD) Test Guideline (TG) 401. The OECD has agreed to three test methods that will replace the current TG 401. The United Kingdom, Germany and the United States of America took the lead in the development of the three alternative tests that OECD has now adopted and published in the OECD Guidelines for the Testing of Chemicals. In a continuing attempt to improve the estimate of acute oral toxicity while reducing the number of animals used per test, three alternative TGs have been developed and implemented to replace TG 401. The three TGs are the Fixed Dose Procedure (FDP, TG 420), the Acute Toxic Class Method (ATCM, TG 423), and the Up-and-Down Procedure (UDP, TG 425). The proposed text would be consistent with the text in the 13th revised edition of the UN Model Regulations that was recently amended on the basis of a proposal from the United States.

Section 173.136

We propose to add a new paragraph (d) to provide a grandfather clause that will allow the shipment of materials classified as corrosive to steel or aluminum under ASTM G 31–72.

Section 173.137

In paragraph (c)(2), we propose to eliminate the references to ASTM G 31–72 as an acceptable test description and add a statement indicating an acceptable test is prescribed in the Manual of Tests and Criteria, Part III, Section 37.

Sections 173.150, 173.151, 173.152, 173.153 and 173.154

We are proposing to allow most Division 6.1, Packing Group II materials to be transported as a limited quantities. For Packing Group II materials, we are proposing to allow inner packagings not over 100 mL (3.38 ounces) each for liquids or 0.5 kg (1.1 pounds) each for solids to be transported as a limited quantity. However, consistent with the limited quantity authorization for Division 6.1, Packing Group III, we are not proposing a labeling exception for these materials. We are also not proposing to allow these materials to be shipped as a consumer commodity. In addition, we propose to revise the limited quantity sections for the other hazard classes of materials to take into account materials with a subsidiary hazard of 6.1 Packing Group II.

Section 173.185

In § 173.185, we propose to amend paragraphs (c)(3) and (e)(3), to specify that a cell, battery, lithium cell or battery and equipment containing a cell, battery or lithium cell or battery that was transported prior to the effective date of this rule and is of a type proven to meet the criteria of Class 9 by testing, in accordance with the tests prescribed in the UN Manual of Tests and Criteria, Third Revised Edition, 1999 would not be required to be retested.

Section 173.186

In § 173.186, in paragraph (e), we propose to amend the gross weight for 4G outer packages authorized for the transportation of strike-anywhere matches, to be consistent with the UN Model Regulations by increasing the weight from 27 kg (60 pounds) to 30 kg (66 pounds).

Section 173.187

We propose to revise § 173.187 to authorize certain solid hazardous materials to be transported in DOT specification cylinders other than Specification 8 and 3HT cylinders. This proposal would also remove the need for DOT Exemption "DOT–E 11548."

Sections 173.211, 173.212, and 173.213

We propose to revise these sections to authorize certain solid hazardous materials to be transported in DOT specification cylinders other than Specification 8 and 3HT cylinders. This proposal would also remove the need for DOT Exemption "DOT–E 11548."

Section 173.219

We propose to revise § 173.219 for consistency with the UN Model Regulations and the ICAO Technical Instructions. Included in the proposed revision is an allowance for self-inflating life-saving appliances to contain cartridges, power devices of Division 1.4S, for purposes of the self-inflating mechanism. In addition, we propose to provide an exception from regulation for life-saving appliances containing only carbon dioxide cylinders not exceeding 100 cm^3 capacity, provided they are overpacked in rigid outer packagings with a maximum gross mass of 40 kg. Finally, the limitations currently found in Special Provision 143 would be relocated to § 173.219 (*see* preamble discussion under Special Provision 143).

Section 173.220

Paragraph (b)(2) would be amended to harmonize the requirements for transporting flammable gas powered vehicles by air with the requirements of Packing Instruction 900 of the ICAO Technical Instructions.

Section 173.224

Paragraph (b)(4) of this section would be amended to include the new references for § 173.225. The section reference to § 173.225(e) for the authorization of bulk packagings would be replaced with § 173.225(f) for IBCs and § 173.225(h) for other bulk packagings.

Section 173.225

This section would be amended to update the Organic Peroxide Table and eliminate special provisions IB52 and T23 from § 172.102(c). The purpose of the change is to consolidate the packaging requirements for organic peroxides into one section and to have separate tables for organic peroxides authorized for transport in non-bulk packagings, IBCs, and bulk packagings other than IBCs. The proposed changes are as follows:

Paragraph (a) would be revised by adding paragraphs (b) and (b)(6), which state that bulk packagings may require a lower control temperature than those specified for non-bulk packagings and that an organic peroxide not identified in either the Organic Peroxide Table, Organic Peroxide IBC Table, or Organic Peroxide Portable Tank Table must be approved under § 173.128(c).

Paragraph (b) would be revised to eliminate all IBC and other bulk packaging authorizations from column 6 of the Organic Peroxide Table. Various obsolete entries would also be removed.

The current paragraph (b), "Organic Peroxide Table," would be moved to paragraph (c) and the current paragraph (c), "New organic peroxides, formulations and samples," would be moved to paragraph (b).

In the notes following the Organic Peroxide Table we propose to:

- Revise note 22 to indicate that ethylbenzene with greater than or equal to 25% of dilutant type A would be acceptable.
- Revise note 23 to indicate that methyl isobutyl keytone with greater than or equal to 19% of dilutant type A would be acceptable.
- Add a new note 29 to identify materials which are not included in the UN Model Regulations and note that a Competent Authority approval is required for international transportation.
- Remove Notes 9, 11, and 14 following the Organic Peroxide Table.

In addition, The Packing Method Table found in paragraph (d), would be revised by replacing the 200 kg maximum quantity for solids and combination packagings listed in OP8 with a 400 kg maximum quantity. Note 2, following the table, would be revised to allow 200 kg of solid material per box and up to 400 kg of material per authorized combination packaging. The note would also indicate that the outer packaging must be a box (4Cl, 4C2, 4D, 4F, 4G, 4H1, and 4H2) and each inner packaging must be of plastics or fiber with a maximum net mass of 25 kg. Paragraph (d)(3) would be clarified by revising the text to state that the maximum content acceptable for glass receptacles used as inner packagings of a combination packaging is 0.5 kg for solids or 0.5 L for liquids.

A new paragraph (e) would be added to include the new "Organic Peroxide IBC Table" that replaces the current "Table 2—Organic Peroxide IBC Code (IB52)" in § 172.102(c)(4). The new table would be revised to add an organic peroxide, "Dicyclohexylperoxydicarbonate, not more than 42% as a stable dispersion, in water." In addition, the new Organic Peroxide IBC Table would identify, by technical name, those organic peroxides authorized for transportation in the IBCs that are specifically listed in the table.

A new paragraph (f) would be added to include the current IBC requirements contained in paragraph (e)(5) of this section. Paragraph (f) would also include requirements that are specific to organic peroxides packaged in IBCs.

A new paragraph (g) would be added to include the new "Organic Peroxide Portable Tank Table," that replaces the current "Portable Tank Code T23" found in § 172.102(c)(7)(iii). The new table would be identical to the current table except that for UN 3109, in the entry for Pinanyl hydroperoxyde, 50% would be replaced by 56% and all references to self-reactive materials would be removed. In addition, the Organic Peroxide Portable Tank Table would provide certain portable tank requirements and identify, by technical name, those organic peroxides authorized for transportation in the bulk packagings listed in the new paragraph (h).

The current paragraph (e) would be redesignated as paragraph (h). Paragraph (h) would establish requirements that are specific to organic peroxides packaged in certain bulk packagings. Additionally, the new "Note to Paragraph (h)(3)(vi)" would be revised to include changes brought forth by petition for rulemaking P–1428. The petition proposed to amend the current paragraph (e)(3)(vi) and allow for a second but equally acceptable example of an emergency-relief device sizing method to be added to the HMR. We are in agreement with the petitioner and are proposing to add a statement to the new paragraph (h)(3)(vi) indicating that an additional example of an emergency-relief device sizing method can be found in the "American Institute of Chemical Engineers Process Safety Progress Journal, June 2002 issue (Vol. 21, No. 2)" as referenced in § 171.7(b).

The proposed changes to this section would alter the order of the paragraphs within this section and various citations would need to be changed. Also, paragraphs referencing IB52 or TP23 would be revised to indicate that those provisions no longer exist and the updated requirements are found in paragraph (e) and (g), respectively.

Sections 173.226 and 173.227

We propose to revise the packaging requirements of §§ 173.226 and 173.227 for materials poisonous by inhalation, Division 6.1, Packing Group I, Hazardous Zone A and Hazard Zone B. These amendments would: Reduce the hydrostatic test pressure of the inner drum in a drum-within-a-drum configuration authorized in § 173.226(b); standardize the minimum thickness requirements of the inner drums in the drum-within-a-drum configuration authorized in §§ 173.226(b) and 173.227(b); clarify the test requirements for inner packaging systems in § 173.226(b)(2)(iv); and in § 173.226(d) add a provision to authorize transportation of PIH materials in single packages when subjected to additional operational controls and approved by the Associate Administrator for Hazardous Materials Safety. Section 173.226(c)(2) would be reformatted for ease of understanding. We would also remove an expired transitional date from paragraph (a) that allows the transport of welded cylinders filled before October 1, 2003 for the purpose of reprocessing or disposal of cylinders's content until December 31, 2003.

Section 173.249

Paragraph (c) would be revised to be consistent with the current "Bromine" entry in the § 172.101 "Hazardous Material Table" that authorizes the use of a UN portable tank conforming to tank code T22.

Sections 173.306 and 173.307

To add clarity to the HMR, the text currently found in § 173.306(i) would be removed and replace with the text currently found in § 173.307(a)(5). Since § 173.306 is devoted exclusively to limited quantities of compressed gases, relocating § 173.307(a)(5) to § 173.306 would make the exception easier to find.

Section 173.313

A new § 173.313 would be added to serve as the new location for the Portable Tank Code T50 Table. The table would be renamed "UN Portable Tank Table for Liquefied Compressed Gases." The table provides the maximum allowable working pressures, bottom opening requirements, pressure relief requirements and degree of filling requirements for liquefied compressed gases permitted for transport in portable tanks. The change would relocate these packaging requirements to Part 173, which is a more appropriate location, and make the special provisions less cumbersome. In addition, the new UN Portable Tank Table for Liquefied Compressed Gases would be amended by revising the Column 3 heading to read "Minimum design pressure (MAWP) (bar) * * *." The values in column 3 are actually minimum values, however the title of the column is misleading because it uses the term "Maximum allowable working pressure (bar) * * *."

Section 173.315

In paragraph (a), the reference to "portable tank provision T50 in § 172.102" would be revised to read "the UN Portable Tank Table for Liquefied Compressed Gases in § 173.313".

Section 173.323

In this rule we are proposing to revise the combination packaging authorizations for Ethylene Oxide to be consistent with the UN Recommendations. Paragraphs (b)(1)–(b)(3) would be revised and consolidated for consistency with current international requirements for the transportation of ethylene oxide in combination packagings. Paragraphs (b)(1)–(b)(3) provide the current authorizations for glass, aluminum, and metal receptacles respectively. Amendments to this section include (1) specifying a 2.5 kg limit per outer package and removing the HMR limitation of 12 inner receptacles per outer package currently applied to aluminum and other metal receptacles, (2) removing the overpack restriction in (b)(2) which specifies a maximum of 10 boxes per overpack, (3) requiring a hot water bath test for all inner receptacles, (4) removing the pressure relief device and burst pressure requirements currently applied to metal receptacles, (5) applying the same outer package authorizations consistently to all inner packaging types and allowing any outer package authorized in § 172.201(b), and (6) requiring all inner packagings to be suitably cushioned (the top and bottom pad and perimeter liner requirement currently only applied to outer packages containing aluminum inner packagings would be removed). Though we are eliminating the option to utilize certain packaging authorizations for glass and aluminum inner packagings, we believe that this proposal will present little or no economic impact on the ethylene oxide industry because of the amount of materials that are transported in international commerce. If comments are received that contradict this understanding, RSPA may revise the final rule accordingly.

Part 175

Section 175.10

Consistent with an amendment to the ICAO TI, we are proposing to require that aerosol cans that are carried aboard an aircraft in accordance with § 175.10(a)(4) have their release devices protected by a cap or other suitable means. In addition, the ICAO Dangerous Goods Panel will convene a series of working groups to develop recommendations for consideration during the 20th session of the Dangerous Goods Panel to further review this issue. These recommendations may lead to additional amendments to the ICAO TI. Finally, we note that non-flammable gases (*e.g.*, nitrogen) other than carbon dioxide are used for the operation of mechanical limbs. Consistent with an amendment to the ICAO TI, we are proposing to provide an exception from the HMR for mechanical limbs that are powered by any Division 2.2 gas.

Section 175.85

In § 175.85, a new paragraph (j) would be added to specify the cargo location of a package bearing the "KEEP AWAY FROM HEAT" handling marking.

Part 176

Section 176.2

Certain definitions would be revised. The definition for "Explosive article" and "Explosive substance" would be revised to remove an incorrect reference. The definition for "Magazine" would be revised to include a compartment in the vessel. The definition for "Magazine" would also be revised to specify vessel storage location and accessibility. The term "Transport unit" would be revised to read "Cargo transport unit" to be consistent with Amendment 32 of the IMDG Code. In addition, in the definition "In containers or the like" the term "transport unit" would be removed and the term "cargo transport unit" would be added in its place.

Section 176.27

In this section, the words "transport unit" would be replaced with the words "transport vehicle" in each place they appear to be consistent with the removal of the term "transport unit" from the definitions in § 176.2.

Section 176.63

Paragraph (e) would be revised to align the definition of "Closed cargo transport unit" to be consistent with the definition in Amendment 32 of the IMDG Code.

Section 176.76

Paragraph (i) would be revised to clarify that for container ships, a distance equivalent to one container space athwartships (*i.e.*, in the direction of the breadth of the vessel) away from possible sources of ignition applied in any direction would satisfy the requirement that a cargo transport unit packed or loaded with flammable gas or flammable liquid having a flashpoint below +23 °C transported on deck be stowed "away from" possible ignition sources. This would be consistent with Amendment 32 of the IMDG Code. In addition, in paragraphs (h) and (i), the words "transport unit" would be removed and replaced with the words "cargo transport unit" in each place they appear to be consistent with Amendment 32 of the IMDG.

Section 176.83

Paragraph (l) would be revised to correct an error pertaining to the Segregation Table that set forth the general requirements for segregation of containers on board hatchless container vessels. In addition, throughout the section the words "transport units" would be removed and replaced with the words "cargo transport units" in each place they appear to be consistent with Amendment 32 of the IMDG. A new paragraph (m) would be added to specify the provisions for segregation groups.

Section 176.84

Paragraph (a) would be revised to specify the various chemical groups listed in the segregation table. In the paragraph (b) Table of Provision, we would add eleven new provisions (codes) for certain stowage and segregation requirements for hazardous materials that are transported by vessel. In addition, in paragraph (c)(2) Provisions for the stowage of Class 1 (explosive) materials, we would revise three notes. The terms "separated from" and "away from" in the codes are defined in § 176.83 of the HMR.

Code 133 would be added to the entries "Barium chlorate solution," UN3405; "Barium perchlorate solution," UN3406; and "Chlorate and magnesium chloride mixture solution," UN3407, that requires the material to be stowed "separated from" sulfur.

Code 134 would be added to the entry "Aluminum alkyl halides, solid," UN3461, that requires the material to be stowed "separated from" UN2716.

Code 135 would be added to the entries "Methylamine, aqueous solution," UN1235 and "Trimethylamine, aqueous solutions," UN1297, that requires the material to be stowed "separated from" mercury and mercury compounds.

Code 136 would be added to the entry "Tributylphosphane," UN3254, that requires the material to be stowed "separated from" tetrachloride.

Code 137 would be added to the entries "Arsenic compounds, liquid, n.o.s.," UN1556 and "Arsenic compounds, solid, n.o.s.," UN1557, that requires arsenic sulphides to be stowed "separated from" acids.

Code 138 would be added to the entries for UN1448; UN1456; UN1479; UN1482; UN1490; UN1503; UN1515; UN3085; UN3087; UN3098; UN3099; UN3139; and UN3214, that requires the material to be stowed "separated from" peroxides.

Code 139 would be added to the entry "1, 4-Butynediol," UN2716, that requires the material to be stowed "separated from" mercury salts.

Code 140 would be added to the entry "1, 4-Butynediol," UN2716, that requires the material to be stowed "separated from" UN3052 and UN3461.

Code 141 would be added to the entries for UN1732; UN1755; UN1806; UN1908; UN2433; UN2859; and UN2861, that requires the material to be stowed "away from" radioactive materials.

Code 142 would be added to the entries for UN1748; UN2208; and UN 2880, that requires packages in cargo transport units to be stowed so as to allow for adequate air circulation throughout the cargo.

Code 143 would be added to the entry for Organometallic Substance, Liquid, Pyrophoric, UN3392, prohibiting transportation on any vessel carrying explosives (except explosives in Division 1.4, Compatibility group S.

Note 19E would be revised to specify that materials under entries NA0331; UN0004; UN0222; UN0241; and UN0402 must be stowed "away from" explosives containing chlorates or perchlorates.

Note 22E would be revised to specify that materials under the entry "Explosive, blasting, type C," must be stowed "away from" ammonium compounds and explosives containing ammonium compounds or salts.

Note 23E would be revised to specify that materials under entries UN0247; UN0395; UN0396; UN0397; UN0398; UN0399; UN0400; UN0449; and UN0450 must be "separated from" Division 1.4 and "separated longitudinally by an intervening complete compartment or hold from" Division 1.1, 1.2, 1.3, 1.5, and 1.6 except from explosives of compatibility group J.

Section 176.116

In paragraph (c), the words "transport units" would be revised to read "cargo transport units." In addition, a new paragraph (f) would be added to specify the under deck stowage requirements of Class 1 (explosive) materials allocated stowage categories 09 and 10.

Sections 176.122 and 176.124

Sections 176.122 and 176.124 would be removed and reserved.

Section 176.128

In § 176.128, the section heading and section would be revised.

Section 176.132

Section 176.132 would be removed and reserved.

Section 176.133

Section 176.133 would be revised to clarify the construction and stowage location requirements for magazine stowage type C.

Section 176.136

Section 176.136 would be revised to clarify the special stowage requirements of Class 1 (explosive) materials. In addition, minor editorial revisions would be made.

Section 176.138

Paragraph (a) would be removed and reserved to be consistent with Amendment 32 of the IMDG Code. This paragraph currently requires Class 1 (explosive) material that is stowed on deck to be carried as close to the vessel's centerline as practicable. (*See* also proposed change to § 176.170.)

Section 176.142

Paragraph (a) would be revised to remove "Pyrophoric organometallic compound, water-reactive, n.o.s." from the list of liquid hazardous materials of extreme flammability that may not be transported in a vessel carrying Class 1 (explosive) materials. Additionally, we propose to add to the above list the following new liquid entries:

"Organometallic substance, liquid, pyrophoric, UN3392"

"Organometallic substance , liquid, pyrophoric, water-reactive, UN3394" These proposed changes would be consistent with Amendment 32 of the IMDG Code.

Section 176.144

In this section, the words "transport unit" would be replaced with the words "cargo transport unit" in each place they appear to be consistent with the definition in Amendment 32 of the IMDG Code. Additional notes would be added to Table 176.144(a)—"Authorized Mixed Stowage For Explosives" to address additional exceptions for mixed stowage of Class 1 materials.

Section 176.146

In § 176.146, in paragraph (d)(1), the wording "transport units" would be revised to read "cargo transport units".

Section 176.168

In § 176.168, in the title before the section heading, the wording "TRANSPORT UNITS AND SHIPBORNE BARGES" would be revised to read "CARGO TRANSPORT UNITS AND SHIPBORNE BARGES".

Section 176.170

A new paragraph (b) would be added to prohibit freight containers loaded with Class 1 (explosive) materials, except for explosives in Division 1.4, from being stowed in the outermost row of containers. This proposed change would be consistent with Amendment 32 of the IMDG Code.

Section 176.174

Paragraphs (a) and (b) would be revised to remove the references to portable magazines. This proposed change would be consistent with Amendment 32 of the IMDG Code.

Section 176.600

In § 176.600, in paragraph (a), the wording "closed transport units" would be revised to read "closed cargo transport units".

Part 178

Section 178.274

Paragraph (f)(v) would be revised to more clearly specify the rated flow capacity marking required to be placed on every UN portable tank's pressure relief device.

Section 178.275

Paragraph (i)(2) would be revised to more clearly specify the combined delivery capacity of UN portable tank's pressure relief systems.

Section 178.276

In paragraph (a)(4)(ii)(A), the reference to "portable tank special provision T50" would be revised to read "the UN Portable Tank Table for Liquefied Compressed Gases in § 173.313."

In addition, paragraph (d), the reference to "portable tank special provision T50 in § 172.102(c)(7)" would be revised to read "UN Portable Tank Table for Liquefied Compressed Gases in § 173.313." Finally, in paragraph (e)(3), the reference to "portable tank special provision T50 in § 172.102" would be revised to read "the UN Portable Tank Table for Liquefied Compressed Gases in § 173.313."

Section 178.602

Paragraph (b) would be revised to clarify the requirements applicable to filling packaging other than bags in preparation for testing.

Section 178.603

Paragraph (c) would be revised to add a definition indicating that a minimum specific gravity for solutions of water and anti-freeze is 0.95 for testing at -18 °C (0 °F) or lower. Additionally, in paragraph (e), we propose to specify the drop test height for liquids in single packagings and for inner packagings of

combination packagings, when the test is performed in water.

Section 178.810

Paragraph (b)(3) would be revised to specify that water/anti-freeze solutions with a minimum specific gravity of 0.95 for testing at -18 °C (0 °F) or lower are acceptable test liquids for use when conducting IBC drop tests. This is consistent with our amendment to § 178.603(c)(1) regarding the testing of non-bulk packages. We are also proposing to add a sentence to clarify that when conditioning is required by § 178.810(b), the conditioning specified in § 178.802 (which requires a higher temperature) does not apply.

Part 180

Section 180.350

Paragraph (c) would be revised to expand the definition of routine maintenance of IBCs to include flexible, plastic and textile IBCs.

Section 180.352

A new paragraph (d)(1)(v) would be added to this section. This paragraph would state that retests and inspections performed under paragraphs (d)(1)(i) and (ii) of this section may be used to satisfy the tests and inspections required by paragraph (b) of this section. This addition would incorporate changes made to the 12th revised edition of the Transport of Dangerous Goods Model Regulations into the HMR.

V. Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This proposed rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. This proposed rule is not considered a significant rule under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). Benefits resulting from the adoption of the amendments in this proposed rule include enhanced transportation safety resulting from the consistency of domestic and international hazard communications and continued access to foreign markets by domestic shippers of hazardous materials. This proposed rule applies to offerors and carriers of hazardous materials, such as chemical manufacturers, chemical users and suppliers, packaging manufacturers, distributors, battery manufacturers, radiopharmaceutical companies, and training companies.

The majority of amendments in this proposed rule should result in cost savings and ease the regulatory compliance burden for shippers engaged in domestic and international commerce, including trans-border shipments within North America. For example, cost savings will be realized by shippers and carriers as a result of the following:

- Eliminating the air eligibility marking requirement.
- Amendments allowing numerous Class 3, PG II materials with a Class 8 sub-risk and others to be transported as a limited quantity.
- Allowing cylinders to be used for many more substances than currently authorized.
- Allowing salvage packagings to be used for non-conforming packages; and generally minimizing differences between U.S. and international hazardous materials transportation regulations.

We would authorize a delayed effective date and a one-year transition period to allow for training of employees and to ease any burden on entities affected by the amendments. The total net increase in costs to businesses in implementing this rulemaking is considered to be minimal and a preliminary regulatory evaluation is available for review in the Docket.

B. Executive Order 13132

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism"). This proposed rule preempts State, local and Indian tribe requirements but does not propose any regulation that has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

The Federal hazardous material transportation law, 49 U.S.C. 5101–5127, contains an express preemption provision (49 U.S.C. 5125(b)) that preempts State, local, and Indian tribe requirements on certain covered subjects. Covered subjects are:

(1) The designation, description, and classification of hazardous materials;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(3) The preparation, execution, and use of shipping documents related to hazardous materials and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous; or

(5) The design, manufacture, fabrication, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

This proposed rule addresses covered subject items (1), (2), (3), and (5) above and would preempt State, local, and Indian tribe requirements not meeting the "substantively the same" standard. This proposed rule is necessary to incorporate changes adopted in international standards, effective January 1, 2003. If the changes in this proposed rule are not adopted in the HMR, U.S. companies, including numerous small entities competing in foreign markets, would be at an economic disadvantage. These companies would be forced to comply with a dual system of regulations. The changes proposed in this rulemaking are intended to avoid this result. Federal hazardous materials transportation law provides at section 5125(b)(2) that, if DOT issues a regulation concerning any of the covered subjects, DOT must determine and publish in the **Federal Register** the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. We propose that the effective date of Federal preemption be 90 days from the date of publication of a final rule in the **Federal Register**.

C. Executive Order 13175

This proposed rule was analyzed in accordance with the principles and criteria contained in Executive Order 13175 ("Consultation and Coordination with Indian Tribal Governments"). Because this proposed rule does not have tribal implications, does not impose substantial direct compliance costs, and is required by statute, the funding and consultation requirements of Executive Order 13175 do not apply.

D. Regulatory Flexibility Act, Executive Order 13272, and DOT Procedures and Policies

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to review regulations to assess their impact on small entities, unless the agency determines that a rule is not expected to have a significant impact on a substantial number of small entities. This proposed rule would serve to facilitate the transportation of hazardous

materials in international commerce by providing consistency with international standards. This proposed rule applies to offerors and carriers of hazardous materials, some of whom are small entities, such as chemical users and suppliers, packaging manufacturers, distributors, battery manufacturers, and training companies.

As discussed above, under *Executive Order 12866,* the majority of amendments in this proposed rule should result in cost savings and ease the regulatory compliance burden for shippers engaged in domestic and international commerce, including trans-border shipments within North America.

Many companies will realize economic benefits as a result of the proposed amendments. If the changes proposed in this NPRM are not adopted, U.S. companies, including small entities competing in foreign markets, will be forced to comply with a dual system of regulations to their economic disadvantage. Therefore, I certify that these proposed amendments will not have a significant economic impact on a substantial number of small entities. This certification is subject to modification as a result of a review of comments received in response to this proposed rulemaking.

This proposed rule has been developed in accordance with Executive Order 13272 ("Proper Consideration of Small Entities in Agency Rulemaking") and DOT's procedures and policies to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts of draft rules on small entities are properly considered.

E. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid Office of Management and Budget (OMB) control number. Section 1320.8(d), title 5, Code of Federal Regulations requires that RSPA provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. RSPA currently has two approved information collections affecting this proposed rule: OMB Control Number 2137–0557, "Approvals for Hazardous Materials" with 25,605 burden hours and $562,837.40 burden costs; and OMB Control Number 2137–0613, "Subsidiary Hazard Class & Number/Type of Packagings" with 63,309 burden hours and $216,705 burden costs.

There would be only minor editorial changes proposed under this rule. However, there is no net increase in burden for OMB Control Number 2137–0557 or OMB Control Number 2137–0613. We estimate that the proposed total information collection and recordkeeping burden as follows:

"Approvals for Hazardous Materials," OMB Number 2137–0557:

Total Annual Number of Respondents: 3,523.

Total Annual Responses: 3,874.8.

Total Annual Burden Hours: 25,605.

Total Annual Burden Cost: $562,837.40.

"Subsidiary Hazard Class & Number/Type of Packagings," OMB Number 2137–0613:

Total Annual Number of Respondents: 250,000.

Total Annual Responses: 6,337,500.

Total Annual Burden Hours: 17,604.

Total Annual Burden Cost: $216,705.

Total First Year Burden Hours: 45,705.

Total First Year Burden Cost: $1,115,992.

Requests for a copy of this information collection should be directed to Deborah Boothe or T. Glenn Foster, Office of Hazardous Materials Standards (DHM–10), Research and Special Programs Administration, Room 8422, 400 Seventh Street, SW., Washington, DC 20590–0001, telephone (202) 366–8553. Written comments should be addressed to the Dockets Unit identified in the **ADDRESSES** section of this rulemaking. We should receive comments regarding information collection burdens prior to the close of the comment period identified in the **DATES** section of this rulemaking.

F. Regulatory Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory actionlisted in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

G. Unfunded Mandates Reform Act

This final rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $120.7 million or more to either State, local or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

H. Environmental Assessment

The National Environmental Policy Act of 1969 (NEPA) requires Federal agencies to consider the consequences of major Federal actions and prepare a detailed statement on actions significantly affecting the quality of the human environment. We developed an assessment to determine the effects of these revisions on the environment and whether a more comprehensive environmental impact statement may be required. Our findings conclude that there are no significant environmental impacts associated with this proposed rule. Consistency in the regulations for the transportation of hazardous materials aids in the shipper's understanding of what is required and permits shippers to more easily comply with safety regulations and avoid the potential for environmental damage or contamination. For interested parties, an environmental assessment is available in the public docket.

I. Privacy Act

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (volume 65, number 70; pages 19477–78), or you may visit *http://dms.dot.gov.*

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 175

Air carriers, Hazardous materials transportation, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers, Radioactive materials,

Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous materials transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Railroad safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Chapter I is proposed to be amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

2. In § 171.7, in the paragraph (a)(3) table, the following changes are made:

a. Under the entry "International Civil Aviation Organization (ICAO)," the existing entry is revised;

b. Under the entry "International Maritime Organization (IMO)," the entry "International Maritime Dangerous Goods (IMDG) Code, 2002 Consolidated Edition, as amended by Amendment 31 (English edition)" is revised;

c. Under the entry "United Nations," the entry "UN Recommendations on the Transport of Dangerous Goods, Twelfth Revised Edition (2001)" is revised;

d. Under the entry "United Nations," the entry "UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria, Third Revised Edition (1999)" is revised; and

e. In Paragraph (b), under the entry "*The Society of the Plastics Industry, Inc., Organic Peroxide Producers Safety Division*, 1275 K Street NW., Suite 400, Washington, DC 20005," the entry "Example of a Test Method for Venting Sizing: OPPSD/SPI Methodology" would be added.

The revisions and additions would read as follows:

§ 171.7 Reference material.

(a) * * *

(3) *Table of material incorporated by reference.* * * *

Source and name of material	49 CFR reference
* * * * * * *	
International Civil Aviation Organization (ICAO),	
* * * * * * *	
Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), 2005–2006 Edition.	171.11; 172.202; 172.323; 172.401; 172.512; 172.602.
International Maritime Organization (IMO),	
* * * * * * *	
International Maritime Dangerous Goods Code (IMDG Code), as amended by Amendment 32 (English Edition).	171.12; 172.401; 172.502; 173.21; 176.2; 176.5; 176.11; 176.27; 176.30.
* * * * * * *	
United Nations,	
* * * * * * *	
UN Recommendations on the Transport of Dangerous Goods, Thirteenth Revised Edition (2002).	172.401; 172.407; 172.502; 173.24.
UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria, Fourth Revised Edition, (2003).	172.102; 173.21; 173.56; 173.57; 173.124; 173.128; 173.166; 173.185.
* * * * * * *	

(b) *List of informational materials not requiring incorporation by reference.*

* * *

Source and name of material	49 CFR reference
* * * * * * *	
The Society of the Plastics Industry, Inc., Organic Peroxide Producers Safety Division, 1275 K Street NW., Suite 400, Washington, D.C. 20005.	
Example of a Test Method for Venting Sizing: OPPSD/SPI Methodology	Note to 173.225(h)(3)(vi).
* * * * * * *	

3. In § 171.8, the definition for "Salvage packaging" is revised to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

Salvage packaging means a special packaging conforming to § 173.3 of this subchapter into which damaged, defective, leaking, or non-conforming hazardous materials packages, or hazardous materials that have spilled or leaked, are placed for purposes of transport for recovery or disposal.

* * * * *

4. In § 171.11, paragraphs (d)(15) and (d)(17) are revised to read as follows:

§ 171.11 Use of ICAO Technical Instructions.

* * * * *

(d) * * *

(15) A chemical oxygen generator, including when fitted in protective breathing equipment or other apparatus, is forbidden for transportation aboard a passenger-carrying aircraft and must be approved, classed, described and packaged in accordance with the requirements of this subchapter for transportation on cargo-only aircraft. A chemical oxygen generator that has been used or spent is also forbidden for transportation on aircraft.

* * * * *

(17) A self-reactive substance that is not identified by technical name in the Self-reactive Materials Table in § 173.224(b) of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.124(a)(2)(iii) of this subchapter. An organic peroxide that is not identified by a technical name in any of the organic peroxide tables found in § 173.225 of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.128(d) of this subchapter.

5. In § 171.12, paragraph (b)(20) is revised to read as follows:

§ 171.12 Import and export shipments.

* * * * *

(b) * * *

(20) A self-reactive substance that is not identified by technical name in the Self-Reactive Materials Table in § 173.224(b) of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.124(a)(2)(iii) of this subchapter. An organic peroxide that is not identified by a technical name in any of the organic peroxide tables found in § 173.225 of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.128(d) of this subchapter.

* * * * *

6. In § 171.12a, paragraphs (a), (b)(9), and (b)(18) are revised to read as follows:

§ 171.12a Canadian shipments and packagings.

(a) *Scope and applicability.* This section sets forth provisions for the transportation by rail or highway of shipments of hazardous materials which conform to the regulations of the Government of Canada but which may differ from the requirements of this subchapter with regard to hazard communication, classification or packaging. Except as provided in paragraph (b)(5)(iv) of this section, the provisions apply only to shipments which originate in Canada and either terminate in the U.S. or transit the U.S. to a Canadian or foreign destination, and to the return to Canada of bulk packagings that meet the requirements of a DOT or UN Specification and other bulk packagings containing only residues of hazardous materials that were originally imported into the U.S. Reciprocal provisions, applicable to exports from the U.S., appear in the regulations of the Government of Canada.

(b) * * *

(9) For hazardous waste as defined in this subchapter—

(i) The word "Waste" must precede the proper shipping name on shipping papers and packages; and

(ii) The requirements of § 172.204 of this subchapter with respect to the shippers certification and § 172.205 of this subchapter with respect to hazardous waste manifests are applicable;

* * * * *

(18) A self-reactive substance that is not identified by technical name in the Self-reactive Materials Table in § 173.224(b) of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.124(a)(2)(iii) of this subchapter. An organic peroxide that is not identified by a technical name in any of the organic peroxide tables found in § 173.225 of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.128(d) of this subchapter.

* * * * *

7. In § 171.14, paragraphs (d) introductory text, (d)(1), and (d)(2) introductory text are revised to read as follows:

§ 171.14 Transitional provisions for implementing certain requirements.

* * * * *

(d) A final rule published in the **Federal Register** on [INSERT PUBLICATION DATE OF FINAL RULE], effective October 1, 2004, resulted in revisions to this subchapter. During the transition period, until January 1, 2006, as provided in paragraph (d)(1) of this section, a person may elect to comply with either the applicable requirements of this subchapter in effect on December 31, 2005, or the requirements published in the [INSERT PUBLICATION DATE OF FINAL RULE] final rule.

(1) *Transition dates.* The effective date of the final rule published on [INSERT PUBLICATION DATE OF FINAL RULE] is October 1, 2004. A delayed compliance date of January 1, 2006 is authorized. On and after January 1, 2006, all applicable regulatory requirements adopted in the final rule in effect on October 1, 2004 must be met.

(2) *Intermixing old and new requirements.* Marking, labeling, placarding, and shipping paper descriptions must conform to either the old requirements of this subchapter in effect on September 30, 2004, or the new requirements of this subchapter in the final rule without intermixing communication elements, except that intermixing is permitted, during the applicable transition period, for packaging, hazard communication, and handling provisions, as follows:

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

8. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

9. In § 172.101, the following amendments are made:.

a. paragraph (c)(11) is revised;

b. paragraph (d)(4) is revised;

c. paragraph (i)(3) is revised;

d. Hazardous Materials Table is revised as set forth below:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

(c) * * *

(11) Except for a material subject to or prohibited by § 173.21, 173.54, 173.56(d), 173.56(e), 173.224(c) or 173.225(b) of this subchapter, a material that is considered to be a hazardous waste or a sample of a material for which the hazard class is uncertain and must be determined by testing may be assigned a tentative proper shipping name, hazard class, identification number and packing group, if applicable, based on the shipper's tentative determination according to:

(i) Defining criteria in this subchapter;

(ii) The hazard precedence prescribed in § 173.2a of this subchapter;

(iii) The shipper's knowledge of the material;

(iv) In addition to paragraphs (c)(11)(i) through (iii) of this section, for a sample of a material other than a waste, the following must be met:

(A) Except when the word "Sample" already appears in the proper shipping

name, the word "Sample" must appear as part of the proper shipping name or in association with the basic description on the shipping paper.

(B) When the proper shipping description for a sample is assigned a "G" in Column (1) of the § 172.101 Table, and the primary constituent(s) for which the tentative classification is based are not known, the provisions requiring a technical name for the constituent(s) do not apply; and

(C) A sample must be transported in a combination packaging that conforms to the requirements of this subchapter that are applicable to the tentative packing group assigned, and may not exceed a net mass of 2.5 kg (5.5 pounds) per package.

Note to Paragraph (c)(11): For the transportation of self-reactive, organic peroxide and explosive samples, *see* §§ 173.224(c)(3), 173.225(b)(2) and 173.56(d) of this subchapter, respectively.

* * * * *

(d) * * *

(4) When an entry in this column reads "Comb liq", the material is assigned to the hazard class "Combustible liquid." Additionally, each reference to a Class 3 material is modified to read "Combustible liquid" when that material is reclassified in accordance with § 173.150 (e) or (f) of this subchapter or has a flash point above 60.5 °C (141 °F) but below 93 °C (200 °F).

* * * * *

(i) * * *

(3) *Bulk packaging.* Column 8C specifies the section in part 173 of this subchapter that prescribes packaging requirements for bulk packagings, subject to the limitations, requirements and additional authorizations of Column 7. A "None" in this column means bulk packagings are not authorized, except as may be provided by special provisions in Column 7. Additional authorizations and limitations for use of UN portable tanks are set forth in Column 7. For each reference in this column to a material that is a hazardous waste or a hazardous substance, and whose proper shipping name is preceded in Column 1 of the Table by the letter "A" or "W" and that is offered for transportation or transported by a mode in which its transportation is not otherwise subject to the requirements of this subchapter:

* * * * *

§ 172.101 HAZARDOUS MATERIALS TABLE

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Accellerene, see p-Nitrosodimethylaniline												
	Accumulators, electric, see Batteries, wet *etc*												
	Accumulators, pressurized, pneumatic or hydraulic (containing non-flamable gas), see Articles pressurized, pneumatic *or* hydraulic (containing non-flamable gas).												
	Acetal	3	UN1088	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
	Acetaldehyde	3	UN1089	I	3	A3, B16, T11, TP2, TP7	None	201	243	Forbidden	30 L	E	
A	Acetaldehyde ammonia	9	UN1841	III	9	IB8, IP3, IP7, T1, TP33	155	204	240	200 kg	200 kg	A	34
	Acetaldehyde oxime	3	UN2332	III	3	B1, IB3, T4, TP1	150	203	242	60 L	220 L	A	
	Acetic acid, glacial *or* Acetic acid solution, *with more then 80 percent ecid, by mess*	8	UN2789	II	8, 3	A3, A6, A7, A10, B2, IB2, T7, TP2	154	202	243	1 L	30 L	A	
	Acetic acid solution, *not less than 50 percent but not more then 80 percent ecid, by mass*	8	UN2790	II	8	A3, A6, A7, A10, B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	
	Acetic acid solution, *with more than 10 percent and less than 50 percent acid, by mass*	8	UN2790	III	8	IB3, T4, TP1	154	203	242	5 L	60 L	A	
	Acetic anhydride	8	UN1715	II	8, 3	A3, A6, A7, A10, B2, IB2, T7, TP2	154	202	243	1 L	30 L	A	40
	Acetone	3	UN1090	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Acetone cyanohydrin, stabilized	6.1	UN1541	I	6.1	2, B9, B14, B32, B76, B77, N34, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	25, 40, 52, 53
	Acetone oils	3	UN1091	II	3	IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
	Acetonitrile	3	UN1648	II	3	IB2, T7, TP2	150	202	242	5 L	60 L	B	40
	Acetyl acetone peroxide with more than 9 percent by mass ective oxygen	Forbidden											
	Acetyl benzoyl peroxide, solid, or with more than 40 percent in solution	Forbidden											
	Acetyl bromide	8	UN1716	II	8	B2, IB2, T8, TP2, TP12	154	202	242	1 L	30 L	C	40
	Acetyl chloride	3	UN1717	II	3, 8	A3, A6, A7, IB1, N34, T8, TP2, TP12	150	202	243	1 L	5 L	B	40
	Acetyl cyclohexanesulfonyl peroxide, with more then 82 percent wetted with less than 12 percent water.	Forbidden											
	Acetyl iodide	8	UN1898	II	8	B2, IB2, T7, TP2, TP13	154	202	242	1 L	30 L	C	40
	Acetyl methyl carbinol	3	UN2621	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Acetyl peroxide, solid, or with more than 25 percent in solution	Forbidden											
	Acetylene, dissolved	2.1	UN1001		2.1		None	303	None	Forbidden	15 kg	D	25, 40, 57
	Acetylene (liquefied)	Forbidden											
	Acetylene silver nitrate	Forbidden											
	Acetylene tetrabromide, see Tetrabromoethane												
	Acid butyl phosphate, see Butyl acid phosphate												
	Acid, sludge, *see* Sludge acid												
	Acridine	6.1	UN2713	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Acrolein dimer, stabilized	3	UN2607	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	40
	Acrolein, stabilized	6.1	UN1092	I	6.1, 3	1, B9, B14, B30, B42, B72, B77, T22, TP2, TP7, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
	Acrylamide, solid	6.1	UN2074	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	12
	Acrylamide solution	6.1	UN3426	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	12
	Acrylic acid, stabilized	8	UN2218	II	8, 3	B2, IB2, T7, TP2	154	202	243	1 L	30 L	C	25, 40
	Acrylonitrile, stabilized	3	UN1093	I	3, 6.1	B9, T14, TP2, TP13	None	201	243	Forbidden	30 L	E	40
	Actuating cartridge, explosive, see Cartridges, power device												
	Adhesives, *containing e flammable liquid*	3	UN1133	I	3	B42, T11, TP1, TP8, TP27	150	201	143	1 L	30 L	B	
				II	3	149, B52, IB2, T4, TP1, TP8	150	173	242	5 L	60 L	B	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	.....	.....		III	3	B1, B52, IB3, T2, TP1	150	173	242	60 L	220 L	A	.....
	Adiponitrile	6.1	UN2205	III	6.1	IB3, T3, TP1	153	203	241	60 L	220 L	A	.....
	Aerosols, *corrosive, Packing Group II or III, (each not exceeding 1 L capacity)*	2.2	UN1950	.....	2.2, 8	153, A34	306	None	None	75 kg	150 kg	A	48, 87, 126
	Aerosols, *flammable, (each not exceeding 1 L capacity)*	2.1	UN1950	.....	2.1	153, N82	306	None	None	75 kg	150 kg	A	48, 87, 126
	Aerosols, flammable, n.o.s. (*engine starting fluid) (each not exceeding 1 L capacity)*	2.1	UN1950	.....	2.1	153, N82	306	304	None	Forbidden	150 kg	A	48, 87, 126
	Aerosols, *non-flammable, (each not exceeding 1 L capacity)*	2.2	UN1950	.....	2.2	153	306, 307.	None	None	75 kg	150 kg	A	48, 87, 126
	Aerosols, *poison, each not exceeding 1 L capacity*	2.2	UN1950	.....	2.2, 6.1.	153	306	None	None	Forbidden	Forbidden	A	48, 87, 126
I	Air bag inflators, or Air bag modules, or Seat-belt pretensioners.	1.4G	UN0503	II	1.4G	161	None	62	None	Forbidden	75 kg	02	.....
	Air bag inflators, or Air bag modules, or Seat-belt pretensioners.	9	UN3268	III	9	160	166	166	166	25 kg	100 kg	A	.....
	Air, compressed	2.2	UN1002	.....	2.2	78	306	302	302	75 kg	150 kg	A	.....
	Air, refrigerated liquid, *(cryogenic liquid)*	2.2	UN1003	.....	2.2, 5.1.	T75, TP5, TP22	320	316	318, 319.	Forbidden	150 kg	D	51
	Air, refrigerated liquid, *(cryogenic liquid) non-pressunzed*	2.2	UN1003	.....	2.2, 5.1.	T75, TP5, TP22	320	316	318, 319.	Forbidden	Forbidden	D	51
	Aircraft engines (including turbines). see Engines, internal combustion	.....			.....		.....	.....	.....	.....	.....		.....
	Aircraft evacuation slides, see Life saving appliances *etc*	.....			.....		.....	.....	.....	.....	.....		.....
	Aircraft hydraulic power unit fuel tank *(containing a mixture of anhydrous hydrazine and monomethyl hydrazine) (M86 fuel).*	3	UN3165	I	3, 6.1, 8.		None	172	None	Forbidden	42 L	E	.....
	Aircraft survival kits, see Life saving appliances *etc*	.....			.....		.....	.....	.....	.....	.....		.....
G	Alcoholates solution, n.o.s., *in alcohol*	3	UN3274	II	3, 8	IB2	150	202	243	1 L	5 L	B	.....
	Alcoholic beverages	3	UN3065	II	3	24, 149, B1, IB2, T4, TP1	150	202	242	5 L	60 L	A	.....
	.....	.....		III	3	24, B1, IB3, N11, T2, TP1	150	203	242	60 L	220 L	A	.....
	Alcohols, n.o.s.	3	UN1987	I	3	T11, TP1, TP8, TP27	None	201	243	1 L	30 L	E	.....
	.....	.....		II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	.....
	.....	.....		III	3	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	.....
G	Alcohols, flammable, toxic, n.o.s.	3	UN1986	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	E	40
	.....	.....		II	3, 6.1	IB2, T11, TP2, TP27	150	202	243	1 L	60 L	B	40
	.....	.....		III	3, 6.1	B1, IB3, T7, TP1, TP28	None	203	242	60 L	220 L	A	.....
	Aldehydes, n.o.s.	3	UN1989	I	3	T11, TP1, TP27	None	201	243	1 L	30 L	E	.....
	.....	.....		II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	.....
	.....	.....		III	3	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	.....
G	Aldehydes, flammable, toxic, n.o.s.	3	UN1988	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	E	40
	.....	.....		II	3, 6.1	IB2, T11, TP2, TP27	150	202	243	1 L	60 L	B	40
	.....	.....		III	3, 6.1	B1, IB3, T7, TP1, TP28	150	203	242	60 L	220 L	A	.....
	Aldol	6.1	UN2839	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	12
G	Alkali metal alcoholates, self-heating, corrosive, n.o.s.	4.2	UN3206	II	4.2, 8	64, A7, IB5, IP2, T3, TP33	None	212	242	15 kg	50 kg	B	.....
	.....	.....		III	4.2, 8	64, A7, IB8, IP3, T1, TP33	None	213	242	25 kg	100 kg	B	.....
	Alkali metal alloys, liquid, n.o.s.	4.3	UN1421	I	4.3	A2, A3, A7, B48, N34	None	201	244	Forbidden	1 L	D	52
	Alkali metal amalgam, liquid	4.3	UN1389	I	4.3	A2, A3, A7, N34	None	201	244	Forbidden	1 L	D	40, 52
	Alkali metal amalgam, solid	4.3	UN3401	I	4.3	IB4, IP1, N40, T9, TP7, TP33	None	211	242	Forbidden	15 kg	D	52

	Alkali metal amides	4.3	UN1390	II	4.3	A6, A7, A8, A19, A20, IB7, IP2, T3, TP33	151	212	241	15 kg	50 kg	E	40, 52
	Alkali metal dispersions, *or* Alkaline earth metal dispersions	4.3	UN1391	I	4.3	A2, A3, A7	None	201	244	Forbidden	1 L	D	52
	Alkaline corrosive liquids, n.o.s., see Caustic alkali liquids, n.o.s.												
G	Alkaline earth metal alcoholates, n.o.s.	4.2	UN3205	II	4.2	65, A7, IB6, IP2, T3, TP33	None	212	241	15 kg	50 kg	B	
				III	4.2	65, A7, IB8, IP3, T1, TP33	None	213	241	25 kg	100 kg	B	
	Alkaline earth metal alloys, n.o.s.	4.3	UN1393	II	4.3	A19, IB7, IP2, T3, TP33	151	212	241	15 kg	50 kg	E	52
	Alkaline earth metal amalgams, liquid	4.3	UN1392	I	4.3	A19, N34, N40	None	201	244	Forbidden	1 L	E	40, 52
	Alkaline earth metal amalgams, solid	4.3	UN3402	I	4.3	A19, N34, N40, T9, TP7, TP33	None	211	242	Forbidden	15 kg	D	52
G	Alkaloids, liquid, n.o.s., *or* Alkaloid salts, liquid, n.o.s.	6.1	UN3140	I	6.1	A4, T14, TP2, TP27	None	201	243	1 L	30 L	A	
				II	6.1	IB2, T11, TP2, TP27	153	202	243	5 L	60 L	A	
				III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	
G	Alkaloids, solid, n.o.s. [or] Alkaloid salts, solid, n.o.s. [poisonous]	6.1	UN1544	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Alkyl sulfonic acids, liquid *or* Aryl sulfonic acids, liquid *with more than 5 percent free sulfuric acid.*	8	UN2584	II	8	B2, IB2, T8, TP2, TP12, TP13	154	202	242	1 L	30 L	B	
	Alkyl sulfonic acids, liquid *or* Aryl sulfonic acids, liquid *with not more than 5 percent free sulfuric acid.*	8	UN2586	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	B	
	Alkyl sulfonic acids, solid *or* Aryl sulfonic acids, solid, *with more than 5 percent free sulfuric acid.*	8	UN2583	II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	
	Alkyl sulfonic acids, solid *or* Aryl sulfonic acids, solid *with not more than 5 percent free sulfuric acid.*	8	UN2585	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
	Alkylphenols, liquid, n.o.s. *(including C2-C12 homologues)*	8	UN3145	I	8	A6, T14, TP2	None	201	243	0.5 L	2.5 L	B	
				II	8	IB2, T11, TP2, TP27	154	202	242	1 L	30 L	B	
				III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	
	Alkylphenols, solid, n.o.s *(including C2-C12 homologues)*	8	UN2430	I	8	IB7, IP1, T6, TP33	None	211	242	1 kg	25 kg	B	
				II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	B	
				III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
	Alkylsulfuric acids	8	UN2571	II	8	B2, IB2, T8, TP2, TP12, TP13, TP28	154	202	242	1 L	30 L	C	14
	Allethrin, see Pesticides, liquid, toxic, n.o.s.												
	Allyl acetate	3	UN2333	II	3, 6.1	IB2, T7, TP1, TP13	150	202	243	1 L	60 L	E	40
	Allyl alcohol	6.1	UN1098	I	6.1, 3	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Allyl bromide	3	UN1099	I	3, 6.1	T14, TP2, TP13	None	201	243	Forbidden	30 L	B	40
	Allyl chloride	3	UN1100	I	3, 6.1	T14, TP2, TP13	None	201	243	Forbidden	30 L	E	40
	Allyl chlorocarbonate, see Allyl chloroformate												
	Allyl chloroformate	6.1	UN1722	I	6.1, 3, 8.	2, B9, B14, B32, B74, N41, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Allyl ethyl ether	3	UN2335	II	3, 6.1	IB2, T7, TP1, TP13	150	202	243	1 L	60 L	E	40
	Allyl formate	3	UN2336	I	3, 6.1	T14, TP2, TP13	None	201	243	Forbidden	30 L	E	40
	Allyl glycidyl ether	3	UN2219	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Allyl iodide	3	UN1723	II	3, 8	A3, A6, IB1, N34, T7, TP2, TP13	150	202	243	1 L	5 L	B	40
	Allyl isothiocyanate, stabilized	6.1	UN1545	II	6.1, 3	A3, A7, IB2, T7, TP2	None	202	243	Forbidden	60 L	D	40
	Allylamine	6.1	UN2334	I	6.1, 3	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Allyltrichlorosilane, stabilized	8	UN1724	II	8, 3	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	243	Forbidden	30 L	C	40
	Aluminum alkyl halides, liquid	4.2	UN3052	I	4.2, 4.3.	B9, B11, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	134
	Aluminum alkyl halides, solid	4.2	UN3461	I	4.2, 4.3.	T21, TP7, TP33	None	181	244	Forbidden	Forbidden	D	134
	Aluminum alkyl hydrides	4.2	UN3076	I	4.2, 4.3.	B9, B11, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	
	Aluminum alkyls	4.2	UN3051	I	4.2, 4.3.	B9, B11, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	
	Aluminum borohydride *or* Aluminum borohydride in devices	4.2	UN2870	I	4.2, 4.3.	B11, T21, TP7, TP33	None	181	244	Forbidden	Forbidden	D	
	Aluminum bromide, anhydrous	8	UN1725	II	8	IB8, IP2, IP4. T3, TP33	154	212	240	15 kg	50 kg	A	40
	Aluminum bromide, solution	8	UN2580	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Aluminum carbide	4.3	UN1394	II	4.3	A20, IB7, IP2, N41, T3, TP33	151	212	242	15 kg	50 kg	A	52
	Aluminum chloride, anhydrous	8	UN1726	II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	40
	Aluminum chloride, solution	8	UN2581	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Aluminum dross, wet or hot	Forbidden											
	Aluminum ferrosilicon powder	4.3	UN1395	II	4.3, 6.1.	A19, IB5, IP2, T3, TP33	151	212	242	15 kg	50 kg	A	39, 40, 52, 53, 85, 103
				III	4.3, 6.1.	A19. A20, IB4	151	213	241	25 kg	100 kg	A	39, 40, 52, 53, 85, 103
	Aluminum hydride	4.3	UN2463	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	
D	Aluminum, molten	9	NA9260	III	9	IB3, T1, TP3	None	None	247	Forbidden	Forbidden	D	
	Aluminum nitrate	5.1	UN1438	III	5.1	A1, A29, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	
	Aluminum phosphate solution, see Corrosive liquids, *etc*												
	Aluminum phosphide	4.3	UN1397	I	4.3, 6.1.	A8, A19, N40	None	211	242	Forbidden	15 kg	E	40, 52, 85
	Aluminum phosphide pesticides	6.1	UN3048	I	6.1	A8, IB7, IP1, T6, TP33	None	211	242	Forbidden	15 kg	E	40, 85
	Aluminum powder, coated	4.1	UN1309	II	4.1	IB8, IP2, IP4, T3, TP33	151	212	240	15 kg	50 kg	A	13, 39, 52, 53, 74, 101
				III	4.1	IB8, IP3, T1, TP33	151	213	240	25 kg	100 kg	A	13, 39, 52, 53, 74, 101
	Aluminum powder, uncoated	4.3	UN1396	II	4.3	A19, A20, IB7, IP2, T3, TP33	151	212	242	15 kg	50 kg	A	39, 52, 53
				III	4.3	A19, A20, IB8, IP4, T1, TP33	151	213	241	25 kg	100 kg	A	39, 52, 53
	Aluminum resinate	4.1	UN2715	III	4.1	IB6, T1, TP33	151	213	240	25 kg	100 kg	A	
	Aluminum silicon powder, uncoated	4.3	UN1398	III	4.3	A1, A19, IB8, IP4, T1, TP33	151	213	241	25 kg	100 kg	A	39, 40, 52, 53, 85, 103
	Aluminum smelting by-products *or* Aluminum remelting by-products	4.3	UN3170	II	4.3	128, B115, IB7, IP2, T3, TP33	None	212	242	15 kg	50 kg	B	85, 103
				III	4.3	128. B115, IB8, IP4, T1, TP33	None	213	241	25 kg	100 kg	B	85, 103
	Amatols, see Explosives, blasting, type B												
G	Amines, flammable, corrosive, n.o.s. *or* Polyamines, flammable, corrosive, n.o.s.	3	UN2733	I	3, 8	T14, TP1, TP27	None	201	243	0.5 L	2.5 L	D	40
				II	3, 8	IB2, T11, TP1, TP27	150	202	243	1 L	5 L	B	40
				III	3. 8	B1, IB3, T7, TP1, TP28	150	203	242	5 L	60 L	A	40
G	Amines, liquid, corrosive, flammable, n.o.s. *or* Polyamines, liquid, corrosive, flammable, n.o.s.	8	UN2734	I	8, 3	A3, A6, N34, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	A	52
				II	8, 3	IB2, T11, TP2, TP27	None	202	243	1 L	30 L	A	52

G	Amines, liquid, corrosive, *n.o.s.*, *or* Polyamines, liquid, corrosive, n.o.s.	8	UN2735	I	8	A3, A6, B10, N34, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	A	52
				II	8	B2, IB2, T11, TP1, TP27	154	202	242	1 L	30 L	A	52
				III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	52
G	Amines, solid, corrosive, n.o.s., *or* Polyamines, solid, corrosive *n.o.s.*	8	UN3259	I	8	IB7, IP1, T6, TP33	None	211	242	1 kg	25 kg	A	52
				II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	52
				III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	52
	2-Amino-4-chlorophenol	6.1	UN2673	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	2-Amino-5-diethylaminopentane	6.1	UN2946	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	2-Amino-4,6-Dinitrophenol, wetted *with not less than 20 percent water by mass*	4.1	UN3317	I	4.1	23, A8, A19, A20, N41	None	211	None	1 kg	15 kg	E	28, 36
	2-(2-Aminoethoxy) ethanol	8	UN3055	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	N-Aminoethylpiperazine	8	UN2815	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	12
+	Aminophenols (o-; m-; p-)	6.1	UN2512	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Aminopropyldiethanolamine, see Amines, etc												
	n-Aminopropylmorpholine, see Amines, etc												
	Aminopyridines *(o-; m-; p-)*	6.1	UN2671	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	B	12, 40
I	Ammonia, anhydrous	2.3	UN1005		2.3, 8	4, T50	None	304	314, 315.	Forbidden	Forbidden	D	40, 57
D	Ammonia, anhydrous	2.2	UN1005		2.2	13, T50	None	304	314, 315.	Forbidden	Forbidden	D	40, 57
D	Ammonia solution, *relative density less than 0.880 at 15 degrees C in water, with more than 50 percent ammonia.*	2.2	UN3318		2.2	13, T50	None	304	314, 315.	Forbidden	Forbidden	D	40, 57
I	Ammonia solution, *relative density less than 0.880 at 15 degrees C in water, with more than 50 percent ammonia.*	2.3	UN3318		2.3, 8	4, T50	None	304	314, 315.	Forbidden	25 kg	D	40, 57
	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.*	8	UN2672	III	8	IB3, IP8, T7, TP1	154	203	241	5 L	60 L	A	40, 85
	Ammonia solutions, *relative density less than 0.880 at 15 degrees C in water, with more than 35 percent but not more than 50 percent ammonia.*	2.2	UN2073		2.2		306	304	314, 315.	Forbidden	150 kg	E	40, 57
	Ammonium arsenate	6.1	UN1546	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	53
	Ammonium azide	Forbidden											
	Ammonium bifluoride, solid, see Ammonium hydrogen difluoride, solid												
	Ammonium bifluoride solution, see Ammonium hydrogen difluoride, solution												
	Ammonium bromate	Forbidden											
	Ammonium chlorate	Forbidden											
	Ammonium dichromate	5.1	UN1439	II	5.1	IB8, IP2, IP4, T3, TP33	152	212	242	5 kg	25 kg	A	52
	Ammonium dinitro-o-cresolate, solid	6.1	UN1843	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	B	36, 65, 66, 77
	Ammonium dinitro-o-cresolate solution	6.1	UN3424	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	B	36, 66, 78, 91
				III	6.1	IB2, T7, TP2	153	203	241	60 L	220 L	A	36, 66, 78, 91
	Ammonium fluoride	6.1	UN2505	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	52
	Ammonium fluorosilicate	6.1	UN2854	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	52
	Ammonium fulminate	Forbidden											
	Ammonium hydrogen sulfate	8	UN2506	II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	40
	Ammonium hydrogendifluoride, solid	8	UN1727	II	8	IB8, IP2, IP4, N34, T3, TP33	154	212	240	15 kg	50 kg	A	25, 40, 52
	Ammonium hydrogendifluoride, solution	8	UN2817	II	8, 6.1	IB2, N34, T8, TP2, TP12, TP13	154	202	243	1 L	30 L	B	40
				III	8, 6.1	IB3, N3, T4, TP1, TP12, TP13	154	203	241	5 L	60 L	B	40, 95
	Ammonium hydrosulfide, solution, see Ammonium sulfide solution												
D	Ammonium hydroxide, *see* Ammonia solutions, *etc*												
	Ammonium metavanadate	6.1	UN2859	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	44, 89, 100, 141
	Ammonium nitrate based fertilizer	5.1	UN2067	III	5.1	52, 150, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	B	48, 59, 60, 66, 117
A W	Ammonium nitrate based fertilizer	9	UN2071	III	9	132, IB8, IP3	155	213	240	200 kg	200 kg	A	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Ammonium nitrate emulsion or Ammonium nitrate suspension or Ammonium nitrate gel, *intermediate for blasting explosives.*	5.1	UN3375	II	.....	147, 163	None	214	214	Forbidden	Forbidden	D	48, 59, 60, 66, 124
D	Ammonium nitrate-fuel oil mixture *containing only prilled ammonium nitrate and fuel oil*	1.5D	NA0331	II	1.5D ..		None	62	None	Forbidden	Forbidden	10	19E
	Ammonium nitrate, liquid *(hot concentrated solution)*	5.1	UN2426	.....	5.1	B5, T7	None	None	243	Forbidden	Forbidden	D	59, 60
	Ammonium nitrate, *with more than 0.2 percent combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance.*	1.1D	UN0222	II	1.1D ..		None	62	None	Forbidden	Forbidden	10	19E
	Ammonium nitrate, *with not more then 0.2% total combustible material, including any organic substance, calculated as carbon to the exclusion of any other added substance.*	5.1	UN1942	III	5.1	A1, A29, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	48, 59, 60, 116
	Ammonium nitrite	Forbidden	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Ammonium perchlorate	1.1D	UN0402	II	1.1D ..	107	None	62	None	Forbidden	Forbidden	10	19E
	Ammonium perchlorate	5.1	UN1442	II	5.1	107, A9, IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	E	58, 69
	Ammonium permangenate	Forbidden	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Ammonium persulfate	5.1	UN1444	III	5.1	A1, A29, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	.....
	Ammonium picrate, *dry or wetted with less than 10 percent water, by mass*	1.1D	UN0004	II	1.1D ..		None	62	None	Forbidden	Forbidden	10	5E, 19E
	Ammonium picrate, wetted *with not less than 10 percent water, by mass*	4.1	UN1310	I	4.1	23, A2, N41	None	211	None	0.5 kg	0.5 kg	D	28, 36
	Ammonium polysulfide, solution	8	UN2818	II	8, 6.1	IB2, T7, TP2, TP13	154	202	243	1 L	30 L	B	12, 40, 52
	.....	.....		III	8, 6.1	IB3, T4, TP1, TP13	154	203	241	5 L	60 L	B	12, 40, 52
	Ammonium polyvanadate	6.1	UN2861	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	44, 89, 100, 141
	Ammonium silicofluoride, see Ammonium fluorosilicate	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Ammonium sulfide solution	8	UN2683	II	8, 6.1, 3.	IB1, T7, TP2, TP13	154	202	243	1 L	30 L	B	12, 22, 52, 100
	Ammunition, blank, see Cartridges for weapons, blank	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Ammunition, illuminating *with or without burster, expelling charge or propelling charge*	1.2G	UN0171	II	1.2G ..		.....	62	None	Forbidden	Forbidden	03	.....
	Ammunition, illuminating *with or without burster, expelling charge or propelling charge*	1.3G	UN0254	II	1.3G ..		.....	62	None	Forbidden	Forbidden	03	.....
	Ammunition, illuminating *with or without burster, expelling charge or propelling charge*	1.4G	UN0297	II	1.4G ..		.....	62	None	Forbidden	75 kg	02	.....
	Ammunition, incendiary *liquid or gel, with burster, expelling charge or propelling charge*	1.3J	UN0247	II	1.3J ...		.....	62	None	Forbidden	Forbidden	04	23E
	Ammunition, incendiary (water-activated contrivances) with burster, expelling charge or propelling charge, see Contrivances, water-activated, etc..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Ammunition, incendiary, white phosphorus, *with burster, expelling charge or propelling charge*	1.2H	UN0243	II	1.2H ..		.....	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
	Ammunition, incendiary, white phosphorus, *with burster, expelling charge or propelling charge*	1.3H	UN0244	II	1.3H ..		.....	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
	Ammunition, incendiary *with or without burster, expelling charge, or propelling charge*	1.2G	UN0009	II	1.2G ..		.....	62	None	Forbidden	Forbidden	03	.....
	Ammunition, incendiary *with or without burster, expelling charge, or propelling charge*	1.3G	UN0010	II	1.3G ..		.....	62	None	Forbidden	Forbidden	03	.....
	Ammunition, incendiary *with or without burster, expelling charge or propelling charge*	1.4G	UN0300	II	1.4G ..		.....	62	None	Forbidden	75 kg	02	.....
	Ammunition, practice	1.4G	UN0362	II	1.4G ..		.....	62	None	Forbidden	75 kg	02	.....
	Ammunition, prectice	1.3G	UN0488	II	1.3G ..		.....	62	None	Forbidden	Forbidden	03	.....
	Ammunition, proof	1.4G	UN0363	II	1.4G ..		.....	62	None	Forbidden	75 kg	02	.....
	Ammunition, rocket, see Warheads, rocket *etc*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Ammunition, SA (small arms), see Cartridges for weapons, *etc*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Ammunition, smoke (water-activated contrivances), white phosphorus, with burster, expelling charge or propelling charge, see Contrivances, water-activated, *etc. (UN 0248).*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Ammunition, smoke (water-activated contrivences), without white phosphorus or phosphides, with burster, expelling charge or propelling charge, see Contrivences, water-activated, *etc. (UN 0249).*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Ammunition smoke, white phosphorus *with burster,expelling charge, or propelling charge*	1.2H	UN0245	II	1.2H ..		.....	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
	Ammunition, smoke, white phosphorus *with burster, expelling charge, or propelling charge*	1.3H	UN0248	II	1.3H ..		.....	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E

	Ammunition, smoke *with or without burster, expelling charge or propelling charge*	1.2G	UN0015	II	1.2G			62	None	Forbidden	Forbidden		8E, 17E, 20E
	Ammunition, smoke *with or without burster, expelling charge or propelling charge*	1.3G	UN0016	II	1.3G			62	None	Forbidden	Forbidden		8E, 17E, 20E
	Ammunition, smoke *with or without burster, expelling charge or propelling charge*	1.4G	UN0303	II	1.4G			62	None	Forbidden	75 kg		7E, 8E, 14E, 15E, 17E
	Ammunition, sporting, see Cartridges for weapons, *etc. (UN 0012; UN 0328; UN 0339)*												
	Ammunition, tear-producing, non-explosive, *without burster or expelling charge, non-fuzed*	6.1	UN2017	II	6.1, 8		None	212	None	Forbidden	50 kg	E	13, 40
	Ammunition, tear-producing *with burster, expelling charge or propelling charge*	1.2G	UN0018	II	1.2G, 8, 6.1.			62	None	Forbidden	Forbidden		8E, 17E, 20E
	Ammunition, tear-producing *with burster, expelling charge or propelling charge*	1.3G	UN0019	II	1.3G, 8, 6.1.			62	None	Forbidden	Forbidden		8E, 17E, 20E
	Ammunition, tear-producing *with burster, expelling charge or propelling charge*	1.4G	UN0301	II	1.4G, 8, 6.1.			62	None	Forbidden	75 kg		7E, 8E, 14E, 15E, 17E
	Ammunition, toxic, non-explosive, *without burster or expelling charge, non-fuzed*	6.1	UN2016	II	6.1		None	212	None	Forbidden	100 kg	E	13, 40
	Ammunition, toxic (water-activated contrivances), with burster, expelling charge or propelling charge, see Contrivances, water-activated, *etc.*												
G	Ammunition, toxic *with burster, expelling charge, or propelling charge*	1.2K	UN0020	II	1.2K, 6.1			62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
G	Ammunition, toxic *with burster, expelling charge, or propelling charge*	1.3K	UN0021	II	1.3K, 6.1.			62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
	Amyl acetates	3	UN1104	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Amyl acid phosphate	8	UN2819	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Amyl butyrates	3	UN2620	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Amyl chlorides	3	UN1107	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Amyl formates	3	UN1109	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Amyl mercaptans	3	UN1111	II	3	A3, A6, IB2, T4, TP1	None	202	242	5 L	60 L	B	95, 102
	n-Amyl methyl ketone	3	UN1110	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Amyl nitrate	3	UN1112	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	40
	Amyl nitrites	3	UN1113	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	40
	Amylamines	3	UN1106	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	
				III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A	
	Amyltrichlorosilane	8	UN1728	II	8	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	Anhydrous ammonia, see Ammonia, anhydrous												
	Anhydrous hydrofluoric acid, see Hydrogen fluoride, anhydrous												
+	Aniline	6.1	UN1547	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	40, 52
	Aniline hydrochloride	6.1	UN1548	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Anilline oil, see Aniline												
	Anisidines	6.1	UN2431	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Anisole	3	UN2222	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Anisoyl chloride	8	UN1729	II	8	B2, B4, IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	
	Anti-freeze, liquid, see Flammable liquids, n.o.s.												
	Antimonous chloride, see Antimony trichloride												
	Antimony compounds, inorganic, liquid, n.o.s.	6.1	UN3141	III	6.1	35, IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	
	Antimony compounds, inorganic, solid, n.o.s.	6.1	UN1549	III	6.1	35, IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Antimony lactate	6.1	UN1550	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Antimony pentachloride, liquid	8	UN1730	II	8	B2, IB2, T7, TP2	None	202	242	1 L	30 L	C	40
	Antimony pentachloride, solutions	8	UN1731	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	C	40
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	C	40
	Antimony pentafluoride	8	UN1732	II	8, 6.1	A3, A6, A7, A10, IB2, N3, N36, T7, TP2	None	202	243	Forbidden	30 L	D	44, 89, 100, 141
	Antimony potassium tartrate	6.1	UN1551	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	(8) Packaging (§173.***) Non-bulk	(8) Packaging (§173.***) Bulk	(9) Quantity limitations Passenger aircraft/rail	(9) Quantity limitations Cargo aircraft only	(10) Vessel stowage Location	(10) Vessel stowage Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Antimony powder	6.1	UN2871	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Antimony sulfide and a chlorate, mixtures of	Forbidden											
	Antimony sulfide, solid, see Antimony compounds, inorganic, *n.o.s.*												
	Antimony trichloride, liquid	8	UN1733	II	8	B2, IB2	154	202	242	1 L	30 L	C	40
	Antimony trichloride, solid	8	UN1733	II	8	IB8, IP2, IP4	154	212	240	15 kg	50 kg	A	40
	Aqua ammonia, see Ammonia solution, *etc*												
	Argon, compressed	2.2	UN1006		2.2		306	302	314, 315.	75 kg	150 kg	A	
	Argon, refrigerated liquid *(cryogenic liquid)*	2.2	UN1951		2.2	T75, TP5	320	316	318	50 kg	500 kg	B	
	Arsenic	6.1	UN1558	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Arsenic acid, liquid	8.1	UN1553	I	6.1	T20, TP2, TP7, TP13	None	201	243	1 L	30 L	B	46
	Arsenic acid, solid	6.1	UN1554	II	8.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Arsenic bromide	6.1	UN1555	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	12, 40
	Arsenic chloride, see Arsenic trichloride												
	Arsenic compounds, liquid, n.o.s. *inorganic, including arsenates, n.o.s.; arsenites, n.o.s.; arsenic sulfides, n.o.s.; and organic compounds of arsenic, n.o.s.*	6.1	UN1556	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40, 137
				II	6.1	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40, 137
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	B	40, 137
	Arsenic compounds, solid, n.o.s. *inorganic, including arsenates, n.o.s.; arsenites, n.o.s.; arsenic sulfides, n.o.s.; and organic compounds of arsenic, n.o.s.*	6.1	UN1557	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	137
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	137
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	137
	Arsenic pentoxide	6.1	UN1559	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Arsenic sulfide and a chlorate, mixtures of	Forbidden											
	Arsenic trichloride	6.1	UN1560	I	6.1	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	B	40
	Arsenic trioxide	6.1	UN1561	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Arsenic, white, solid, see Arsenic trioxide												
	Arsenical dust	6.1	UN1562	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Arsenical pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C*	3	UN2760	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	150	202	243	1 L	60 L	B	40
	Arsenical pesticides, liquid, toxic	6.1	UN2994	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Arsenical pesticides, liquid, toxic, flammable, *flash point not less than 23 degrees C*	6.1	UN2993	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1, 3	B1, IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Arsenical pesticides, solid, toxic	6.1	UN2759	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40

	Arsenious acid, solid, see Arsenic trioxide	.....			.....		.....	.....	.....	.....	.....		.....
	Arsenious and mercuric iodide solution, see Arsenic compounds, liquid, *n.o.s.*	.....			.....		.....	.....	.....	.....	.....		.....
	Arsine	2.3	UN2188	.....	2.3. 2.1.	1	None	192	245	Forbidden	Forbidden	D	40
	Articles, explosive, extremely insensitive or Articles, EEI	1.6N	UN0486	II	1.6N ..	101	None	62	None	Forbidden	Forbidden	07	.....
G	Articles, explosive, n.o.s.	1.4S	UN0349	II	1.4S ...	101	None	62	None	25 kg	100 kg	05	.....
G	Articles, explosive, n.o.s.	1.4B	UN0350	II	1.4B ...	101	None	62	None	Forbidden	Forbidden	06	.....
G	Articles, explosive, n.o.s.	1.4C	UN0351	II	1.4C ..	101	None	62	None	Forbidden	75 kg	06	.....
G	Articles, explosive, n.o.s.	1.4D	UN0352	II	1.4D ..	101	None	62	None	Forbidden	75 kg	06	.....
G	Articles, explosive, n.o.s.	1.4G	UN0353	II	1.4G ..	101	None	62	None	Forbidden	75 kg	06	.....
G	Articles, explosive, n.o.s.	1.1L	UN0354	II	1.1L ...	101	None	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
G	Articles, explosive, n.o.s.	1.2L	UN0355	II	1.2L ...	101	None	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
G	Articles, explosive, n.o.s.	1.3L	UN0356	II	1.3L ...	101	None	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
G	Articles, explosive, n.o.s.	1.1C	UN0462	II	1.1C ..	101	None	62	None	Forbidden	Forbidden	07	.....
G	Articles, explosive, n.o.s.	1.1D	UN0463	II	1.1D ..	101	None	62	None	Forbidden	Forbidden	07	.....
G	Articles, explosive, n.o.s.	1.1E	UN0464	II	1.1E ...	101	None	62	None	Forbidden	Forbidden	07	.....
G	Articles, explosive, n.o.s.	1.1F	UN0465	II	1.1F ...	101	None	62	None	Forbidden	Forbidden	08	.....
G	Articles, explosive, n.o.s.	1.2C	UN0466	II	1.2C ..	101	None	62	None	Forbidden	Forbidden	07	.....
G	Articles, explosive, n.o.s.	1.2D	UN0467	II	1.2D ..	101	None	62	None	Forbidden	Forbidden	07	.....
G	Articles, explosive, n.o.s.	1.2E	UN0468	II	1.2E ...	101	None	62	None	Forbidden	Forbidden	07	.....
G	Articles, explosive, n.o.s.	1.2F	UN0469	II	1.2F ...	101	None	62	None	Forbidden	Forbidden	08	.....
G	Articles, explosive, n.o.s.	1.3C	UN0470	II	1.3C ..	101	None	62	None	Forbidden	Forbidden	07	.....
G	Articles, explosive, n.o.s.	1.4E	UN0471	II	1.4E ...	101	None	62	None	Forbidden	75 kg	06	.....
G	Articles, explosive, n.o.s.	1.4F	UN0472	II	1.4F ...	101	None	62	None	Forbidden	Forbidden	08	.....
	Articles, pressurized pneumatic or hydraulic *containing non-flammable gas*	2.2	UN3164	.....	2.2		306	302, 304.	None	No limit	No limit	A	.....
	Articles, pyrophoric	1.2L	UN0380	II	1.2L ...		None	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
	Articles, pyrotechnic *for technical purposes*	1.1G	UN0428	II	1.1G ..		None	62	None	Forbidden	Forbidden	07	.....
	Articles, pyrotechnic *for technical purposes*	1.2G	UN0429	II	1.2G ..		None	62	None	Forbidden	Forbidden	07	.....
	Articles, pyrotechnic *for technical purposes*	1.3G	UN0430	II	1.3G ..		None	62	None	Forbidden	Forbidden	07	.....
	Articles, pyrotechnic *for technical purposes*	1.4G	UN0431	II	1.4G ..		None	62	None	Forbidden	75 kg	06	.....
	Articles, pyrotechnic *for technical purposes*	1.4S	UN0432	II	1.4S ...		None	62	None	25 kg	100 kg	05	.....
D	Asbestos	9	NA2212	III	9	156, IB8, IP2, IP4	155	216	240	200 kg	200 kg	A	34, 40
	Ascandole (organic peroxide)	Forbidden			.....		.....	.....	.....	.....	.....		.....
D	Asphalt, *at or above its flash point*	3	NA1999	III	3	IB3, T1, TP3	150	203	247	Forbidden	Forbidden	D	.....
D	Asphalt, cut back, *see* Tars, liquid, *etc*	.....			.....		.....	.....	.....	.....	.....		.....
	Automobile, motorcycle, tractor, other self-propelled vehicle, engine, or other mechanical apparatus, see Vehicles or Battery *etc.*	.....			.....		.....	.....	.....	.....	.....		.....
A G	Aviation regulated liquid, n.o.s.	9	UN3334	.....	9	A35	155	204	.....	No limit	No limit	A	.....
A G	Aviation regulated solid, *n.o.s.*	9	UN3335	.....	9	A35	155	204	.....	No limit	No limit	A	.....
	Azaurolic acid (salt of) (dry)	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Azido guanidine picrate (dry)	Forbidden			.....		.....	.....	.....	.....	.....		.....
	5-Azido-1-hydroxy tetrazole	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Azido hydroxy tetrazole (mercury and silver salts)	Forbidden			.....		.....	.....	.....	.....	.....		.....
	3-Azido-1,2-Propylene glycol dinitrate	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Azidodithiocarbonic acid	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Azidoethyl nitrate	Forbidden			.....		.....	.....	.....	.....	.....		.....
	1-Azindinylphosphine oxide-(tris), see Tris-(1-aziridinyl) phosphine oxide, solution	.....			.....		.....	.....	.....	.....	.....		.....
	Azodicarbonamide	4.1	UN3242	II	4.1	38, IB8, T3, TP33	151	212	240	Forbidden	Forbidden	D	12, 52, 53, 74
	Azotetrazole (dry)	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Barium	4.3	UN1400	II	4.3	A19, IB7, IP2, T3, TP33	151	212	241	15 kg	50 kg	E	52
	Barium alloys, pyrophoric	4.2	UN1854	I	4.2	T21, TP7, TP33	None	181	None	Forbidden	Forbidden	D	.....
	Barium azide, *dry or wetted with less than 50 percent water, by mass*	1.1A	UN0224	II	1.1A, 6.1.	111, 117	None	62	None	Forbidden	Forbidden	12	.....
	Barium azide, wetted *with not less than 50 percent water, by mass*	4.1	UN1571	I	4.1, 6.1.	162, A2	None	182	None	Forbidden	0.5 kg	D	28
	Barium bromate	5.1	UN2719	II	5.1. 6.1.	IB8, IP2, IP4, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
	Barium chlorate, solid	5.1	UN1445	II	5.1, 6.1.	A9, IB8, IP2, N34, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Barium chlorate, *solution*	5.1	UN3405	II	5.1, 6.1.	A9, IB2, N34, T4, TP1	152	202	243	1 L	5 L	A	56, 58, 133
				III	5.1, 6.1.	A9, IB2, N34, T4, TP1	152	203	242	2.5 L	30 L	A	56, 58, 133
	Barium compounds, n.o.s.	6.1	UN1564	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Barium cyanide	6.1	UN1565	I	6.1	IB7, IP1, N74, N75, T6, TP33	None	211	242	5 kg	50 kg	A	40, 52
	Barium hypochlorite *with more than 22 percent available chlorine*	5.1	UN2741	II	5.1, 6.1.	A7, A9, IB8, IP2, IP4, N34, T3, TP33	152	212	None	5 kg	25 kg	B	4, 52, 56, 58, 106
	Barium nitrate	5.1	UN1446	II	5.1, 6.1.	IB8, IP2, IP4, T3, TP33	152	212	242	5 kg	25 kg	A	
	Barium oxide	6.1	UN1884	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Barium perchlorate, solid	5.1	UN1447	II	5.1, 6.1.	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
	Barium perchlorate, solution	5.1	UN3406	II	5.1, 6.1.	IB2, T4, TP1	152	202	243	1 L	5 L	A	56, 58, 133
				III	5.1, 6.1.	IB2, T4, TP1	152	203	242	2.5 L	30 L	A	56, 58, 133
	Barium permanganate	5.1	UN1448	II	5.1, 6.1.	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	D	56, 58, 138
	Barium peroxide	5.1	UN1449	II	5.1, 6.1.	A9, IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	A	13, 52, 56, 75
	Barium selenate, see Selenates or Selenites												
	Barium selenite, see Selenates or Selenites												
	Batteries, containing sodium	4.3	UN3292	II	4.3		189	189	189	Forbidden	No limit	A	
	Batteries, dry, containing potassium hydroxide solid, *electric, storage*	8	UN3028	III	8		None	213	None	25 kg gross	230 kg gross	A	
	Batteries, wet, filled with acid, *electric storage*	8	UN2794	III	8		159	159	159	30 kg gross	No limit	A	
	Batteries, wet, filled with alkali, *electric storage*	8	UN2795	III	8		159	159	159	30 kg gross	No limit	A	
	Batteries, wet, non-spillable, *electric storage*	8	UN2800	III	8		159	159	159	No Limit	No Limit	A	
	Batteries, dry, *not subject to the requirements of this subchapter*					130							
	Battery fluid, acid	8	UN2796	II	8	A3, A7, B2, B15, IB2, N6, N34, T8, TP2, TP12	154	202	242	1 L	30 L	B	
	Battery fluid, alkali	8	UN2797	II	8	B2, IB2, N6, T7, TP2, TP28	154	202	242	1 L	30 L	A	29
	Battery lithium type, see Lithium batteries *etc*												
	Battery-powered vehicle *or* Battery-powered equipment	9	UN3171		9	134	220	220	None	No limit	No limit		
	Battery, wet, filled with acid or alkali with vehicle or mechanical equipment containing an internal combustion engine, see Vehicle, *etc. or* Engines, internal combustion, *etc.*												
+	Benzaldehyde	9	UN1990	III	9	IB3, T2, TP1	155	203	241	100 L	220 L	A	
	Benzene	3	UN1114	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Benzene diazonium chloride (dry)	Forbidden											
	Benzene diazonium nitrate (dry)	Forbidden											
	Benzene phosphorus dichloride, see Phenyl phosphorus dichloride												
	Benzene phosphorus thiodichloride, see Phenyl phosphorus thiodichloride												
	Benzene sulfonyl chloride	8	UN2225	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	40
	Benzene triozonide	Forbidden											
	Benzenethiol, see Phenyl mercaptan												
	Benzidine	6.1	UN1885	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Benzol, see Benzene												
	Benzonitrile	6.1	UN2224	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	40, 52
	Benzoquinone	6.1	UN2587	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Benzotrichloride	8	UN2226	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	40
	Benzotrifluoride	3	UN2338	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Benzoxidiazoles (dry)	Forbidden											
	Benzoyl azide	Forbidden											

	Benzoyl chloride	8	UN1736	II	8	B2, IB2, T8, TP2, TP12, TP13	154	202	242	1 L	30 L	C	40		
	Benzyl bromide	6.1	UN1737	II	6.1, 8	A3, A7, IB2, N33, N34, T8, TP2, TP12, TP13	153	202	243	1 L	30 L	D	13, 40		
	Benzyl chloride	6.1	UN1738	II	6.1, 8	A3, A7, B70, IB2, N33, N42, T8, TP2, TP12, TP13	153	202	243	1 L	30 L	D	13, 40		
	Benzyl chloride *unstabilized*	8.1	UN1738	II	6.1, 8	A3, A7, B8, B11, IB2, N33, N34, N43, T8, TP2, TP12, TP13	153	202	243	1 L	30 L	D	13, 40		
	Benzyl chloroformate	8	UN1739	I	8	A3, A6, B4, N41, T10, TP2, TP12, TP13	None	201	243	Forbidden	2.5 L	D	40		
	Benzyl iodide	6.1	UN2653	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	B	12, 40		
	Benzyldimethylamine	8	UN2619	II	8, 3	B2, IB2, T7, TP2	154	202	243	1 L	30 L	A	40, 48		
	Benzylidene chloride	6.1	UN1886	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	D	40		
	Beryllium compounds, n.o.s.	6.1	UN1566	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A			
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A			
	Beryllium nitrate	5.1	UN2464	II	5.1, 6.1	IB8, IP2, IP4, T3, TP33	152	212	242	5 kg	25 kg	A			
	Beryllium, powder	6.1	UN1567	II	6.1, 4.1	IB8, IP2, IP4, T3, TP33	153	212	242	15 kg	50 kg	A			
	Bicyclo [2,2,1] hepta-2,5-diene, *stabilized or* 2,5-Norbornediene, *stabilized*	3	UN2251	II	3	IB2, T7, TP2	150	202	242	5 L	60 L	D			
	Biphenyl triozonide	Forbidden													
	Bipyridilium pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C*	3	UN2782	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	E			
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	150	202	243	1 L	60 L	B	40		
	Bipyridilium pesticides, liquid, toxic	6.1	UN3016	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40		
				II	6.1	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40		
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40		
	Bipyridilium pesticides, liquid, toxic, flammable, *flash point not less than 23 degrees C*	6.1	UN3015	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	21, 40		
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	21, 40		
				III	6.1, 3	B1, IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	21, 40		
	Bipyridilium pesticides, solid, toxic	6.1	UN2781	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	40		
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40		
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40		
	Bis (Aminopropyl) piperazine, see Corrosive liquid, n.o.s.														
	Bisulfete, aqueous solution	8	UN2837	II	8	A7, B2, IB2, N34, T7, TP2	154	202	242	1 L	30 L	A			
				III	8	A7, IB3, N34, T4, TP1	154	203	241	5 L	60 L	A			
	Bisulfites, aqueous solutions, n.o.s.	8	UN2693	III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	40, 52		
	Black powder, compressed *or* Gunpowder, compressed *or* Black powder, in pellets or Gunpowder, in pellets.	1.1D	UN0028	II	1.1D		None	62	None	Forbidden	Forbidden	10			
	Black powder *or* Gunpowder, *granular or as a meal*	1.1D	UN0027	II	1.1D		None	62	None	Forbidden	Forbidden	10			
D	Black powder for small arms	4.1	NA0027	I	4.1	70	None	170	None	Forbidden	Forbidden	E			
	Blasting agent, n.o.s., see Explosives, blasting *etc*														
	Blasting cap assemblies, see Detonator assemblies, non-electric, *for blasting*														
	Blasting caps, electric, see Detonators, electric *for blasting*														
	Blasting caps, non-electric, see Detonators, non-electric, *for blasting*														
	Bleaching powder, see Calcium hypochlorite mixtures, *etc*														
I	Blue asbestos *(Crocidolite) or* Brown asbestos *(amosite, mysonite)*	9	UN2212	II	9	156, IB8, IP2, IP4, T3, TP33	155	216	240	Forbidden	Forbidden	A	34, 40		
	Bombs, photo-flash	1.1F	UN0037	II	1.1F			62	None	Forbidden	Forbidden	08			
	Bombs, photo-flash	1.1D	UN0038	II	1.1D			62	None	Forbidden	Forbidden	03			
	Bombs, photo-flash	1.2G	UN0039	II	1.2G			62	None	Forbidden	Forbidden	03			
	Bombs, photo-flash	1.3G	UN0299	II	1.3G			62	None	Forbidden	Forbidden	03			
	Bombs, smoke, non-explosive, *with corrosive liquid, without initiating device*	8	UN2028	II	8		None	160	None	Forbidden	50 kg	E	40		
	Bombs, *with bursting charge*	1.1F	UN0033	II	1.1F			62	None	Forbidden	Forbidden	08			
	Bombs, *with bursting charge*	1.1D	UN0034	II	1.1D			62	None	Forbidden	Forbidden	03			

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions end proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Bombs, *with bursting charge*	1.2D	UN0035	II	1.2D			62	None	Forbidden	Forbidden	03	
	Bombs, *with bursting charge*	1.2F	UN0291	II	1.2F			62	None	Forbidden	Forbidden	08	
	Bombs with flammable liquid, *with bursting charge*	1.1J	UN0399	II	1.1J			62	None	Forbidden	Forbidden	04	23E
	Bombs with flammable liquid, *with bursting charge*	1.2J	UN0400	II	1.2J			62	None	Forbidden	Forbidden	04	23E
	Boosters with detonator	1.1B	UN0225	II	1.1B		None	62	None	Forbidden	Forbidden	11	
	Boosters with detonator	1.2B	UN0268	II	1.2B		None	62	None	Forbidden	Forbidden	07	
	Boosters, *without detonator*	1.1D	UN0042	II	1.1D		None	62	None	Forbidden	Forbidden	07	
	Boosters, *without detonator*	1.2D	UN0283	II	1.2D		None	62	None	Forbidden	Forbidden	07	
	Borate and chlorate mixtures, see Chlorate end borate mixtures												
	Borneol	4.1	UN1312	III	4.1	A1, IB8, IP3, T1, TP33	None	213	240	25 kg	100 kg	A	
+	Boron tribromide	8	UN2692	I	8, 6.1	2, B9, B14, B32, B74, N34, T20, TP2, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	C	12
	Boron trichloride	2.3	UN1741		2.3, 8	3, B9, B14	None	304	314	Forbidden	Forbidden	D	25, 40
	Boron trifluoride	2.3	UN1008		2.3	2, B9, B14	None	302	314, 315.	Forbidden	Forbidden	D	40
	Boron trifluoride ecetic acid complex, liquid	8	UN1742	II	8	B2, B6, IB2, T8, TP2, TP12	154	202	242	1 L	30 L	A	
	Boron trifluoride acetic acid complex, solid	8	UN3419	II	8	B2, B6, IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	
	Boron trifluoride diethyl etherate	8	UN2604	I	8, 3	A3, A19, T10, TP2	None	201	243	0.5 L	2.5 L	D	40
	Boron trifluoride dihydrate	8	UN2851	II	8	IB2, T7, TP2	154	212	240	15 kg	50 kg	B	12, 40,
	Boron trifluoride dimethyl etherate	4.3	UN2965	I	4.3, 8, 3.	A19, T10, TP2, TP7	None	201	243	Forbidden	1 L	D	21, 28, 40, 49, 100
	Boron trifluoride propionic acid complex, liquid	8	UN1743	II	8	B2, IB2, T8, TP2, TP12	154	202	242	1 L	30 L	A	
	Boron trifluoride propionic acid complex, solid	8	UN3420	II	8	B2, IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	
	Box toe gum, see Nitrocellulose etc												
	Bromates, inorganic, aqueous solution, n.o.s.	5.1	UN3213	II	5.1	IB2, T4, TP1	152	202	242	1 L	5 L	B	56, 58, 133
				III	5.1	IB2, T4, TP1	152	203	241	2.5 L	30 L	B	56, 58, 133
	Bromates, inorganic, n.o.s.	5.1	UN1450	II	5.1	IB8, IP2, IP4, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
	Bromine azide	Forbidden											
+	Bromine or Bromine solutions	8	UN1744	I	8, 6.1	1, B9, B64, B85, N34, N43, T22, TP2, TP10, TP12, TP13	None	226	249	Forbidden	Forbidden		12, 40, 66, 74, 89, 90
	Bromine chloride	2.3	UN2901		2.3, 8, 5.1.	2, B9, B14	None	304	314, 315.	Forbidden	Forbidden	D	40, 89, 90
+	Bromine pentafluoride	5.1	UN1745	I	5.1, 6.1, 8.	1, B9, B14, B30, B72, T22, TP2, TP12, TP13, TP38, TP44	None	228	244	Forbidden	Forbidden	D	25, 40, 66, 90
+	Bromine trifluoride	5.1	UN1746	I	5.1, 6.1, 8.	2, B9, B14, B32, B74, T22, TP2, TP12, TP13, TP38, TP45	None	228	244	Forbidden	Forbidden	D	25, 40, 66, 90
	4-Bromo-1.2-dinitrobenzene	Forbidden											
	4-Bromo-1,2-dinitrobenzene (unstable at 59 degrees C)	Forbidden											
	1-Bromo-3-chloropropene	6.1	UN2688	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	1-Bromo-3-methylbutane	3	UN2341	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	1-Bromo-3-nitrobenzene (unstable at 56 degrees C)	Forbidden											
	2-Bromo-2-nitropropane-1,3-diol	4.1	UN3241	III	4.1	46, IB8, IP3	151	213	None	25 kg	50 kg	C	12, 25, 40
	Bromoacetic ecid, solid	8	UN3425	II	8	A7, IB8, IP2, IP4, N34, T3, TP33	154	212	240	15 kg	50 kg	A	

	Bromoacetic acid solution	8	UN1938	II	8	A7, B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	40
				III	8	B2, IB3, T7, TP2	154	203	241	5 L	60 L	A	40
+	Bromoacetone	6.1	UN1569	II	6.1, 3	2, T20, TP2, TP13	None	193	245	Forbidden	Forbidden	D	40
	Bromoacetyl bromide	8	UN2513	II	8	B2, IB2, T8, TP2, TP12	154	202	242	1 L	30 L	C	40, 53
	Bromobenzene	3	UN2514	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Bromobenzyl cyanides, liquid	6.1	UN1694	I	6.1	T14, TP2, TP13	None	201	243	Forbidden	30 L	D	12, 40, 52
	Bromobenzyl cyanides, solid	6.1	UN3449	I	6.1	T6, TP33	None	211	242	5 kg	50 kg	D	12, 40, 52
	1-Bromobutane	3	UN1126	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	2-Bromobutane	3	UN2339	II	3	B1, IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Bromochloromethane	6.1	UN1887	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	2-Bromoethyl ethyl ether	3	UN2340	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Bromoform	6.1	UN2515	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	12, 40
	Bromomethylpropanes	3	UN2342	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	2-Bromopentane	3	UN2343	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Bromopropanes	3	UN2344	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
				III	3	IB3, T2, TP1	150	203	242	60 L	220 L	A	
	3-Bromopropyne	3	UN2345	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	D	40
	Bromosilane	Forbidden											
	Bromotoluene-alpha, see Benzyl bromide												
	Bromotrifluoroethylene	2.1	UN2419		2.1		None	304	314, 315.	Forbidden	150 kg	B	40
	Bromotrifluoromethane *or* Refrigerant gas, R 13B1	2.2	UN1009		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
	Brucine	6.1	UN1570	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	
	Bursters, *explosive*	1.1D	UN0043	II	1.1D		None	62	None	Forbidden	Forbidden	07	
	Butadienes, stabilized *or* Butadienes and Hydrocarbon mixture, stabilized *containing more than 40% butadienes.*	2.1	UN1010		2.1	T50	306	304	314, 315.	Forbidden	150 kg	B	40
	Butane see *also* Petroleum gases, liquefied	2.1	UN1011		2.1	19, T50	306	304	314, 315.	Forbidden	150 kg	E	40
	Butane, butane mixtures and mixtures having similar properties in cartridges each not exceeding 500 grams, see Receptacles, *etc.*												
	Butanedione	3	UN2346	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	1,2,4-Butanetriol trinitrate	Forbidden											
	Butanols	3	UN1120	II	3	IB2, T4, TP1, TP29	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	tert-Butoxycarbonyl azide	Forbidden											
	Butyl acetates	3	UN1123	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Butyl acid phosphate	8	UN1718	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Butyl acrylates, stabilized	3	UN2348	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Butyl alcohols, see Butanols												
	Butyl benzenes	3	UN2709	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	n-Butyl bromide, see 1-Bromobutane												
	n-Butyl chloride, see Chlorobutanes												
D	sec-Butyl chloroformate	6.1	NA2742	I	6.1, 3, 8.	2, B9, B14, B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	1 L	30 L	A	12, 13, 22, 25, 40, 48, 100
	n-Butyl chloroformate	6.1	UN2743	I	6.1, 8, 3.	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	A	12, 13, 21, 25, 40, 100
	Butyl ethers, see Dibutyl ethers												
	Butyl ethyl ether, see Ethyl butyl ether												
	n-Butyl formate	3	UN1128	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	tert-Butyl hydroperoxide, with more than 90 percent with water	Forbidden											
	tert-Butyl hypochlorite	4.2	UN3255	I	4.2, 8		None	211	243	Forbidden	Forbidden	D	
	N-n-Butyl imidazole	6.1	UN2690	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	
	tert-Butyl isocyanate	6.1	UN2484	I	6.1, 3	1, B9, B14, B30, B72, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
	n-Butyl isocyanate	6.1	UN2485	I	6.1, 3	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Butyl mercaptans	3	UN2347	II	3	A3, A6, IB2, T4, TP1	150	202	242	5 L	60 L	D	52, 95

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	n-Butyl methacrylate, stabilized	3	UN2227	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Butyl methyl ether	3	UN2350	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Butyl nitrites	3	UN2351	I	3	T11, TP1, TP8, TP27	150	201	243	1 L	30 L	E	40
				II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	40
	tert-Butyl peroxyacetate, with more than 76 percent in solution	Forbidden											
	n-Butyl peroxydicarbonate, with more than 52 percent in solution	Forbidden											
	tert-Butyl peroxyisobutyrate, with more than 77 percent in solution	Forbidden											
	Butyl phosphonic acid, see Butyl acid phosphate												
	Butyl propionates	3	UN1914	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	5-tert-Butyl-2,4,6-trinitro-m-xylene *or* Musk xylene	4.1	UN2956	III	4.1	159	None	223	None	Forbidden	Forbidden	D	D12, 25, 48, 127
	Butyl vinyl ether, stabilized	3	UN2352	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	n-Butylamine	3	UN1125	II	3, 8	IB2, T7, TP1	150	202	242	1 L	5 L	B	40
	N-Butylaniline	6.1	UN2738	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	74
	tert-Butylcyclohexylchloroformate	6.1	UN2747	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	12, 13, 25
	Butylene *see also* Petroleum gases, liquefied	2.1	UN1012		2.1	19, T50	306	304	314, 315.	Forbidden	150 kg	E	40
	1,2-Butylene oxide, stabilized	3	UN3022	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	27, 49
	Butyltoluenes	6.1	UN2667	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Butyltrichlorosilane	8	UN1747	II	8, 3	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	243	Forbidden	30 L	C	40
	1,4-Butynediol	6.1	UN2716	III	6.1	A1, IB8, IP3, T1, TP33	None	213	240	100 kg	200 kg	A	52, 53, 70, 139, 140
	Butyraldehyde	3	UN1129	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Butyraldoxime	3	UN2840	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Butyric acid	8	UN2820	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	12
	Butyric anhydride	8	UN2739	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Butyronitrile	3	UN2411	II	3, 6.1	IB2, T7, TP1, TP13	150	202	243	1 L	60 L	E	40
	Butyryl chloride	3	UN2353	II	3, 8	IB2, T8, TP2, TP12, TP13	150	202	243	1 L	5 L	C	40
	Cacodylic acid	6.1	UN1572	II	6.1	IB8, IP2, IP4,T3, TP33	153	212	242	25 kg	100 kg	E	52
	Cadmium compounds	6.1	UN2570	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Caesium hydroxide	8	UN2682	II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	29
	Caesium hydroxide solution	8	UN2681	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	29
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	29
	Calcium	4.3	UN1401	II	4.3	IB7, IP2, T3, TP33	151	212	241	15 kg	50 kg	E	52
	Calcium arsenate	6.1	UN1573	II	6.1	IB8, IP2, IP4, T3, TP33	152	212	242	25 kg	100 kg	A	
	Calcium arsenate and calcium arsenite, mixtures, solid	6.1	UN1574	II	6.1	IB8, IP2, IP4, T3, TP33	152	212	242	25 kg	100 kg	A	
	Calcium bisulfite solution, see Bisulfites, aqueous solutions, n.o.s.												
	Calcium carbide	4.3	UN1402	I	4.3	A1, A8, B55, B59, IB4, IP1, N34, T9, TP7, TP33	None	211	242	Forbidden	15 kg	B	52
				II	4.3	A1, A8, B55, B59, IB7, IP2, N34, T3, TP33	151	212	241	15 kg	50 kg	B	52

	Calcium chlorate	5.1	UN1452	II	5.1	A9, IB8, IP2, IP4, N34, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
	Calcium chlorate aqueous solution	5.1	UN2429	II	5.1	A2, IB2, N41, T4, TP1	152	202	242	1 L	5 L	B	56, 58, 133
				III	5.1	A2, IB2, N41, T4, TP1	152	203	241	2.5 L	30 L	B	56, 68, 133
	Calcium chlorite	5.1	UN1453	II	5.1	A9, IB8, IP2, IP4, N34, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
	Calcium cyanamide *with more than 0.1 percent of calcium carbide*	4.3	UN1403	III	4.3	A1, A19, IB8, IP4, T1, TP33	151	213	241	25 kg	100 kg	A	52
	Calcium cyanide	6.1	UN1575	I	6.1	IB7, IP1, N79, N80, T6, TP33	None	211	242	5 kg	50 kg	A	40, 52
	Calcium dithionite *or* Calcium hydrosulfite	4.2	UN1923	II	4.2	A19, A20, IB6, IP2, T3, TP33	None	212	241	15 kg	50 kg	E	13
	Calcium hydride	4.3	UN1404	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	52
	Calcium hydrosulfite, *see* Calcium dithionite												
	Calcium hypochlorite, dry *or* Calcium hypochlorite mixtures dry *with more than 39 percent available chlorine (8.8 percent available oxygen).*	5.1	UN1748	II	5.1	165, 166, A7, A9, IB8, IP2, IP4, IP13, N34, W9	152	212	None	5 kg	25 kg	D	4, 25, 48, 52, 56, 58, 69, 142
				III	5.1	165, A7, A9, IB8, IP4, IP13, N34, W9	152	213	240	25 kg	100 kg	D	4, 25, 48, 52, 56, 58, 69, 142
	Calcium hypochlorite, hydrated *or* Calcium hypochlorite, hydrated mixtures, *with not less than 5.5 percent but not more than 16 percent water.*	5.1	UN2880	II	5.1	165, 166, IB8, IP2, IP4, IP13, W9	152	212	240	5 kg	25 kg	D	4, 25, 48, 52, 56, 58, 69, 142
				III	5.1	165, 171, IB8, IP4, IP13, W9	152	213	240	25 kg	100 kg	D	4, 25, 48, 52, 56, 58, 69, 142
	Calcium hypochlorite mixtures, dry, *with more than 10 percent but not more than 39 percent available chlorine.*	5.1	UN2208	III	5.1	165, A1, A29, IB8, IP3, IP13, N34, W9	152	213	240	25 kg	100 kg	D	4, 25, 48, 52, 56, 58, 69, 142
	Calcium manganese silicon	4.3	UN2844	III	4.3	A1, A19, IB8, IP2, IP4, T1, TP33	151	213	241	25 kg	100 kg	A	52, 85, 103
	Calcium nitrate	5.1	UN1454	III	5.1	34, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	
A	Calcium oxide	8	UN1910	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
	Calcium perchlorate	5.1	UN1455	II	5.1	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
	Calcium permanganate	5.1	UN1456	II	5.1	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	D	56, 58, 138
	Calcium peroxide	5.1	UN1457	II	5.1	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	A	13, 52, 56, 75
	Calcium phosphide	4.3	UN1360	I	4.3, 6.1.	A8, A19, N40	None	211	242	Forbidden	15 kg	E	40, 52, 85
	Calcium, pyrophoric *or* Calcium alloys, pyrophoric	4.2	UN1855	I	4.2		None	187	None	Forbidden	Forbidden	D	
	Calcium resinate	4.1	UN1313	III	4.1	A1, A19, IB6, T1, TP33	None	213	240	25 kg	100 kg	A	
	Calcium resinate, fused	4.1	UN1314	III	4.1	A1, A19, IB4, T1, TP33	None	213	240	25 kg	100 kg	A	
	Calcium selenate, see Selenates *or* Selenites												
	Calcium silicide	4.3	UN1405	II	4.3	A19, IB7, IP2, T3, TP33	151	212	241	15 kg	50 kg	B	52, 85, 103
				III	4.3	A1, A19, IB8, IP4, T1, TP33	151	213	241	25 kg	100 kg	B	52, 85, 103
	Camphor oil	3	UN1130	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Camphor, *synthetic*	4.1	UN2717	III	4.1	A1, IB8, IP3, T1, TP33	None	213	240	25 kg	100 kg	A	
	Cannon primers, see Primers, tubular												
	Caproic acid	8	UN2829	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Caps, blasting, see Detonators, *etc*												
	Carbamate pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C*	3	UN2758	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	150	202	243	1 L	60 L	B	40
	Carbamate pesticides, liquid, toxic	6.1	UN2992	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6 1	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	.....	.....		III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Carbamate pesticides, liquid, toxic, flammable, *flash point not less than 23 degrees C*	6.1	UN2991	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
	.....	.....		II	6.1, 3	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
	.....	.....		III	6.1, 3	B1, IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Carbamate pesticides, solid, toxic	6.1	UN2757	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	40
	.....	.....		II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40
	.....	.....		III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40
	Carbolic acid, see Phenol, solid or Phenol, molten	.....			.....		.....	.....	.....	.....	.....		.....
	Carbolic acid solutions, see Phenol solutions	.....			.....		.....	.....	.....	.....	.....		.....
I	Carbon, activated	4.2	UN1362	III	4.2	IB8, IP3, T1, TP33	None	213	241	0.5 kg	0.5 kg	A	12
I	Carbon, *animal or vegetable origin*	4.2	UN1361	II	4.2	IB6, T3, TP33	None	212	242	Forbidden	Forbidden	A	12
	.....	.....		III	4.2	IB8, IP3, T1, TP33	None	213	241	Forbidden	Forbidden	A	12
	Carbon bisulfide, see Carbon disulfide	.....			.....		.....	.....	.....	.....	.....		.....
	Carbon dioxide	2.2	UN1013	.....	2.2		306	302, 304.	302, 314, 315.	75 kg	150 kg	A	.....
	Carbon dioxide and nitrous oxide mixtures	2.2	UN1015	.....	2.2		306	None	314, 315.	75 kg	150 kg	A	.....
	Carbon dioxide and oxygen mixtures, compressed	2.2	UN1014	.....	2.2, 5.1.	77, A14	306	304	314, 315.	75 kg	150 kg	A	.....
	Carbon dioxide, refrigerated liquid	2.2	UN2187	.....	2.2	T75, TP5	306	304	314, 315.	50 kg	500 kg	B	.....
A W	Carbon dioxide, solid or Dry ice	9	UN1845	III	None		217	217	240	200 kg	200 kg	C	40
	Carbon disulfide	3	UN1131	I	3, 6.1	B16, T14, TP2, TP7, TP13	None	201	243	Forbidden	Forbidden	D	18, 40, 115
	Carbon monoxide, compressed	2.3	UN1016	.....	2.3, 2.1.	4	None	302	314, 315.	Forbidden	25 kg	D	40
	Carbon monoxide and hydrogen mixture, compressed	2.3	UN2600	.....	2.3, 2.1.	6	None	302	302	Forbidden	Forbidden	D	40, 57
D	Carbon monoxide, refrigerated liquid *(cryogenic liquid)*	2.3	NA9202	.....	2.3, 2.1.	4, T75, TP5	None	316	318	Forbidden	Forbidden	D	.....
	Carbon tetrabromide	6.1	UN2516	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	25
	Carbon tetrachloride	6.1	UN1846	II	6.1	IB2, N36, T7, TP2	153	202	243	5 L	60 L	A	40
	Carbonyl chloride, see Phosgene	.....			.....		.....	.....	.....	.....	.....		.....
	Carbonyl fluoride	2.3	UN2417	.....	2.3, 8	2	None	302	None	Forbidden	Forbidden	D	40
	Carbonyl sulfide	2.3	UN2204	.....	2.3, 2.1.	3, B14	None	304	314, 315.	Forbidden	Forbidden	D	40
	Cartridge cases, empty primed, see Cases, cartridge, empty, with primer	.....			.....		.....	.....	.....	.....	.....		.....
	Cartridges, actuating, for aircraft ejector seat catapult, fire extinguisher, canopy removal or apparatus, see Cartridges, power device.	.....			.....		.....	.....	.....	.....	.....		.....
	Cartridges, explosive, see Charges, demolition	.....			.....		.....	.....	.....	.....	.....		.....
	Cartridges, flash	1.1G	UN0049	II	1.1G ..		None	62	None	Forbidden	Forbidden	07	.....
	Cartridges, flash	1.3G	UN0050	II	1.3G ..		None	62	None	Forbidden	75 kg	07	.....
	Cartridges for weapons, blank	1.1C	UN0326	II	1.1C ..		None	62	None	Forbidden	Forbidden	07	.....
	Cartridges for weapons, blank	1.2C	UN0413	II	1.2C ..		None	62	None	Forbidden	Forbidden	07	.....
	Cartridges for weapons, blank or Cartridges, small arms, blank	1.4S	UN0014	II	None		63	62	None	25 kg	100 kg	05	.....
	Cartridges for weapons, blank or Cartridges, small arms, blank	1.3C	UN0327	II	1.3C ..		None	62	None	Forbidden	Forbidden	07	.....
	Cartridges for weapons, blank or Cartridges, small arms, blank	1.4C	UN0338	II	1.4C ..		None	62	None	Forbidden	75 kg	06	.....
	Cartridges for weapons, inert projectile	1.2C	UN0328	II	1.2C ..		None	62	None	Forbidden	Forbidden	03	.....
	Cartridges for weapons, inert projectile or Cartridges, small arms	1.4S	UN0012	II	None		63	62	None	25 kg	100 kg	05	.....
	Cartridges for weapons, inert projectile or Cartridges, small arms	1.4C	UN0339	II	1.4C ..		None	62	None	Forbidden	75 kg	06	.....
	Cartridges for weapons, inert projectile or Cartridges, small arms	1.3C	UN0417	II	1.3C ..		None	62	None	Forbidden	Forbidden	06	.....
	Cartridges for weapons, *with bursting charge*	1.1F	UN0005	II	1.1F ...		None	62	None	Forbidden	Forbidden	08	.....
	Cartridges for weapons, *with bursting charge*	1.1E	UN0006	II	1.1E ...		None	62	None	Forbidden	Forbidden	03	.....

	Cartridges for weapons, *with bursting charge*	1.2F	UN0007	II	1.2F		None	62	None	Forbidden	Forbidden	08			
	Cartridges for weapons, *with bursting charge*	1.2E	UN0321	II	1.2E		None	62	None	Forbidden	Forbidden	03			
	Cartridges for weapons, *with bursting charge*	1.4F	UN0348	II	1.4F		None	62	None	Forbidden	Forbidden	08			
	Cartridges for weapons, *with bursting charge*	1.4E	UN0412	II	1.4E		None	62	None	Forbidden	75 kg	02			
	Cartridges, oil well	1.3C	UN0277	II	1.3C		None	62	None	Forbidden	Forbidden	07			
	Cartridges, oil well	1.4C	UN0278	II	1.4C		None	62	None	Forbidden	75 kg	06			
	Cartridges, power device	1.3C	UN0275	II	1.3C		None	62	None	Forbidden	75 kg	07			
	Cartridges, power device	1.4C	UN0276	II	1.4C	110	None	62	None	Forbidden	75 kg	06			
	Cartridges, power device	1.4S	UN0323	II	1.4S	110	63	62	None	25 kg	100 kg	05			
	Cartridges, power device	1.2C	UN0381	II	1.2C		None	62	None	Forbidden	Forbidden	07			
	Cartridges, safety, blank, see Cartridges for weapons, blank *(UN 0014)*														
	Cartridges, safety, see Cartridges for weapons, *other than blank or* Cartridges, power device *(UN 0323).*														
	Cartridges, signal	1.3G	UN0054	II	1.3G		None	62	None	Forbidden	75 kg	07			
	Cartridges, signal	1.4G	UN0312	II	1.4G		None	62	None	Forbidden	75 kg	06			
	Cartridges, signal	1.4S	UN0405	II	1.4S		None	62	None	25 kg	100 kg	05			
D	Cartridges, smell arms	ORM-D			None		63	None	None	30 kg gross	30 kg gross	A			
D	Cartridges power device *(used to project fastening devices)*	ORM-D			None		63	None	None	30 kg gross	30 kg gross	A			
	Cartridges, sporting, see Cartridges for weapons, *other than blank*														
	Cartridges, starter, jet engine, see Cartridges, power device														
	Cases, cartridge, empty with primer	1.4S	UN0055	II	1.4S	50	None	62	None	25 kg	100 kg	05			
	Cases, cartridges, empty with primer	1.4C	UN0379	II	1.4C	50	None	62	None	Forbidden	75 kg	06			
	Cases, combustible, empty, without primer	1.4C	UN0446	II	1.4C		None	62	None	Forbidden	75 kg	06			
	Cases, combustible, empty, without primer	1.3C	UN0447	II	1.3C		None	62	None	Forbidden	Forbidden	07			
	Casinghead gasoline see Gasoline														
A W	Castor beans or Castor meal or Castor pomace or Castor flake	9	UN2969	II	None	IB8, IP2, IP4, T3, TP33	155	204	240	No limit	No limit	E	34, 40		
G	Caustic alkali liquids, n.o.s.	8	UN1719	II	8	B2, IB2, T11, TP2, TP27	154	202	242	1 L	30 L	A	29		
				III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	29		
	Caustic potash, see Potassium hydroxide *etc*														
	Caustic soda, (etc.) see Sodium hydroxide *etc*														
	Cells, containing sodium	4.3	UN3292	II	4.3		189	189	189	25 kg gross	No limit	A			
	Celluloid, *in block, rods, rolls, sheets, tubes, etc., except scrap*	4.1	UN2000	III	4.1		None	213	240	25 kg	100 kg	A			
	Celluloid, scrap	4.2	UN2002	III	4.2	IB8, IP3	None	213	241	Forbidden	Forbidden	D			
	Cement, see Adhesives *containing flammable liquid*														
	Cerium, *slabs, ingots, or rods*	4.1	UN1333	II	4.1	IB8, IP2, IP4, N34	None	212	240	15 kg	50 kg	A	74, 91		
	Cerium, *turnings or gritty powder*	4.3	UN3078	II	4.3	A1, IB7, IP2, T3, TP33	151	212	242	15 kg	50 kg	E	52		
	Cesium *or* Caesium	4.3	UN1407	I	4.3	A7, A19, IB4, IP1, N34, N40	None	211	242	Forbidden	15 kg	D	52		
	Cesium nitrete *or* Caesium nitrate	5.1	UN1451	III	5.1	A1, A29, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A			
D	Charcoal *briquettes, shell, screenings, wood, etc.*	4.2	NA1361	III	4.2	IB8, T1, TP33	151	213	240	25 kg	100 kg	A	12		
	Charges, bursting, plastics bonded	1.1D	UN0457	II	1.1D		None	62	None	Forbidden	Forbidden	07			
	Charges, bursting, plastics bonded	1.2D	UN0458	II	1.2D		None	62	None	Forbidden	Forbidden	07			
	Charges, bursting, plastics bonded	1.4D	UN0459	II	1.4D		None	62	None	Forbidden	75 kg	06			
	Charges, bursting, plastics bonded	1.4S	UN0460	II	1.4S		None	62	None	25 kg	100 kg	05			
	Charges, demolition	1.1D	UN0048	II	1.1D		None	62	None	Forbidden	Forbidden	03			
	Charges, depth	1.1D	UN0058	II	1.1D		None	62	None	Forbidden	Forbidden	03			
	Charges, expelling, explosive, for fire extinguishers, see Cartridges, power device														
	Charges, explosive, commercial *without detonator*	1.1D	UN0442	II	1.1D		None	62	None	Forbidden	Forbidden	07			
	Cherges, explosive, commercial *without detonator*	1.2D	UN0443	II	1.2D		None	62	None	Forbidden	Forbidden	07			
	Charges, explosive, commercial *without detonator*	1.4D	UN0444	II	1.4D		None	62	None	Forbidden	75 kg	06			
	Charges, explosive, commercial *without detonator*	1.4S	UN0445	II	1.4S		None	62	None	25 kg	100 kg	05			
	Charges, propelling	1.1C	UN0271	II	1.1C		None	62	None	Forbidden	Forbidden	07			
	Charges, propelling	1.3C	UN0272	II	1.3C		None	62	None	Forbidden	Forbidden	07			
	Charges, propelling	1.2C	UN0415	II	1.2C		None	62	None	Forbidden	Forbidden	07			
	Charges, propelling	1.4C	UN0491	II	1.4C		None	62	None	Forbidden	75 kg	06			
	Charges, propelling, for cannon	1.3C	UN0242	II	1.3C		None	62	None	Forbidden	Forbidden	10			
	Cherges, propelling, for cannon	1.1C	UN0279	II	1.1C		None	62	None	Forbidden	Forbidden	10			
	Charges, propelling, for cannon	1.2C	UN0414	II	1.2C		None	62	None	Forbidden	Forbidden	10			
	Charges, shaped, flexible, linear	1.4D	UN0237	II	1.4D		None	62	None	Forbidden	75 kg	06			
	Charges, shaped, flexible, linear	1.1D	UN0288	II	1.1D	101	None	62	None	Forbidden	Forbidden	07			
	Charges, shaped, *without detonator*	1.1D	UN0059	II	1.1D		None	62	None	Forbidden	Forbidden	07			
	Charges, shaped, *without detonator*	1.2D	UN0439	II	1.2D		None	62	None	Forbidden	Forbidden	07			
	Charges, shaped, *without detonator*	1.4D	UN0440	II	1.4D		None	62	None	Forbidden	75 kg	06			
	Charges, shaped, *without detonator*	1.4S	UN0441	II	1.4S		None	62	None	25 kg	100 kg	05			
	Charges, supplementary explosive	1.1D	UN0060	II	1.1D		None	62	None	Forbidden	Forbidden	10			
D	Chemical kit	8	NA1760	II	8		154	161	None	1 L	30 L	B	40		
	Chemical kits	9	UN3316		9	15	161	161	None	10 kg	10 kg	A			
	Chloral, anhydrous, stabilized	6.1	UN2075	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	D	40		
	Chlorate and borate mixtures	5.1	UN1458	II	5.1	A9, IB8, IP2, IP4, N34, T3, TP33	152	212	240	5 kg	25 kg	A	56, 58		

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	.....	.....		III	5.1	A9, IB8, IP3, N34, T1, TP33	152	213	240	25 kg	100 kg	A	56, 58
	Chlorate and magnesium chloride mixture, solid	5.1	UN1459	II	5.1	A9, IB8, IP2, IP4, N34, T3, TP33	152	212	240	5 kg	25 kg	A	56, 58
	Chlorate and magnesium chloride mixture solution	5.1	UN3407	II	5.1	A9, IB2, N34, T4, TP1	152	202	242	1 L	5 L	A	56, 58, 133
	.....	.....		III	5.1	A9, IB2, N34, T4, TP1	152	203	241	2.5 L	30 L	A	56, 58, 133
	Chlorate and magnesium chloride mixture, solid	5.1	UN1459	III	5.1	A9, IB8, IP3, N34, T1, TP33	152	213	240	25 kg	100 kg	A	56, 58
	Chlorate of potash, see Potassium chlorate	.....			.....		.....	.....	.....	.....	.....		.....
	Chlorate of soda, see Sodium chlorate	.....			.....		.....	.....	.....	.....	.....		.....
	Chlorates, inorganic, aqueous solution, n.o.s.	5.1	UN3210	II	5.1	IB2, T4, TP1	152	202	242	1 L	5 L	B	56, 58, 133
	.....	.....		III	5.1	IB2, T4, TP1	152	203	241	2.5 L	30 L	B	56, 58, 133
	Chlorates, inorganic, n.o.s.	5.1	UN1461	II	5.1	A9, IB6, IP2, N34, T3, TP33	152	212	242	5 kg	25 kg	A	58, 58
	Chloric acid aqueous solution, *with not more than 10 percent chloric acid*	5.1	UN2626	II	5.1	IB2, T4, TP1	None	229	None	Forbidden	Forbidden	D	56, 58
	Chloride of phosphorus, see Phosphorus trichloride	.....			.....		.....	.....	.....	.....	.....		.....
	Chloride of sulfur, see Sulfur chloride	.....			.....		.....	.....	.....	.....	.....		.....
	Chlorinated lime, see Calcium hypochlorite mixtures, *etc*	.....			.....		.....	.....	.....	.....	.....		.....
	Chlorine	2.3	UN1017	.....	2.3, 8	2, B9, B14, T50, TP19	None	304	314, 315.	Forbidden	Forbidden	D	40, 51, 55, 62, 68, 89, 90
	Chlorine azide	Forbidden			.....		.....	.....	.....	.....	.....		.....
D	Chlorine dioxide, hydrate, frozen	5.1	NA9191	II	5.1, 6.1.		None	229	None	Forbidden	Forbidden	E	.....
	Chlorine dioxide (not hydrate)	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Chlorine pentafluoride	2.3	UN2548	.....	2.3, 5.1, 8.	1, B7, B9, B14	None	304	314	Forbidden	Forbidden	D	40, 89, 90
	Chlorine trifluoride	2.3	UN1749	.....	2.3, 5.1, 8.	2, B7, B9, B14	None	304	314	Forbidden	Forbidden	D	40, 89, 90
	Chlorite solution	8	UN1908	II	8	A3, A6, A7, B2, IB2, N34, T7, TP2, TP24	154	202	242	1 L	30 L	B	26, 44, 89, 100, 141
	.....	.....		III	8	A3, A6, A7, B2, IB3, N34, T4, TP2, TP24	154	203	241	5 L	60 L	B	26, 44, 89, 100, 141
	Chlorites, inorganic, n.o.s.	5.1	UN1462	II	5.1	A7, IB6, IP2, N34, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
	1-Chloro-1,1-difluoroethane *or* Refrigerant gas R 142b	2.1	UN2517	.....	2.1	T50	306	304	314, 315.	Forbidden	150 kg	B	40
	3-Chloro-4-methylphenyl isocyanate, liquid	6.1	UN2236	II	6.1	IB2	153	202	243	5 L	60 L	B	40
	3-Chloro-4-methylphenyl isocyanate, solid	6.1	UN3428	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	B	40
	1-Chloro-1,2,2,2-tetrafluoroethane*or* Refrigerant gas R 124	2.2	UN1021	.....	2.2	T50	306	304	314, 315.	75 kg	150 kg	A	.....
	4-Chloro-o-toluidine hydrochloride, solid	6.1	UN1579	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	.....
	4-Chloro-o-toluidine hydrochloride, solution	6.1	UN3410	III	6.1	IB3, T4, TP1	153	203	241	80 L	220 L	A	.....
	1-Chloro-2,2,2-trifluoroethane *or* Refrigerant gas R 133a	2.2	UN1983	.....	2.2	T50	306	304	314, 315.	75 kg	150 kg	A	.....
	Chloroacetic acid, molten	6.1	UN3250	II	6.1, 8	IB1, T7, TP3, TP28	None	202	243	Forbidden	Forbidden	C	40
	Chloroacetic acid, solid	6.1	UN1751	II	6.1, 8	A3, A7, IB8, IP4, N34, T3, TP33	153	212	242	15 kg	50 kg	A	40
	Chloroacetic acid, solution	6.1	UN1750	II	6.1, 8	A7, IB2, N34, T7, TP2	153	202	243	1 L	30 L	C	40

	Chloroacetone, stabilized	6.1	UN1695	I	6.1, 3, 8.	2, B9, B14, B32, B74, N12, N32, N34, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	21, 40, 100
	Chloroacetone (unstabilized)	Forbidden											
+	Chloroacetonitrile	6.1	UN2668	II	6.1, 3	2, B9, B14, B32, B74, IB99, T20, TP2, TP38, TP45	None	227	244	Forbidden	Forbidden	A	12, 40, 52
	Chloroacetophenone, liquid *CN*	6.1	UN3416	II	6.1	A3, IB2, N12, N32, N33, T7, TP2, TP13	None	202	243	Forbidden	60 L	D	12, 40
	Chloroacetophenone, solid (CN)	6.1	UN1697	II	6.1	A3, IB8, IP2, IP4, N12, N32, N33, N34, T3, TP33 TP2, TP13	None	212	None	Forbidden	100 kg	D	12, 40
	Chloroacetyl chloride	6.1	UN1752	I	6.1, 8	2, B3, B8, B9, B14, B32, B74. B77, N34, N43, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Chloroanilines, liquid	6.1	UN2019	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	52
	Chloroanilines, solid	6.1	UN2018	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Chloroanisidines	6.1	UN2233	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Chlorobenzene	3	UN1134	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Chlorobenzol, see Chlorobenzene												
	Chlorobenzotrifluorides	3	UN2234	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	40
	Chlorobenzyl chlorides, liquid	6.1	UN2235	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Chlorobenzyl chlorides, solid	6.1	UN3427	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Chlorobutanes	3	UN1127	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Chlorocresols solution	6.1	UN2669	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	12
				III	6.1	IB3, T7, TP2	153	203	241	60 L	220 L	A	12
	Chlorocresols, solid	6.1	UN3437	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	12
	Chlorodifluorobromomethane *or* Refrigerant gas R 12B1	2.2	UN1974		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
	Chlorodifluoromethane and chloropentafluoroethane mixture *or* Refrigerant gas R 502 *with fixed boiling point, with approximately 49 percent chlorodifluoromethane.*	2.2	UN1973		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
	Chlorodifluoromethane *or* Refrigerant gas R 22	2.2	UN1018		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
+	Chlorodinitrobenzenes, liquid	6.1	UN1577	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	B	91
	Chlorodinitro-benzenes, solid	6.1	UN3441	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	91
	2-Chloroethanal	6.1	UN2232	I	6.1	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Chloroform	6.1	UN1888	III	6.1	IB3, N36, T7, TP2	153	203	241	60 L	220 L	A	40
G	Chloroformates, toxic, corrosive, flammable, n.o.s.	6.1	UN2742	II	6.1, 8, 3.	5, IB1, T7, TP2	153	202	243	1 L	30 L	A	12, 13, 21, 25, 40, 100
G	Chloroformates, toxic, corrosive, n.o.s.	6.1	UN3277	II	6.1, 8	IB2, T8, TP2, TP13, TP28	153	202	243	1 L	30 L	A	12, 13, 25, 40
	Chloromethyl chloroformate	6.1	UN2745	II	6.1, 8	IB2, T7, TP2, TP13	153	202	243	1 L	30 L	A	12, 13. 21, 25, 40, 100
	Chloromethyl ethyl ether	3	UN2354	II	3, 6.1	IB2, T7, TP1, TP13	150	202	243	1 L	60 L	E	40
	Chloronitroanilines	6.1	UN2237	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
+	Chloronitrobenzene, liquid *ortho*	6.1	UN3409	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	
+	Chloronitrobenzenes, solid *meta or para*	6.1	UN1578	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Chloronitrotoluenes, liquid	6.1	UN2433	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	44, 89, 100, 141
	Chloronitrotoluenes, solid	6.1	UN3457	III	6.1	IB8, IP3,T1, TP33	153	213	240	25 kg	200 kg	A	
	Chloropentafluoroethane *or* Refrigerant gas R 115	2.2	UN1020		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
	Chlorophenolates, liquid *or* Phenolates, liquid	8	UN2904	III	8	IB3	154	203	241	5 L	60 L	A	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Chlorophenolates, solid *or* Phenolates, solid	8	UN2905	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
	Chlorophenols, liquid	6.1	UN2021	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Chlorophenols, solid	6.1	UN2020	III	6.1	IB8, IP3, T1, TP1, TP33	153	213	240	100 kg	200 kg	A	
	Chlorophenyltrichlorosilane	8	UN1753	II	8	A7, B2, B6. IB2, N34, T7, TP2	None	202	242	Forbidden	30 L	C	40
+	Chloropicrin	6.1	UN1580	I	6.1	2, B7, B9, B14, B32, B46, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Chloropicrin and methyl bromide mixtures	2.3	UN1581		2.3	2, B9, B14, T50	None	193	314, 315.	Forbidden	Forbidden	D	25, 40
	Chloropicrin and methyl chloride mixtures	2.3	UN1582		2.3	2, T50	None	193	245	Forbidden	Forbidden	D	25, 40
	Chloropicrin mixture, flammable (pressure not exceeding 14.7 psia at 115 degrees F flash point below 100 degrees F) see Toxic liquids, flammable, *etc.*												
	Chloropicrin mixtures, n.o.s.	6.1	UN1583	I	6.1	5	None	201	243	Forbidden	Forbidden	C	40
				II	6.1	IB2	153	202	243	Forbidden	Forbidden	C	40
				III	6.1	IB3	153	203	241	Forbidden	Forbidden	C	40
D	Chloropivaloyl chloride	6.1	NA9263	I	6.1, 8	2, B9, B14. B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	B	40
	Chloroplatinic acid, solid	8	UN2507	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
	Chloroprene, stabilized	3	UN1991	I	3, 6.1	B57, T14, TP2, TP13	None	201	243	Forbidden	30 L	D	40
	Chloroprene, uninhibited	Forbidden											
	1-Chloropropane	3	UN1278	II	3	IB2, IP8, N34, T7, TP2	None	202	242	Forbidden	60 L	E	
	2-Chloropropane	3	UN2356	I	3	N36, T11, TP2, TP13	150	201	243	1 L	30 L	E	
	3-Chloropropanol-1	6.1	UN2849	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	2-Chloropropene	3	UN2456	I	3	A3, N36, T11, TP2	150	201	243	1 L	30 L	E	
	2-Chloropropionic acid	8	UN2511	III	8	IB3, T4, TP2	154	203	241	5 L	60 L	A	8
	2-Chloropyridine	6.1	UN2822	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	40
	Chlorosilanes, corrosive, flammable, n.o.s.	8	UN2986	II	8, 3	IB2, T11, TP2, TP27	None	202	243	1 L	30 L	C	40
	Chlorosilanes, corrosive, n.o.s.	8	UN2987	II	8	B2, IB2, T14, TP2, TP27	154	202	242	1 L	30 L	C	40
	Chlorosilanes, flammable, corrosive, n.o.s.	3	UN2985	II	3, 8	IB1, T11, TP2, TP13, TP27	150	201	243	1 L	5 L	B	40
	Chlorosilanes, toxic, corrosive, n.o.s.	6.1	UN3361	II	6.1, 8	IB1, T11, TP2, TP13	153	202	243	1 L	30 L	C	40
	Chlorosilanes, toxic, corrosive, flammable, n.o.s.	6.1	UN3362	II	6.1, 3, 8.	IB1, T11, TP2, TP13	153	202	243	1 L	30 L	C	40, 125
	Chlorosilanes, water-reactive, flammable, corrosive, n.o.s.	4.3	UN2988	I	4.3, 3, 8.	A2, T10, TP2, TP7, TP13	None	201	244	Forbidden	1 L	D	21, 28, 40, 49, 100
+	Chlorosulfonic acid *(with or without sulfur trioxide)*	8	UN1754	I	8, 6.1	2, B9, B10, B14, B32, B74, T20, TP2, TP12, TP38, TP45	None	227	244	Forbidden	Forbidden	C	40
	Chlorotoluenes	3	UN2238	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Chlorotoluidines, liquid	6.1	UN3429	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Chlorotoluidines, solid	6.1	UN2239	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Chlorotrifluoromethane and trifluoromethane azeotropic mixture *or* Refrigerant gas R 503 *with approximately 60 percent chlorotrifluoromethane.*	2.2	UN2599		2.2		306	304	314, 315.	75 kg	150 kg	A	
	Chlorotrifluoromethane *or* Refrigerant gas R 13	2.2	UN1022		2.2		306	304	314, 315.	75 kg	150 kg	A	

	Chromic acid solution	8	UN1755	II	8	B2, IB2, T8, TP2, TP12	154	202	242	1 L	30 L	C	40, 44, 89, 100, 141
				III	8	IB3, T4, TP1, TP12	154	203	241	5 L	60 L	C	40, 44, 89, 100, 141
	Chromic anhydride, see Chromium trioxide, anhydrous												
	Chromic fluoride, solid	8	UN1756	II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	52
	Chromic fluoride, solution	8	UN1757	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Chromium nitrate	5.1	UN2720	III	5.1	A1, A29, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	
	Chromium oxychloride	8	UN1758	I	8	A3, A6, A7, B10, N34, T10, TP2, TP12	None	201	243	0.5 L	2.5 L	C	40, 66, 74, 89, 90
	Chromium trioxide, anhydrous	5.1	UN1463	II	5.1, 8	IB8, IP4, T3, TP33	None	212	242	5 kg	25 kg	A	
	Chromosulfuric acid	8	UN2240	I	8	A3, A6, A7, B4, B6, N34, T10, TP2, TP12, TP13	None	201	243	0.5 L	2.5 L	B	40, 66, 74, 89, 90
	Chromyl chloride, see Chromium oxychloride												
	Cigar and cigarette lighters, charged with fuel, see Lighters *or* Lighter refills *containing flammable gas.*												
	Coal briquettes, hot	Forbidden											
	Coal gas, compressed	2.3	UN1023		2.3, 2.1.	3	None	302	314, 315.	Forbidden	Forbidden	D	40
	Coal tar distillates, flammable	3	UN1136	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
	Coal tar dye, corrosive, liquid, n.o.s. see Dyes, liquid *or* solid, n.o.s. *or* Dye intermediates, liquid *or* solid, corrosive, n.o.s.												
	Coating solution (*includes surface treatments or coatings used for industrial or other purposes such as vehicle undercoating, drum or barrel lining*).	3	UN1139	I	3	T11, TP1, TP8, TP27	150	201	243	1 L	30 L	E	
				II	3	149, IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Cobalt naphthenates, powder	4.1	UN2001	III	4.1	A19. IB8, IP3, T1, TP33	151	213	240	25 kg	100 kg	A	
	Cobalt resinate, precipitated	4.1	UN1318	III	4.1	A1, A19, IB6, T1, TP33	151	213	240	25 kg	100 kg	A	
	Coke, hot	Forbidden											
	Collodion, see Nitrocellulose *etc*												
D G	Combustible liquid, n.o.s.	Comb liq	NA1993	III	None	IB3, T1, T4, TP1	150	203	241	60 L	220 L	A	
G	Components, explosive train, n.o.s.	1.2B	UN0382	II	1.2B	101	None	62	None	Forbidden	Forbidden	11	
G	Components, explosive train, n.o.s.	1.4B	UN0383	II	1.4B	101	None	62	None	Forbidden	75 kg	06	
G	Components, explosive train, n.o.s.	1.4S	UN0384	II	1.4S	101	None	62	None	25 kg	100 kg	05	
G	Components, explosive train, n.o.s.	1.1B	UN0461	II	1.1B	101	None	62	None	Forbidden	Forbidden	11	
	Composition B, see Hexolite, *etc*												
D G	Compounds, cleaning liquid	8	NA1760	I	8	A7, B10, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	B	40
				II	8	B2, IB2, N37, T11, TP2, TP27	154	202	242	1 L	30 L	B	40
				III	8	IB3, N37, T7, TP1, TP28	154	203	241	5 L	60 L	A	40
D G	Compounds, cleaning liquid	3	NA1993	I	3	T11, TP1	150	201	243	1 L	30 L	E	
				II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	
				III	3	B1, B52, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
D G	Compounds, tree killing, liquid *or* Compounds, weed killing, liquid	8	NA1760	I	8	A7, B10, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	B	40
				II	8	B2, IB2, N37, T11, TP2, TP27	154	202	242	1 L	30 L	B	40
				III	8	IB3, N37, T7, TP1, TP28	154	203	241	5 L	60 L	A	40
D G	Compounds, tree killing, liquid *or* Compounds, weed killing, liquid	3	NA1993	I	3	T11, TP1	150	201	243	1 L	30 L	E	
				II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	
				III	3	B1, B52. IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
D G	Compounds, tree killing, liquid *or* Compounds, weed killing, liquid	6.1	NA2810	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
				II	6.1	IB2, T11, TP2, TP27	153	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	40
G	Compressed gas, flammable, n.o.s.	2.1	UN1954		2.1		306	302, 305.	314, 315.	Forbidden	150 kg	D	40
G	Compressed gas, n.o.s.	2.2	UN1956		2.2		306, 307.	302, 305.	314, 315.	75 kg	150 kg	A	
G	Compressed gas, oxidizing, n.o.s.	2.2	UN3156		2.2, 5.1.	A14	306	302	314, 315.	75 kg	150 kg	D	
G I	Compressed gas, toxic, corrosive, n.o.s. *Inhalation Hazard Zone A*	2.3	UN3304		2.3, 8	1	None	192	245	Forbidden	Forbidden	D	40
G I	Compressed gas, toxic, corrosive, n.o.s. *Inhalation Hazard Zone B*	2.3	UN3304		2.3, 8	2, B9, B14	None	302, 305.	314, 315.	Forbidden	Forbidden	D	40
G I	Compressed gas, toxic, corrosive, n.o.s. *Inhalation Hazard Zone C*	2.3	UN3304		2.3, 8	3, B14	None	302, 305.	314, 315.	Forbidden	Forbidden	D	40
G I	Compressed gas, toxic, corrosive, n.o.s. *Inhalation Hazard Zone D*	2.3	UN3304		2.3, 8	4	None	302, 305.	314, 315.	Forbidden	Forbidden	D	40
G I	Compressed gas, toxic, flammable, corrosive, n.o.s. *Inhalation Hazard Zone A*	2.3	UN3305		2.3, 2.1, 8.	1	None	192	245	Forbidden	Forbidden	D	17, 40
G I	Compressed gas, toxic, flammable, corrosive, n.o.s. *Inhalation Hazard Zone B*	2.3	UN3305		2.3, 2.1, 8.	2, B9, B14	None	302, 305.	314, 315.	Forbidden	Forbidden	D	17, 40
G I	Compressed gas, toxic, flammable, corrosive, n.o.s. *Inhalation Hazard Zone C*	2.3	UN3305		2.3, 2.1, 8.	3, B14	None	302, 305.	314, 315.	Forbidden	Forbidden	D	17, 40
G I	Compressed gas, toxic, flammable, corrosive, n.o.s. *Inhalation Hazard Zone D*	2.3	UN3305		2.3, 2.1, 8.	4	None	302, 305.	314, 315.	Forbidden	Forbidden	D	17, 40
G	Compressed gas, toxic, flammable, n.o.s. *Inhalation hazard Zone A*	2.3	UN1953		2.3, 2.1.	1	None	192	245	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, flammable, n.o.s. *Inhalation hazard Zone B*	2.3	UN1953		2.3, 2.1.	2, B9, B14	None	302, 305.	314, 315.	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, flammable, n.o.s. *Inhalation Hazard Zone C*	2.3	UN1953		2.3, 2.1.	3, B14	None	302, 305.	314, 315.	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, flammable, n.o.s. *Inhalation Hazard Zone D*	2.3	UN1953		2.3, 2.1.	4	None	302, 305.	314, 315.	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, n.o.s. *Inhalation Hazard Zone A*	2.3	UN1955		2.3	1	None	192	245	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, n.o.s. *Inhalation Hazard Zone B*	2.3	UN1955		2.3	2, B9, B14	None	302, 305.	314, 315.	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, n.o.s. *Inhalation Hazard Zone C*	2.3	UN1955		2.3	3, B14	None	302, 305.	314, 315.	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, n.o.s. *Inhalation Hazard Zone D*	2.3	UN1955		2.3	4	None	302, 305.	314, 315.	Forbidden	Forbidden	D	40
G I	Compressed gas, toxic, oxdizing, corrosive, n.o.s. *Inhalation Hazard Zone A*	2.3	UN3306		2.3, 5.1, 8.	1	None	192	244	Forbidden	Forbidden	D	40, 89, 90
G I	Compressed gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation Hazard Zone B*	2.3	UN3306		2.3, 5.1, 8.	2. B9, B14	None	302, 305.	314, 315.	Forbidden	Forbidden	D	40, 89, 90
G I	Compressed gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation Hazard Zone C*	2.3	UN3306		2.3, 5.1, 8.	3, B14	None	302, 305.	314, 315.	Forbidden	Forbidden	D	40, 89, 90
G I	Compressed gas, toxic, oxidizing, corrosive, n.o.s *Inhalation Hazard Zone D*	2.3	UN3306		2.3, 5.1, 8.	4	None	302, 305.	314, 315.	Forbidden	Forbidden	D	40, 89, 90
G	Compressed gas, toxic, oxidizing, n.o.s. *Inhalation Hazard Zone A*	2.3	UN3303		2.3, 5.1.	1	None	192	245	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, oxidizing, n.o.s. *Inhalation Hazard Zone B*	2.3	UN3303		2.3, 5.1.	2, B9, B14	None	302, 305.	314, 315.	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, oxidizing, n.o.s. *Inhalation Hazard Zone C*	2.3	UN3303		2.3, 5.1.	3, B14	None	302, 305.	314, 315.	Forbidden	Forbidden	D	40
G	Compressed gas, toxic, oxidizing, n.o.s. *Inhalation Hazard Zone D*	2.3	UN3303		2.3, 5.1.	4	None	302, 305.	314, 315.	Forbidden	Forbidden	D	40

D	Consumer commodity	ORM-D			None		156, 306.	156, 306.	None	30 kg gross	30 kg gross	A	
	Contrivances, water-activated, *with burster, expelling charge or propelling charge*	1.2L	UN0248	II	1.2L	101	None	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
	Contrivances, water-activated, *with burster, expelling charge or propelling charge*	1.3L	UN0249	II	1.3L	101	None	62	None	Forbidden	Forbidden	08	8E, 14E, 15E, 17E
	Copper acetoarsenite	6.1	UN1585	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Copper acetylide	Forbidden											
	Copper amine azide	Forbidden											
	Copper arsenite	6.1	UN1586	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Copper based pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C*	3	UN2776	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	150	202	243	1 L	60 L	B	40
	Copper based pesticides, liquid, toxic	6.1	UN3010	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Copper based pesticides, liquid, toxic, flammable, *flash point not less than 23 degrees C*	6.1	UN3009	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1, 3	B1, IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Copper based pesticides, solid, toxic	6.1	UN2775	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40
	Copper chlorate	5.1	UN2721	II	5.1	A1, IB8, IP2, IP4, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
	Copper chloride	8	UN2802	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
	Copper cyanide	6.1	UN1587	II	6.1	IB8, IP2, IP4, T3, TP33	153	204	242	25 kg	100 kg	A	52
	Copper selenate, see Selenates *or* Selenites												
	Copper selenite, see Selenates *or* Selenites												
	Copper tetramine nitrate	Forbidden											
A W	Copra	4.2	UN1363	III	4.2	IB8, IP3, IP7	None	213	241	Forbidden	Forbidden	A	13, 19, 48, 119
	Cord, detonating, *flexible*	1.1D	UN0065	II	1.1D	102	63(a)	62	None	Forbidden	Forbidden	07	
	Cord, detonating, *flexible*	1.4D	UN0289	II	1.4D		None	62	None	Forbidden	75 kg	06	
	Cord detonating *or* Fuse detonating *metal clad*	1.2D	UN0102	II	1.2D		None	62	None	Forbidden	Forbidden	07	
	Cord, detonating *or* Fuse, detonating *metal clad*	1.1D	UN0290	II	1.1D		None	62	None	Forbidden	Forbidden	07	
	Cord, detonating, mild effect *or* Fuse, detonating, mild effect *metal clad*	1.4D	UN0104	II	1.4D		None	62	None	Forbidden	75 kg	06	
	Cord, Igniter	1.4G	UN0066	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Cordeau detonant fuse, see Cord, detonating, *etc;* Cord, detonating, *flexible*												
	Cordite, see Powder, smokeless												
G	Corrosive liquid, acidic, inorganic, n.o.s.	8	UN3264	I	8	A6, B10, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	B	40
				II	8	A6, B2, IB2, T11, TP2, TP27	154	202	242	1 L	30 L	B	40
				III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	40
G	Corrosive liquid, acidic, organic, n.o.s.	8	UN3265	I	8	A6, B10, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	B	40
				II	8	B2, IB2, T11, TP2, TP27	154	202	242	1 L	30 L	B	40
				III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	40
G	Corrosive liquid, basic, inorganic, n.o.s.	8	UN3266	I	8	A6, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	B	40, 52
				II	8	B2, IB2, T11, TP2, TP27	154	202	242	1 L	30 L	B	40, 52
				III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	40, 52

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
G	Corrosive liquid, basic, organic, n.o.s.	8	UN3267	I	8	A6, B10, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	B	40, 52
				II	8	B2, IB2, T11, TP2, TP27	154	202	242	1 L	30 L	B	40, 52
				III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	40, 52
G	Corrosive liquid, self-heating, n.o.s.	8	UN3301	I	8, 4.2	A6, B10	None	201	243	0.5 L	2.5 L	D	
				II	8, 4.2	B2, IB1	154	202	242	1 L	30 L	D	
G	Corrosive liquids, flammable, n.o.s.	8	UN2920	I	8, 3	A6, B10, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	C	25, 40
				II	8, 3	B2, IB2, T11, TP2, TP27	None	202	243	1 L	30 L	C	25, 40
G	Corrosive liquids, n.o.s.	8	UN1760	I	8	A6, A7, B10, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	B	40
				II	8	B2, IB2, T11, TP2, TP27	154	202	242	1 L	30 L	B	40
				III	8	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	40
G	Corrosive liquids, oxidizing, n.o.s.	8	UN3093	I	8, 5.1	A6, A7	None	201	243	Forbidden	2.5 L	C	89
				II	8, 5.1	A6, A7, IB2	None	202	243	1 L	30 L	C	89
G	Corrosive liquids, toxic, n.o.s.	8	UN2922	I	8, 6.1	A7, A6, B10, T14, TP2, TP13, TP27	None	201	243	0.5 L	2.5 L	B	40
				II	8, 6.1	B3, IB2, T7, TP2	154	202	243	1 L	30 L	B	40
				III	8, 6.1	IB3, T7, TP1, TP28	154	203	241	5 L	60 L	B	40
G	Corrosive liquids, water-reactive, n.o.s.	8	UN3094	I	8, 4.3	A6, A7	None	201	243	Forbidden	1 L	E	
				II	8, 4.3	A6, A7	None	202	243	1 L	5 L	E	
G	Corrosive solid, acidic, inorganic, n.o.s.	8	UN3260	I	8	IB7, IP1, T6, TP33	None	211	242	1 kg	25 kg	B	
				II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	B	
				III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
G	Corrosive solid, acidic, organic, n.o.s.	8	UN3261	I	8	IB7, IP1, T6, TP33	None	211	242	1 kg	25 kg	B	
				II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	B	
				III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
G	Corrosive solid, basic, inorganic, n.o.s.	8	UN3262	I	8	IB7, IP1, T6, TP33	None	211	242	1 kg	25 kg	B	52
				II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	B	52
				III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	52
G	Corrosive solid, basic, organic, n.o.s.	8	UN3263	I	8	IB7, IP1, T6, TP33	None	211	242	1 kg	25 kg	B	52
				II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	B	52
				III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	52
G	Corrosive solids, flammable, n.o.s.	8	UN2921	I	8, 4.1	IB6, T6, TP33	None	211	242	1 kg	25 kg	B	12, 25
				II	8, 4.1	IB8, IP2, IP4, T3, TP33	None	212	242	15 kg	50 kg	B	12, 25
G	Corrosive solids, n.o.s.	8	UN1759	I	8	IB7, IP1, T6, TP33	None	211	242	1 kg	25 kg	B	
				II	8	128, IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	
				III	8	128, IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
G	Corrosive solids, oxidizing, n.o.s.	8	UN3084	I	8, 5.1	T6, TP33	None	211	242	1 kg	25 kg	C	
				II	8, 5.1	IB6, IP2, T3, TP33	None	212	242	15 kg	50 kg	C	
G	Corrosive solids, self-heating, n.o.s.	8	UN3095	I	8, 4.2	T6, TP33	None	211	243	1 kg	25 kg	C	

				II	8, 4.2	IB6, IP2, T3, TP33	None	212	242	15 kg	50 kg	C	
		8	UN2923	I	8, 6.1	IB7, T6, TP33	None	211	242	1 kg	25 kg	B	40
G	Corrosive solids, toxic, n.o.s.			II	8, 6.1	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	B	40
				III	8, 6.1	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	B	40, 95
		8	UN3096	I	8, 4.3	IB4, IP1, T6, TP33	None	211	243	1 kg	25 kg	D	
G	Corrosive solids, water-reactive, n.o.s.			II	8, 4.3	IB6, IP2, T3, TP33	None	212	242	15 kg	50 kg	D	
		9	NA1365		9	137, IB8, IP2, IP4, W41	None	None	None	No limit	No limit	A	
D W	Cotton			III	4.2	IB8, IP3, IP7	None	213	None	Forbidden	Forbidden	A	54
A W	Cotton waste, oily	4.2	UN1364	III	4.2	IB8, IP3, IP7	None	204	241	Forbidden	Forbidden	A	
A I W	Cotton, wet	4.2	UN1365	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
	Coumarin derivative pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C*	3	UN3024	II	3, 6.1	IB2, T11, TP2, TP13, TP27	150	202	243	1 L	60 L	B	40
	Coumarin derivative pesticides, liquid, toxic	6.1	UN3026	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP27	153	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	40
	Coumarin derivative pesticides, liquid, toxic, flammable, *flash point not less than 23 degrees C*	6.1	UN3025	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1, 3	B1, IB3, T7, TP1, TP28	153	203	242	60 L	220 L	A	40
	Coumarin derivative pesticides, solid, toxic	6.1	UN3027	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40
	Cresols, liquid	6.1	UN2076	II	6.1, 8	IB2, IP2, IP4, T7, TP2	153	202	243	1 L	30 L	B	
	Cresols, solid	6.1	UN3455	II	6.1, 8	IB8, IP2, IP4, T3, TP33	153	212	242	15 kg	50 kg	B	
	Cresylic acid	6.1	UN2022	II	6.1, 8	IB2, T7, TP2, TP13	153	202	243	1 L	30 L	B	
	Crotonaldehyde, stabilized	6.1	UN1143	I	6.1, 3	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	B	40
	Crotonic acid *liquid*	8	UN2823	III	8	IB8, T1	154	203	241	5 L	60 L	A	12
	Crotonic acid, *solid*	8	UN2823	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	12
	Crotonylene	3	UN1144	I	3	T11, TP2	150	201	243	1 L	30 L	E	
	Cupriethylenediamine solution	8	UN1761	II	8, 6.1	IB2, T7, TP2	154	202	243	1 L	30 L	A	
				III	8, 6.1	IB3, T7, TP1, TP28	154	203	242	5 L	60 L	A	95
	Cutters, cable, explosive	1.4S	UN0070	II	1.4S		None	62	None	25 kg	100 kg	05	
	Cyanide or cyanide mixtures, dry, see Cyanides, inorganic, solid, n.o.s.												
	Cyanide solutions, n.o.s.	6.1	UN1935	I	6.1	B37, T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40, 52
				II	6.1	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	A	40, 52
				III	6.1	IB3, T7, TP2, TP13, TP28	153	203	241	60 L	220 L	A	40, 52
	Cyanides, inorganic, solid, n.o.s.	6.1	UN1588	I	6.1	IB7, IP1, N74, N75, T6, TP33	None	211	242	5 kg	50 kg	A	52
				II	6.1	IB8, IP2, IP4, N74, N75, T3, TP33	153	212	242	25 kg	100 kg	A	52
				III	6.1	IB8, IP3, N74, N75, T1, TP33	153	213	240	100 kg	200 kg	A	52
	Cyanogen	2.3	UN1026		2.3, 2.1	2	None	304	245	Forbidden	Forbidden	D	40
	Cyanogen bromide	6.1	UN1889	I	6.1, 8	A6, A8, T6, TP33	None	211	242	1 kg	15 kg	D	40
	Cyanogen chloride, stabilized	2.3	UN1589		2.3, 8	1	None	192	245	Forbidden	Forbidden	D	40
	Cyanuric chloride	8	UN2670	II	8	IB8, IP2, IP4, T3, TP33	None	212	240	15 kg	50 kg	A	12, 40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Cyanuric triazide	Forbidden											
	Cyclobutane	2.1	UN2601		2.1		306	304	314, 315.	Forbidden	150 kg	B	40
	Cyclobutyl chloroformate	6.1	UN2744	II	6.1, 8, 3.	IB1, T7, TP2, TP13	153	202	243	1 L	30 L	A	12, 13, 21, 25, 40, 100
	1,5,9-Cyclododecatriene	6.1	UN2518	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	40
	Cycloheptane	3	UN2241	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Cycloheptatriene	3	UN2603	II	3, 6.1	IB2, T7, TP1, TP13	150	202	243	1 L	60 L	E	40
	Cycloheptene	3	UN2242	II	3	B1, IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Cyclohexane	3	UN1145	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
	Cyclohexanone	3	UN1915	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Cyclohexene	3	UN2256	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
	Cyclohexenyltrichlorosilane	8	UN1762	II	8	A7, B2, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	Cyclohexyl acetate	3	UN2243	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Cyclohexyl isocyanate	6.1	UN2488	I	6.1, 3	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Cyclohexyl mercaptan	3	UN3054	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	40, 95
	Cyclohexylamine	8	UN2357	II	8, 3	IB2, T7, TP2	None	202	243	1 L	30 L	A	40
	Cyclohexyltrichlorosilane	8	UN1763	II	8	A7, B2, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	Cyclonite and cyclotetramethylenetetranitramine mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
	Cyclonite and HMX mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
	Cyclonite and octogen mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
	Cyclonite, see Cyclotrimethylenetrinitramine, *etc*												
	Cyclooctadiene phosphines, *see* 9-Phosphabicyclononanes												
	Cyclooctadienes	3	UN2520	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Cyclooctatetraene	3	UN2358	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Cyclopentane	3	UN1146	II	3	IB2, T7, TP1	150	202	242	5 L	60 L	E	
	Cyclopentane, methyl, see Methylcyclopentane												
	Cyclopentanol	3	UN2244	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Cyclopentanone	3	UN2245	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Cyclopentene	3	UN2246	II	3	IB2, IP8, T7, TP2	150	202	242	5 L	60 L	E	
	Cyclopropane	2.1	UN1027		2.1	T50	306	304	314, 315.	Forbidden	150 kg	E	40
	Cyclotetramethylene tetranitramine (dry or unphlegmatized) (HMX)	Forbidden											
	Cyclotetramethylenetetranitramine, desensitized *or* Octogen, desensitized *or* HMX, desensitized	1.1D	UN0484	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Cyclotetramethylenetetranitramine, wetted *or* HMX, wetted *or* Octogen, wetted *with not less than 15 percent water, by mass.*	1.1D	UN0226	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Cyclotrimethylenetrinitramine and cyclotetramethylenetetranitramine mixtures, wetted or desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
	Cyclotrimethylenenitramine and octogen, mixtures, wetted or desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
	Cyclotrimethylenetrinitramine and HMX mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
	Cyclotrimethylenetrinitramine, desensitized *or* Cyclonite, desensitized *or* Hexogen, desensitized *or* RDX, desensitized.	1.1D	UN0483	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Cyclotrimethylenetrinitramine, wetted *or* Cyclonite, wetted *or* Hexogen, wetted *or* RDX, wetted *with not less than 15 percent water by mass.*	1.1D	UN0072	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Cymenes	3	UN2046	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Dangerous Goods in Machinery *or* Dangerous Goods in Apparatus	9	UN3363			136	None	222	None	No limit	No limit	A	
	Decaborane	4.1	UN1868	II	4.1, 6.1.	A19, A20, IB6, IP2, T3, TP33	None	212	None	Forbidden	50 kg	A	74
	Decahydronaphthalene	3	UN1147	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	n-Decane	3	UN2247	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Deflagrating metal salts of aromatic nitroderivatives, n.o.s.	1.3C	UN0132	II	1.3C		None	62	None	Forbidden	Forbidden	10	5E

	Delay electric igniter, see Igniters													
	Depth charges, see Charges, depth													
G	Desensitized explosive, liquid, n.o.s.	3	UN3379	I	3	164	None	201	None	Forbidden	Forbidden	D	36	
G	Desensitized explosive, solid, n.o.s.	4.1	UN3380	I	4.1	164	None	211	None	Forbidden	Forbidden	D	28, 36	
	Detonating relays, see Detonators, etc													
	Detonator assemblies, non-electric *for blasting*	1.1B	UN0360	II	1.1B		None	62	None	Forbidden	Forbidden	11		
	Detonator assemblies, non-electric, *for blasting*	1.4B	UN0361	II	1.4B	103	63(f), 63(g).	62	None	Forbidden	75 kg	06		
	Detonator, assemblies, non-electric *for blasting*	1.4S	UN0500	II	1.4S		63(f), 63(g).	62	None	25 kg	100 kg	05		
	Detonators, electric, *for blasting*	1.1B	UN0030	II	1.1B		63(f), 63(g).	62	None	Forbidden	Forbidden	11		
	Detonators, electric, *for blasting*	1.4B	UN0255	II	1.4B	103	63(f), 63(g).	62	None	Forbidden	75 kg	06		
	Detonators, electric *for blasting*	1.4S	UN0456	II	1.4S		63(f), 63(g).	62	None	25 kg	100 kg	05		
	Detonators for ammunition	1.1B	UN0073	II	1 1B		None	62	None	Forbidden	Forbidden	11		
	Detonators for ammunition	1.2B	UN0364	II	1.2B		None	62	None	Forbidden	Forbidden	11		
	Detonators for ammunition	1.4B	UN0365	II	1.4B	103	None	62	None	Forbidden	75 kg	06		
	Detonators for ammunition	1.4S	UN0366	II	1.4S		None	62	None	25 kg	100 kg	05		
	Detonators, non-electric, *for blasting*	1.1B	UN0029	II	1.1B		None	62	None	Forbidden	Forbidden	11		
	Detonators, non-electric, *for blasting*	1.4B	UN0267	II	1.4B	103	63(f), 63(g).	62	None	Forbidden	75 kg	06		
	Detonators, non-electric *for blasting*	1.4S	UN0455	II	1.4S		63(f), 63(g).	62	None	25 kg	100 kg	5		
	Deuterium, compressed	2.1	UN1957		2.1		306	302	None	Forbidden	150 kg	E	40	
	Devices, small, hydrocarbon gas powered or Hydrocarbon gas refills for small devices *with release device.*	2.1	UN3150		2.1		306	304	None	Forbidden	150 kg	B	40	
	Di-n-amylamine	3	UN2841	III	3, 6.1	B1, IB3. T4, TP1	150	203	242	60 L	220 L	A		
	Di-n-butyl peroxydicarbonate, with more than 52 percent in solution	Forbidden												
	Di-n-butylamine	8	UN2248	II	8, 3	IB2, T7, TP2	None	202	243	1 L	30 L	A		
	2,2-Di-(tert-butylperoxy) butane, with more than 55 percent in solution	Forbidden												
	Di-(tert-butylperoxy) phthalate, with more than 55 percent in solution	Forbidden												
	2,2-Di-(4,4-di-tert-butylperoxycyclohexyl) propane, with more than 42 percent with inert solid	Forbidden												
	Di-2,4-dichlorobenzoyl peroxide, with more than 75 percent with water	Forbidden												
	1,2-Di-(dimethylamino)ethane	3	UN2372	II	3	IB2, T4. TP1	150	202	242	5 L	60 L	B		
	Di-2-ethylhexyl phosphoric acid, see Diisooctyl acid phosphate													
	Di-(1-hydroxytetrazole) (dry)	Forbidden												
	Di-(1-naphthoyl) peroxide	Forbidden												
	a,a'-Di-(nitroxy) methylether	Forbidden												
	Di-(beta-nitroxyethyl) ammonium nitrate	Forbidden												
	Diacetone alcohol	3	UN1148	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B		
				III	3	B1, IB3, T2. TP1	150	203	242	60 L	220 L	A		
	Diacetone alcohol peroxides, with more than 57 percent in solution with more than 9 percent hydrogen peroxide, less than 26 percent diacetone alcohol and less than 9 percent water; total active oxygen content more than 9 percent by mass.	Forbidden												
	Diacetyl, see Butanedione													
	Diacetyl peroxide, solid, or with more than 25 percent in solution	Forbidden												
	Diallylamine	3	UN2359	II	3, 6.1, 8.	IB2, T7. TP1	150	202	243	1 L	5 L	B	21, 40, 100	
	Diallylether	3	UN2360	II	3. 6.1	IB2, N12, T7. TP1. TP13	150	202	243	1 L	60 L	E	40	
	4,4'-Diaminodiphenyl methane	6.1	UN2651	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A		
	p-Diazidobenzene	Forbidden												
	1,2-Diazidoethane	Forbidden												
	1,1'-Diazoaminonaphthalene	Forbidden												
	Diazoaminotetrazole (dry)	Forbidden												
	Diazodinitrophenol (dry)	Forbidden												
	Diazodinitrophenol, wetted *with not less than 40 percent water or mixture of alcohol and water, by mass.*	1.1A	UN0074	II	1.1A	111, 117	None	62	None	Forbidden	Forbidden	12		
	Diazodiphenylmethane	Forbidden												
	Diazonium nitrates (dry)	Forbidden												
	Diazonium perchlorates (dry)	Forbidden												
	1,3-Diazopropane	Forbidden												
	Dibenzyl peroxydicarbonate, with more than 87 percent with water	Forbidden												
	Dibenzyldichlorosilane	8	UN2434	II	8	B2, IB2, T7, TP2, TP13	154	202	242	1 L	30 L	C	40	
	Diborane	2.3	UN1911		2.3, 2.1.	1	None	302	None	Forbidden	Forbidden	D	40, 57	
D	Diborane mixtures	2.1	NA1911		2.1	5	None	302	245	Forbidden	Forbidden	D	40, 57	
	Dibromoacetylene	Forbidden												
	1,2-Dibromobutan-3-one	6.1	UN2648	II	6.1	IB2	153	202	243	5 L	60 L	B	40	
	Dibromochloropropane	6.1	UN2872	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A		
				III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A		

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
A	Dibromodifluoromethane, *R12B2*	9	UN1941	III	None	T11, TP2	155	203	241	100 L	220 L	A	25
	1,2-Dibromoethane, see Ethylene dibromide												
	Dibromomethane	6.1	UN2664	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Dibutyl ethers	3	UN1149	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Dibutylaminoethanol	6.1	UN2873	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	N,N'-Dichlorazodicarbonamidine (salts of) (dry)	Forbidden											
	1,1-Dichloro-1-nitroethane	6.1	UN2650	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	12, 40, 74
D	3,5-Dichloro-2,4,6-trifluoropyridine	6.1	NA9264	I	6.1	2, B9, B14, B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	A	40
	Dichloroacetic acid	8	UN1764	II	8	A3, A6, A7, B2, IB2, N34, T8, TP2, TP12	154	202	242	1 L	30 L	A	
	1,3-Dichloroacetone	6.1	UN2649	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	B	12, 40
	Dichloroacetyl chloride	8	UN1765	II	8	A3, A6, A7, B2, B6, IB2, N34, T7, TP2	154	202	242	1 L	30 L	D	40
	Dichloroacetylene	Forbidden											
+	Dichloroanilines, liquid	6.1	UN1590	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	40
	Dichloroanilines, solid	6.1	UN3442	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40
+	o-Dichlorobenzene	6.1	UN1591	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	2,2'-Dichlorodiethyl ether	6.1	UN1916	II	6.1, 3	IB2, N33. N34, T7, TP2	153	202	243	5 L	60 L	A	
	Dichlorodifluoromethane and difluoroethane azeotropic mixture or Refrigerant gas R 500 *with approximately 74 percent dichlorodifluoromethane.*	2.2	UN2602		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
	Dichlorodifluoromethane or Refrigerant gas R 12	2.2	UN1028		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
	Dichlorodimethyl ether, symmetrical	6.1	UN2249	I	6.1, 3		None	201	243	Forbidden	Forbidden		40
	1,1-Dichloroethane	3	UN2362	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	1,2-Dichloroethane, see Ethylene dichloride												
	Dichloroethyl sulfide	Forbidden											
	1,2-Dichloroethylene	3	UN1150	II	3	IB2, T7, TP2	150	202	242	5 L	60 L	B	
	Dichlorofluoromethane or Refrigerant gas R21	2.2	UN1029		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
	Dichloroisocyanuric acid, dry or Dichloroisocyanuric acid salts	5.1	UN2465	II	5.1	28, IB8, IP4, T3, TP33	152	212	240	5 kg	25 kg	A	13
	Dichloroisopropyl ether	6.1	UN2490	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	B	
	Dichloromethane	6.1	UN1593	III	6.1	IB3, IP8, N36, T7, TP2	153	203	241	60 L	220 L	A	
	Dichloropentanes	3	UN1152	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Dichlorophenyl isocyanates	6.1	UN2250	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	B	25, 40, 48
	Dichlorophenyltrichlorosilane	8	UN1766	II	8	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	242	Forblдden	30 L	C	40
	1,2-Dichloropropane	3	UN1279	II	3	IB2, N36, T4, TP1	150	202	242	5 L	60 L	B	
	1,3-Dichloropropanol-2	6.1	UN2750	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	12, 40
	Dichloropropene and propylene dichloride mixture, see 1,2- Dichloropropane												
	Dichloropropenes	3	UN2047	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Dichlorosilane	2.3	UN2189		2.3, 2.1, 8.	2, B9, B14	None	304	314, 315.	Forbidden	Forbidden	D	17, 40
	1,2-Dichloro-1,1,2,2- tetrafluoroethane or Refrigerant gas R 114	2.2	UN1958		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
	Dichlorovinylchloroarsine	Forbidden											
	Dicycloheptadiene, see Bicyclo [2.2,1] hepta-2,5-diene, stabilized												
	Dicyclohexylamine	8	UN2565	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Dicyclohexylammonium nitrite	4.1	UN2687	III	4.1	IB8, IP3, T1, TP33	151	213	240	25 kg	100 kg	A	48

	Dicyclopentadiene	3	UN2048	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Didymium nitrate	5.1	UN1465	III	5.1	A1, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	
D	Diesel fuel	3	NA1993	III	None	144, B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
I	Diesel fuel	3	UN1202	III	3	144, B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Diethanol nitrosamine dinitrate (dry)	Forbidden											
	Diethoxymethane	3	UN2373	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
	3,3-Diethoxypropene	3	UN2374	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Diethyl carbonate	3	UN2366	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Diethyl cellosolve, see Ethylene glycol diethyl ether												
	Diethyl ether *or* Ethyl ether	3	UN1155	I	3	T11, TP2	150	201	243	1 L	30 L	E	40
	Diethyl ketone	3	UN1156	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Diethyl peroxydicarbonate, with more than 27 percent in solution	Forbidden											
	Diethyl sulfate	6.1	UN1594	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	C	
	Diethyl sulfide	3	UN2375	II	3	IB2, T7, TP1, TP13	None	202	243	5 L	60 L	E	
	Diethylamine	3	UN1154	II	3, 8	A3, IB2, N34, T7, TP1	150	202	243	1 L	5 L	E	40
	2-Diethylaminoethanol	8	UN2686	II	8, 3	B2, IB2, T7, TP2	None	202	243	1 L	30 L	A	
	3-Diethyamino-propylamine	3	UN2684	III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A	
+	N, N-Diethylaniline	6.1	UN2432	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Diethylbenzene	3	UN2049	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Diethyldichlorosilane	8	UN1767	II	8, 3	A7, B6, IB2, N34, T7, TP2, TP13	None	202	243	Forbidden	30 L	C	40
	Diethylene glycol dinitrate	Forbidden											
	Diethyleneglycol dinitrate, desensitized *with not less than 25 percent non-volatile water-insoluble phlegmatizer, by mass*	1.1D	UN0075	II	1.1D		None	62	None	Forbidden	Forbidden	13	21E
	Diethylenetriamine	8	UN2079	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	40, 52
	N,N-Diethylethylenediamine	8	UN2685	II	8, 3	IB2, T7, TP2	None	202	243	1 L	30 L	A	
	Diethylgold bromide	Forbidden											
	Diethylthiophosphoryl chloride	8	UN2751	II	8	B2, IB2, T7, TP2	None	212	240	15 kg	50 kg	D	12, 40
	Diethylzinc	4.2	UN1366	I	4.2, 4.3.	B11, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	18
	Difluorochloroethanes, see 1-Chloro-1,1-difluoroethanes												
	1,1-Difluoroethane *or* Refrigerant gas R 152a	2.1	UN1030		2.1	T50	306	304	314, 315.	Forbidden	150 kg	B	40
	1,1-Difluoroethylene *or* Refrigerant gas R 1132a	2.1	UN1959		2.1		306	304	None	Forbidden	150 kg	E	40
	Difluoromethane *or* Refrigerant gas R 32	2.1	UN3252		2.1	T50	306	302	314, 315.	Forbidden	150 kg	D	40
	Difluorophosphoric acid, anhydrous	8	UN1768	II	8	A6, A7, B2, IB2, N5, N34, T8, TP2, TP12	None	202	242	1 L	30 L	A	40
	2,3-Dihydropyran	3	UN2376	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	1,8-Dihydroxy-2,4,5,7-tetranitroanthraquinone (chrysamminic acid)	Forbidden											
	Diiodoacetylene	Forbidden											
	Diisobutyl ketone	3	UN1157	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Diisobutylamine	3	UN2361	III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A	
	Diisobutylene, isomeric compounds	3	UN2050	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Diisooctyl acid phosphate	8	UN1902	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Diisopropyl ether	3	UN1159	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	40
	Diisopropylamine	3	UN1158	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	
	Diisopropylbenzene hydroperoxide, with more than 72 percent in solution	Forbidden											
	Diketene, stabilized	6.1	UN2521	I	6.1, 3	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	26, 27, 40
	1,2-Dimethoxyethane	3	UN2252	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	1,1-Dimethoxyethane	3	UN2377	II	3	IB2, T7, TP1	150	202	242	5 L	60 L	B	
	Dimethyl carbonate	3	UN1161	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Dimethyl chlorothiophosphate, see Dimethyl thiophosphoryl chloride												
	2,5-Dimethyl-2,5-dihydroperoxy hexane, with more than 82 percent with water	Forbidden											
	Dimethyl disulfide	3	UN2381	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Dimethyl ether	2.1	UN1033		2.1	T50	306	304	314, 315.	Forbidden	150 kg	B	40
	Dimethyl-N-propylamine	3	UN2266	II	3, 8	IB2, T7, TP2, TP13	150	202	243	1 L	5 L	B	40
	Dimethyl sulfate	6.1	UN1595	I	6.1, 8	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Dimethyl sulfide	3	UN1164	II	3	IB2, IP8, T7, TP2	150	202	242	5 L	60 L	E	40
	Dimethyl thiophosphoryl chloride	6.1	UN2267	II	6.1, 8	IB2, T7, TP2	153	202	243	1 L	30 L	B	25

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Dimethylamine, anhydrous	2.1	UN1032		2.1	T50	None	304	314, 315.	Forbidden	150 kg	D	40
	Dimethylamine solution	3	UN1160	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	
	2-Dimethylaminoacetonitrile	3	UN2378	II	3, 6.1	IB2, T7, TP1	150	202	243	1 L	60 L	A	52, 40
	2-Dimethylaminoethanol	8	UN2051	II	8, 3	B2, IB2, T7, TP2	154	202	243	1 L	30 L	A	
	2-Dimethylaminoethyl acrylate	6.1	UN3302	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	D	25
	2-Dimethylaminoethyl methacrylate	6.1	UN2522	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	B	40
	N,N-Dimethylaniline	6.1	UN2253	II	6.1	IB1, T7, TP2	153	202	243	5 L	60 L	A	
	2,3-Dimethylbutane	3	UN2457	II	3	IB2, T7, TP1	150	202	242	5 L	60 L	E	
	1,3-Dimethylbutylamine	3	UN2379	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	
	Dimethylcarbamoyl chloride	8	UN2262	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	40
	Dimethylcyclohexanes	3	UN2263	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	N,N-Dimethylcyclohexylamine	8	UN2264	II	8, 3	B2, IB2, T7, TP2	154	202	243	1 L	30 L	A	40
	Dimethyldichlorosilane	3	UN1162	II	3, 8	B77, IB2, T7, TP2, TP13	None	202	243	Forbidden	Forbidden	B	40
	Dimethyldiethoxysilane	3	UN2380	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Dimethyldioxanes	3	UN2707	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	N,N-Dimethylformamide	3	UN2265	III	3	B1, IB3, T2, TP2	150	203	242	60 L	220 L	A	
	Dimethylhexane dihydroperoxide (dry)	Forbidden											
	Dimethylhydrazine, symmetrical	6.1	UN2382	I	6.1, 3	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40, 74
	Dimethylhydrazine, unsymmetrical	6.1	UN1163	I	6.1, 3, 8.	2, B7, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	21, 38, 40, 100
	2,2-Dimethylpropane	2.1	UN2044		2.1		306	304	314, 315.	Forbidden	150 kg	E	40
	Dimethylzinc	4.2	UN1370	I	4.2. 4.3.	B11, B16, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	18
	Dinitro-o-cresol	6.1	UN1598	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	1,3-Dinitro-5,5-dimethyl hydantoin	Forbidden											
	Dinitro-7,8-dimethylglycoluril (dry)	Forbidden											
	1,3-Dinitro-4,5-dinitrosobenzene	Forbidden											
	1,4-Dinitro-1,1,4,4-tetramethylolbutanetetranitrate (dry)	Forbidden											
	2,4-Dinitro-1,3,5-trimethylbenzene	Forbidden											
	Dinitroanilines	6.1	UN1596	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	91
	Dinitrobenzenes, liquid	6.1	UN1597	II	6.1	11, IB2, T7, TP2	153	202	243	5 L	60 L	A	91
				III	6.1	11, IB3, T7, TP2	153	203	241	60 L	220 L	A	91
	Dinitrobenzenes, solid	6.1	UN3443	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	91
	Dinitrochlorobenzene, see Chlorodinitrobenzene												
	1,2-Dinitroethane	Forbidden											
	1,1-Dinitroethane (dry)	Forbidden											
	Dinitrogen tetroxide	2.3	UN1067		2.3. 5.1, 8.	1, B7, B14, B45, B46, B61, B66, B67, B77, T50, TP21	None	336	314	Forbidden	Forbidden	D	40, 89, 90
	Dinitroglycoluril *or* Dingu	1.1D	UN0489	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Dinitromethane	Forbidden											
	Dinitrophenol, *dry or wetted with less than 15 percent water, by mass*	1.1D	UN0076	II	1.1D, 6.1.		None	62	None	Forbidden	Forbidden	10	5E
	Dinitrophenol solutions	6.1	UN1599	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	36
				III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	36
	Dinitrophenol, wetted *with not less than 15 percent water, by mass*	4.1	UN1320	I	4.1, 6.1.	23, A8, A19, A20, N41	None	211	None	1 kg	15 kg	E	28, 36
	Dinitrophenolates *alkali metals, dry or wetted with less than 15 percent water, by mass*	1.3C	UN0077	II	1.3C, 6.1.		None	62	None	Forbidden	Forbidden	10	5E
	Dinitrophenolates, wetted *with not less than 15 percent water, by mass*	4.1	UN1321	I	4.1, 6.1.	23, A8, A19, A20, N41	None	211	None	1 kg	15 kg	E	28, 36
	Dinitropropylene glycol	Forbidden											

	Dinitroresorcinol, *dry or wetted with less than 15 percent water, by mass*	1.1D	UN0078	II	1.1D		None	62	None	Forbidden	Forbidden	10	5E
	2,4-Dinitroresorcinol (heavy metal salts of) (dry)	Forbidden											
	4,6-Dinitroresorcinol (heavy metal salts of) (dry)	Forbidden											
	Dinitroresorcinol, wetted *with not less than 15 percent water, by mass*	4.1	UN1322	I	4.1	23, A8, A19, A20, N41	None	211	None	1 kg	15 kg	E	28, 36
	3,5-Dinitrosalicylic acid (lead salt) (dry)	Forbidden											
	Dinitrosobenzene	1.3C	UN0406	II	1.3C		None	62	None	Forbidden	Forbidden	10	
	Dinitrosobenzylamidine and salts of (dry)	Forbidden											
	2,2-Dinitrostilbene	Forbidden											
	Dinitrotoluenes, *liquid*	6.1	UN2038	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	
	Dinitrotoluenes, solid	6.1	UN3454	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Dinitrotoluenes, molten	6.1	UN1600	II	6.1	T7, TP3	None	202	243	Forbidden	Forbidden	C	
	1,9-Dinitroxy pentamethylene-2,4, 6,8-tetramine (dry)	Forbidden											
	Dioxane	3	UN1165	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Dioxolane	3	UN1166	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Dipentene	3	UN2052	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Diphenylamine chloroarsine	6.1	UN1698	I	6.1	T6, TP33	None	201	None	Forbidden	Forbidden	D	40
	Diphenylchloroarsine, liquid	6.1	UN1699	I	6.1	A8, B14, B32, N33, N34, T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	D	40
	Diphenyl-chloroarsine, solid	6.1	UN3450	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	D	40
	Diphenyldichlorosilane	8	UN1769	II	8	A7, B2, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	Diphenylmethyl bromide	8	UN1770	II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	D	40
	Dipicryl sulfide, *dry or wetted with less than 10 percent water, by mass*	1.1D	UN0401	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Dipicryl sulfide, wetted *with not less than 10 percent water, by mass*	4.1	UN2852	I	4.1	162, A2, N41, N84	None	211	None	Forbidden	0.5 kg	D	28
	Dipicrylamine, *see* Hexanitrodiphenylamine												
	Dipropionyl peroxide, with more than 28 percent in solution	Forbidden											
	Di-*n*-propyl ether	3	UN2384	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Dipropyl ketone	3	UN2710	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Dipropylamine	3	UN2383	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	
G	Disinfectant, liquid, corrosive, n.o.s.	8	UN1903	I	8	A6, A7, B10, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	B	
G	Disinfectants, liquid, corrosive n.o.s.	8	UN1903	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	B	
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
G	Disinfectants, liquid, toxic, n.o.s.	6.1	UN3142	I	6.1	A4, T14, TP2, TP27	None	201	243	1 L	30 L	A	40
				II	6.1	IB2, T11, TP2, TP27	153	202	243	5 L	60 L	A	40
				III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	40
G	Disinfectants, solid, toxic, n.o.s.	6.1	UN1601	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40
				III	8.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40
	Disodium trioxosilicate	8	UN3253	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
G	Dispersant gases, n.o.s. *see* Refrigerant gases, n.o.s.												
	Divinyl ether, stabilized	3	UN1167	I	3	A7, T11, TP2	None	201	243	1 L	30 L	E	40
	Dodecyltrichlorosilane	8	UN1771	II	8	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	Dry ice, *see* Carbon dioxide, solid												
G	Dyes, liquid, corrosive, n.o.s. or Dye intermediates, liquid, corrosive, n.o.s.	8	UN2801	I	8	11, A6, B10, T14, TP2, TP27	None	201	243	0.5 L	2.5 L	A	
				II	8	11, B2, IB2, T11, TP2, TP27	154	202	242	1 L	30 L	A	
				III	8	11, IB3, T7, TP1, TP28	154	203	241	5 L	60 L	A	
G	Dyes, liquid, toxic, n.o.s. or Dye intermediates, liquid, toxic, n.o.s.	6.1	UN1602	I	6.1		None	201	243	1 L	30 L	A	
				II	6.1	IB2	153	202	243	5 L	60 L	A	
				III	6.1	IB3	153	203	241	60 L	220 L	A	
G	Dyes, solid, corrosive, n.o.s. or Dye intermediates, solid, corrosive, n.o.s.	8	UN3147	I	8	IB7, IP1, T8, TP33	None	211	242	1 kg	25 kg	A	
				II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	
				III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
G	Dyes, solid, toxic, n.o.s. or Dye intermediates, solid, toxic, n.o.s.	6.1	UN3143	I	6.1	A5, IB7, IP1, T8, TP33	None	211	242	5 kg	50 kg	A	
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Dynamite, see Explosive, blasting, type A												
	Electrolyte (acid or alkali) for batteries, see Battery fluid, acid or Battery fluid, alkali												
	Elevated temperature liquid, flammable, n.o.s., *with flash point above 37.8 C, at or above its flash point.*	3	UN3256	III	3	IB1, T3, TP3, TP29	None	None	247	Forbidden	Forbidden	A	
	Elevated temperature liquid, n.o.s., *at or above 100 C and below its flash point (including molten metals, molten salts, etc.).*	9	UN3257	III	9	IB1, T3, TP3, TP29	None	None	247	Forbidden	Forbidden	A	85
	Elevated temperature solid, n.o.s., *at or above 240 C, see § 173.247(h)(4)*	9	UN3258	III	9		247(h)(4).	None	247	Forbidden	Forbidden	A	85
	Engines, internal combustion, *flammable gas powered*	9	UN3166		9	135	220	220	220	Forbidden	No limit	A	
	Engines, internal combustion, *flammable liquid powered*	9	UN3166		9	135	220	220	220	No limit	No limit	A	
G	Environmentally hazardous substances, liquid, n.o.s.	9	UN3082	III	9	8, 146, IB3, T4, TP1, TP29	155	203	241	No limit	No limit	A	
G	Environmentally hazardous substances, solid, n.o.s.	9	UN3077	III	9	8, 146, B54, IB8, IP3, N20, T1, TP33	155	213	240	No limit	No limit	A	
	Epibromohydrin	6.1	UN2558	I	6.1, 3	T14, TP2, TP13	None	201	243	Forbidden	Forbidden	D	40
+	Epichlorohydrin	6.1	UN2023	II	6.1, 3	IB2, T7, TP2, TP13	153	202	243	5 L	60 L	A	40
	1,2-Epoxy-3-ethoxypropane	3	UN2752	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Esters, n.o.s.	3	UN3272	II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T4, TP1, TP29	150	203	242	80 L	220 L	A	
	Etching acid, liquid, n.o.s., *see* Hydrofluoric acid, solution *etc*	6.1	UN3462	I	6.1	141, IB7, IP1, T6, TP33	None	211	243	5 kg	50 kg	B	
	Toxins, extracted from living sources, solid, n.o.s.			II	6.1	141, IB8, IP2, IP4, T3, TP33	None	212	243	25 kg	100 kg	B	
	Ethane	2.1	UN1035		2.1		306	304	302	Forbidden	150 kg	E	40
	Toxins, extracted from living sources, solid, n.o.s.	6.1	UN3462	III	6.1	141, IB8, IP3, T1, TP33	153	213	241	100 kg	200 kg	A	
D	Ethane-Propane mixture, refrigerated liquid	2.1	NA1961		2.1	T75, TP5	None	316	314, 315.	Forbidden	Forbidden	D	40
	Ethane, refrigerated liquid	2.1	UN1961		2.1	T75, TP5	None	None	315	Forbidden	Forbidden	D	40
	Ethanol amine dinitrate	Forbidden											
	Ethanol or Ethyl alcohol or Ethanol solutions or Ethyl alcohol solutions	3	UN1170	II	3	24, IB2, T4, TP1	150	202	242	5 L	60 L	A	
				III	3	24, B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethanolamine or Ethanolamine solutions	8	UN2491	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Ether, see Diethyl ether												
	Ethers, n.o.s.	3	UN3271	II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
	Ethyl acetate	3	UN1173	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Ethyl acrylate, stabilized	3	UN1917	II	3	IB2, T4, TP1, TP13	150	202	242	5 L	60 L	B	40
	Ethyl alcohol, *see* Ethanol												
	Ethyl aldehyde, see Acetaldehyde												
	Ethyl amyl ketone	3	UN2271	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	N-Ethylbenzyltoluidines, solid	6.1	UN3460	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	N-Ethyl-N-benzylaniline	8.1	UN2274	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Ethyl borate	3	UN1176	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Ethyl bromide	6.1	UN1891	II	6.1	IB2, IP8, T7, TP2, TP13	153	202	243	5 L	60 L	B	40, 85
	Ethyl bromoacetate	6.1	UN1603	II	6.1, 3	IB2, T7, TP2	None	202	243	Forbidden	Forbidden	D	40
	Ethyl butyl ether	3	UN1179	II	3	B1, IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Ethyl butyrate	3	UN1180	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	

	Ethyl chloride	2.1	UN1037		2.1	B77, T50	None	322	314, 315.	Forbidden	150 kg	B	40
	Ethyl chloroacetate	6.1	UN1181	II	6.1, 3	IB2, T7, TP2	153	202	243	5 L	60 L	A	
	Ethyl chloroformate	6.1	UN1182	I	6.1, 3, 8.	2, B9, B14, B32, B74, N34, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	21, 40, 100
	Ethyl 2-chloropropionate	3	UN2935	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
+	Ethyl chlorothioformate	8	UN2826	II	8, 6.1, 3.	2, B9, B14, B32, B74, T20, TP2, TP38, TP45	None	227	244	Forbidden	Forbidden	A	40
	Ethyl crotonate	3	UN1862	II	3	IB2, T4, TP2	150	202	242	5 L	60 L	B	
	Ethyl ether, *see* Diethyl ether												
	Ethyl fluoride or Refrigerant gas R161	2.1	UN2453		2.1		306	304	314, 315.	Forbidden	150 kg	E	40
	Ethyl formate	3	UN1190	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
	Ethyl hydroperoxide	Forbidden											
	Ethyl isobutyrate	3	UN2385	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
+	Ethyl isocyanate	3	UN2481	I	3, 6.1	1, B9, B14, B30, B72, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40, 52
	Ethyl lactate	3	UN1192	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethyl mercaptan	3	UN2363	I	3	A6, T11, TP2, TP13	None	201	243	Forbidden	30 L	E	95, 102
	Ethyl methacrylate, stabilized	3	UN2277	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Ethyl methyl ether	2.1	UN1039		2.1		None	201	314, 315.	Forbidden	150 kg	B	40
	Ethyl methyl ketone or Methyl ethyl ketone	3	UN1193	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Ethyl nitrite solutions	3	UN1194	I	3, 6.1		None	201	None	Forbidden	Forbidden	E	40, 105
	Ethyl orthoformate	3	UN2524	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethyl oxalate	6.1	UN2525	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Ethyl perchlorate	Forbidden											
D	Ethyl phosphonothioic dichloride, anhydrous	6.1	NA2927	I	6.1, 8	2, B9, B14, B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
D	Ethyl phosphonous dichloride, anhydrous *pyrophonc liquid*	6.1	NA2845	I	6.1, 4.2.	2, B9, B14, B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	18
D	Ethyl phosphorodichloridate	6.1	NA2927	I	6.1, 8	2, B9, B14, B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Ethyl propionate	3	UN1195	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Ethyl propyl ether	3	UN2615	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
	Ethyl silicate, see Tetraethyl silicate												
	Ethylacetylene, stabilized	2.1	UN2452		2.1		None	304	314, 315.	Forbidden	150 kg	B	40
	Ethylamine	2.1	UN1036		2.1	B77, T50	None	321	314, 315.	Forbidden	150 kg	D	40
	Ethylamine, aqueous solution *with not less than 50 percent but not more than 70 percent ethylamine.*	3	UN2270	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	40
	N-Ethylaniline	6.1	UN2272	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	52, 74
	2-Ethylaniline	6.1	UN2273	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	52, 74
	Ethylbenzene	3	UN1175	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	N-Ethylbenzyltoluidines liquid	6.1	UN2753	III	6.1	IB3, T7, TP1	153	203	241	60 L	220 L	A	
	2-Ethylbutanol	3	UN2275	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	2-Ethylbutyl acetate	3	UN1177	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	2-Ethylbutyraldehyde	3	UN1178	II	3	B1, IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Ethyldichloroarsine	6.1	UN1892	I	6.1	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Ethyldichlorosilane	4.3	UN1183	I	4.3, 8, 3.	A2, A3, A7, N34, T10, TP2, TP7, TP13	None	201	244	Forbidden	1 L	D	21, 28, 40, 49, 100
	Ethylene, acetylene and propylene in mixture, refrigerated liquid *with at least 71.5 percent ethylene with not more than 22.5 percent acetylene and not more than 6 percent propylene.*	2.1	UN3138		2.1	T75, TP5	None	304	314, 315.	Forbidden	Forbidden	D	40, 57
	Ethylene chlorohydrin	6.1	UN1135	I	6.1, 3	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Ethylene	2.1	UN1962		2.1		306	304	302	Forbidden	150 kg	E	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Ethylene diamine diperchlorate	Forbidden											
	Ethylene dibromide	6.1	UN1605	I	6.1	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
	Ethylene dibromide and methyl bromide liquid mixtures, see Methyl bromide and ethylene dibromide, liquid mixtures.												
	Ethylene dichloride	3	UN1184	II	3, 6.1	IB2, N36, T7, TP1	150	202	243	1 L	60 L	B	40
	Ethylene glycol diethyl ether	3	UN1153	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	A	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethylene glycol dinitrate	Forbidden											
	Ethylene glycol monoethyl ether	3	UN1171	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethylene glycol monoethyl ether acetate	3	UN1172	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethylene glycol monomethyl ether	3	UN1188	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethylene glycol monomethyl ether acetate	3	UN1189	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Ethylene oxide and carbon dioxide mixture *with more than 87 percent ethylene oxide*	2.3	UN3300		2.3, 2.1.	4	None	304	314, 315.	Forbidden	Forbidden	D	40
	Ethylene oxide and carbon dioxide mixtures *with more than 9 percent but not more than 87 percent ethylene oxide.*	2.1	UN1041		2.1	T50	306	304	314, 315.	Forbidden	25 kg	B	40
	Ethylene oxide and carbon dioxide mixtures *with not more than 9 percent ethylene oxide*	2.2	UN1952		2.2		306	304	314, 315.	75 kg	150 kg	A	
	Ethylene oxide and chlorotetrafluoroethane mixture *with not more than 8.8 percent ethylene oxide.*	2.2	UN3297		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
	Ethylene oxide and dichlorodifluoromethane mixture, *with not more than 12.5 percent ethylene oxide.*	2.2	UN3070		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
	Ethylene oxide and pentafluoroethane mixture *with not more than 7.9 percent ethylene oxide*	2.2	UN3298		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
	Ethylene oxide and propylene oxide mixtures, *with not more than 30 percent ethylene oxide*	3	UN2983	I	3, 6.1	5, A11, N4, N34, T14, TP2, TP7, TP13	None	201	243	Forbidden	30 L	E	40
	Ethylene oxide and tetrafluoroethane mixture *with not more than 5.6 percent ethylene oxide*	2.2	UN3299		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
	Ethylene oxide or Ethylene oxide with nitrogen *up to a total pressure of 1MPa (10 bar) at 50 degrees C.*	2.3	UN1040		2.3, 2.1.	4, T50, TP20	None	323	323	Forbidden	Forbidden	D	40
	Ethylene, refrigerated liquid *(cryogenic liquid)*	2.1	UN1038		2.1	T75, TP5	None	316	318, 319.	Forbidden	Forbidden	D	40
	Ethylenediamine	8	UN1604	II	8, 3	IB2, T7, TP2	154	202	243	1 L	30 L	A	40
	Ethyleneimine, stabilized	6.1	UN1185	I	6.1, 3	1, B9, B14, B30, B72, B77, N25, N32, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
	Ethylhexaldehyde, see Octyl aldehydes *etc*												
	2-Ethylhexyl chloroformate	6.1	UN2748	II	6.1, 8	IB2, T7, TP2, TP13	153	202	243	1 L	30 L	A	12, 13, 21, 25, 40, 100
	2-Ethylhexylamine	3	UN2276	III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A	40
	Ethylphenyldichlorosilane	8	UN2435	II	8	A7, B2, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	
	1-Ethylpiperidine	3	UN2386	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	
	N-Ethyltoluidines	6.1	UN2754	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	
	Ethyltrichlorosilane	3	UN1196	II	3, 8	A7, IB1, N34, T7, TP2, TP13	150	202	243	1 L	5 L	B	40
	Etiologic agent, see Infectious substances, *etc*												
	Explosive articles, see Articles, explosive , n.o.s. *etc*												
	Explosive, blasting, type A	1.1D	UN0081	II	1.1D		None	62	None	Forbidden	Forbidden	10	21E, 29E
	Explosive, blasting, type B	1.1D	UN0082	II	1.1D		None	62	None	Forbidden	Forbidden	10	29E
	Explosive, blasting, type B or Agent blasting, Type B	1.5D	UN0331	II	1.5D	105, 106	None	62	None	Forbidden	Forbidden	10	29E
	Explosive, blasting, type C	1.1D	UN0083	II	1.1D	123	None	62	None	Forbidden	Forbidden	10	22E
	Explosive, blasting, type D	1.1D	UN0084	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Explosive, blasting, type E	1.1D	UN0241	II	1.1D		None	62	None	Forbidden	Forbidden	10	19E, 29E

	Explosive, blasting, type E *or* Agent blasting, Type E	1.5D	UN0332	II	1.5D	105, 106	None	62	None	Forbidden	Forbidden	10	29E
	Explosive, forbidden. See § 173.54	Forbidden											
	Explosive substances, see Substances, explosive, n.o.s., *etc*												
	Explosives, slurry. see Explosive, blasting, type E												
	Explosives, water gels. see Explosive, blasting, type E												
	Extracts, aromatic, liquid	3	UN1169	II	3	149, IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Extracts, flavoring, liquid	3	UN1197	II	3	149, IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Fabric with animal or vegetable oil, see Fibers or fabrics, *etc*												
	Ferric arsenate	6.1	UN1606	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Ferric arsenite	6.1	UN1607	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Ferric chloride, anhydrous	8	UN1773	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
	Ferric chloride, solution	8	UN2582	III	8	B15, IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Ferric nitrate	5.1	UN1466	III	5.1	A1, A29, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	
	Ferrocerium	4.1	UN1323	II	4.1	59, A19, IB8, IP2, IP4, T3, TP33	151	212	240	15 kg	50 kg	A	
	Ferrosilicon *with 30 percent or more but less than 90 percent silicon*	4.3	UN1408	III	4.3, 6.1	A1, A19, B6, IB8, IP4, IP7, T1, TP33	151	213	240	25 kg	100 kg	A	13, 40, 52, 53, 85, 103
	Ferrous arsenate	6.1	UN1608	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
D	Ferrous chloride, solid	8	NA1759	II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	
D	Ferrous chloride, solution	8	NA1760	II	8	B3, IB2, T11, TP2, TP27	154	202	242	1 L	30 L	B	40
	Ferrous metal borings *or* Ferrous metal shavings *or* Ferrous metal turnings *or* Ferrous metal cuttings *in a form liable to self-heating.*	4.2	UN2793	III	4.2	A1, A19, IB8, IP3, IP7	None	213	241	25 kg	100 kg	A	
	Fertilizer ammoniating solution *with free ammonia*	2.2	UN1043		2.2		306	304	314, 315	Forbidden	150 kg	E	40
A I W	Fibers, animal *or* Fibers, vegetable *burnt, wet or damp*	4.2	UN1372	III			151	213	240	Forbidden	Forbidden	A	
I W	Fibers, vegetable, dry	4.1	UN3360		4.1	137	151	213	240	No Limit	No Limit	A	
A W	Fibers *or* Fabrics, animal *or* vegetable *or* Synthetic, n.o.s. *with animal or vegetable oil*	4.2	UN1373	III	4.2	137, IB8, IP3, T1, TP33	None	213	241	Forbidden	Forbidden	A	
	Fibers *or* Fabrics impregnated with weakly nitrated nitrocellulose, n.o.s	4.1	UN1353	III	4.1	A1, IB8, IP3	None	213	240	25 kg	100 kg	D	
	Films, nitrocellulose base, from which gelatine has been removed; film scrap, see Celluloid scrap.												
	Films, nitrocellulose base, *gelatine coated (except scrap)*	4.1	UN1324	III	4.1		None	183	None	25 kg	100 kg	D	28
	Fire extinguisher charges, *corrosive liquid*	8	UN1774	II	8	N41	154	202	None	1 L	30 L	A	
	Fire extinguisher charges, expelling, explosive, see Cartridges, power device												
	Fire extinguishers *containing compressed or liquefied gas*	2.2	UN1044		2.2	18, 110	309	309	None	75 kg	150 kg	A	
	Firelighters, solid *with flammable liquid*	4.1	UN2623	III	4.1	A1, A19	None	213	None	25 kg	100 kg	A	52
	Fireworks	1.1G	UN0333	II	1.1G	108	None	62	None	Forbidden	Forbidden	07	
	Fireworks	1.2G	UN0334	II	1.2G	108	None	62	None	Forbidden	Forbidden	07	
	Fireworks	1.3G	UN0335	II	1.3G	108	None	62	None	Forbidden	Forbidden	07	
	Fireworks	1.4G	UN0336	II	1.4G	108	None	62	None	Forbidden	75 kg	06	
	Fireworks	1.4S	UN0337	II	1.4S	108	None	62	None	25 kg	100 kg	05	
	First aid kits	9	UN3316		9	15	161	161	None	10 kg	10 kg	A	
W	Fish meal, stabilized *or* Fish scrap, stabilized	9	UN2216	III	None	155, IB8, IP3, T1, TP33	155	218	218	No limit	No limit	B	88, 122, 128
	Fish meal, unstabilized *or* Fish scrap, unstabilized	4.2	UN1374	II	4.2	155, A1, A19, IB8, IP2, IP4, T3, TP33	None	212	241	15 kg	50 kg	B	18, 128
	Fissile radioactive materials, see Radioactive material, fissile, n.o.s.												
	Flammable compressed gas, see Compressed or Liquefied gas, flammable, *etc*												
	Flammable compressed gas (small receptacles not fitted with a dispersion device, not refillable), see Receptacles, *etc.*												
	Flammable gas in lighters, see Lighters or lighter refills, *cigarettes, containing flammable gas*												
G	Flammable liquid, toxic, corrosive, n.o.s.	3	UN3286	I	3, 6.1, 8	T14, TP2, TP13, TP27	None	201	243	Forbidden	2.5 L	E	21, 40, 100
				II	3, 6.1, 8	IB2, T11, TP2, TP13, TP27	150	202	243	1 L	5 L	B	21, 40, 100
G	Flammable liquids, corrosive, n.o.s.	3	UN2924	I	3, 8	T14, TP2	None	201	243	0.5 L	2.5 L	E	40
				II	3, 8	IB2, T11, TP2, TP27	150	202	243	1 L	5 L	B	40
				III	3, 8	B1, IB3, T7, TP1, TP28	150	203	242	5 L	60 L	A	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
G	Flammable liquids, n.o.s.	3	UN1993	I	3	T11, TP1, TP27	150	201	243	1 L	30 L	E	
				II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	
				III	3	B1, B52, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
G	Flammable liquids, toxic, n.o.s.	3	UN1992	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	E	40
				II	3, 6.1	IB2, T7, TP2, TP13	150	202	243	1 L	60 L	B	40
				III	3, 6.1	B1, IB3, T7, TP1, TP28	150	203	242	60 L	220 L	A	
G	Flammable solid, corrosive, inorganic, n.o.s.	4.1	UN3180	II	4.1, 8	A1, IB6, IP2, T3, TP33	151	212	242	15 kg	50 kg	D	40
				III	4.1, 8	A1, IB6, T1, TP33	151	213	242	25 kg	100 kg	D	40
G	Flammable solid, inorganic, n.o.s.	4.1	UN3178	II	4.1	A1, IB8, IP2, IP4, T3, TP33	151	212	240	15 kg	50 kg	B	
				III	4.1	A1, IB8, IP3, T1, TP33	151	213	240	25 kg	100 kg	B	
G	Flammable solid, organic, molten, n.o.s.	4.1	UN3176	II	4.1	IB1, T3, TP3, TP26	151	212	240	Forbidden	Forbidden	C	
				III	4.1	IB1, T1, TP3, TP26	151	213	240	Forbidden	Forbidden	C	
G	Flammable solid, oxidizing, n.o.s.	4.1	UN3097	II	4.1, 5.1.	131	None	214	214	Forbidden	Forbidden	E	40
				III	4.1, 5.1.	131, T1, TP33	None	214	214	Forbidden	Forbidden	D	40
G	Flammable solid, toxic, inorganic, n.o.s.	4.1	UN3179	II	4.1, 6.1.	A1, IB6, IP2, T3, TP33	151	212	242	15 kg	50 kg	B	40
				III	4.1, 6.1.	A1, IB6, T1, TP33	151	213	242	25 kg	100 kg	B	40
G	Flammable solids, corrosive, organic, n.o.s.	4.1	UN2925	II	4.1, 8	A1, IB6, IP2, T3, TP33	None	212	242	15 kg	50 kg	D	40
				III	4.1, 8	A1, IB6, T1, TP33	151	213	242	25 kg	100 kg	D	40
G	Flammable solids, organic, n.o.s.	4.1	UN1325	II	4.1	A1, IB8, IP2, IP4, T3, TP33	151	212	240	15 kg	50 kg	B	
				III	4.1	A1, IB8, IP3, T1, TP33	151	213	240	25 kg	100 kg	B	
G	Flammable solids, toxic, organic, n.o.s.	4.1	UN2926	II	4.1, 6.1.	A1, IB6, IP2, T3, TP33	151	212	242	15 kg	50 kg	B	40
				III	4.1, 6.1.	A1, IB6, T1, TP33	151	213	242	25 kg	100 kg	B	40
	Flares, aerial	1.3G	UN0093	II	1.3G		None	62	None	Forbidden	75 kg	07	
	Flares, aerial	1.4G	UN0403	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Flares, aerial	1.4S	UN0404	II	1.4S		None	62	None	25 kg	100 kg	05	
	Flares, aerial	1.1G	UN0420	II	1.1G		None	62	None	Forbidden	Forbidden	07	
	Flares, aerial	1.2G	UN0421	II	1.2G		None	62	None	Forbidden	Forbidden	07	
	Flares, airplane, see Flares, aerial												
	Flares, signal, see Cartridges, signal												
	Flares, surface	1.3G	UN0092	II	1.3G		None	62	None	Forbidden	75 kg	07	
	Flares, surface	1.1G	UN0418	II	1.1G		None	62	None	Forbidden	Forbidden	07	
	Flares, surface	1.2G	UN0419	II	1.2G		None	62	None	Forbidden	Forbidden	07	
	Flares, water-activated, see Contrivances, water-activated, *etc*												
	Flash powder	1.1G	UN0094	II	1.1G		None	62	None	Forbidden	Forbidden	15	
	Flash powder	1.3G	UN0305	II	1.3G		None	62	None	Forbidden	Forbidden	15	
	Flue dusts, poisonous, see Arsenical dust												
	Fluoric acid, see Hydrofluoric acid, *etc*												
	Fluorine, compressed	2.3	UN1045		2.3, 5.1, 8.	1	None	302	None	Forbidden	Forbidden	D	40, 89, 90
	Fluoroacetic ecid	6.1	UN2642	I	6.1	IB7, IP1, T6, TP33	None	211	242	1 kg	15 kg	E	
	Fluoroanilines	6.1	UN2941	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Fluorobenzene	3	UN2387	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	

	Fluoroboric acid	8	UN1775	II	8	A6. A7, B2, B15, IB2, N3, N34, T7, TP2	154	202	242	1 L	30 L	A	
	Fluorophosphoric acid anhydrous	8	UN1776	II	8	A6. A7, B2, IB2, N3, N34, T8, TP2, TP12	None	202	242	1 L	30 L	A	
	Fluorosilicates, n.o.s.	6.1	UN2856	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	52
	Fluorosilicic acid	8	UN1778	II	8	A6. A7, B2, B15, IB2, N3, N34, T8, TP2, TP12	None	202	242	1 L	30 L	A	
	Fluorosulfonic acid	8	UN1777	I	8	A3, A6, A7, A10, B6, B10, N3, N36, T10, TP2, TP12	None	201	243	0.5 L	2.5 L	D	40
	Fluorotoluenes	3	UN2388	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Forbidden materials. See § 173.21	Forbidden											
	Formaldehyde, solutions, flammable	3	UN1198	III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A	40
	Formaldehyde, solutions, *with not less than 25 percent formaldehyde*	8	UN2209	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Formalin, see Formaldehyde, solutions												
	Formic acid	8	UN1779	II	8	B2, B28, IB2, T7, TP2	154	202	242	1 L	30 L	A	40
	Fracturing devices, explosive, *without detonators for oil wells*	1.1D	UN0099	II	1.1D		None	62	None	Forbidden	Forbidden	07	
	Fuel, aviation, turbine engine	3	UN1863	I	3	144, T11, TP1, TP8, TP28	150	201	243	1 L	30 L	E	
				II	3	144, IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
				III	3	144, B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
D	Fuel oil *(No. 1, 2, 4, 5, or 6)*	3	NA1993	III	3	144, B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
	Fuel system components (including fuel control units (FCU), carburetors, fuel lines, fuel pumps) see Dangerous Goods in Apparatus *or* Dangerous Goods in Machinery.												
	Fulminate of mercury (dry)	Forbidden											
	Fulminate of mercury, wet, see Mercury fulminate, *etc*												
	Fulminating gold	Forbidden											
	Fulminating mercury	Forbidden											
	Fulminating platinum	Forbidden											
	Fulminating silver	Forbidden											
	Fulminic acid	Forbidden											
	Fumaryl chloride	8	UN1780	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	C	8, 40
	Fumigated lading, see §§ 172.302(g), 173.9 and 176.76(h)												
	Fumigated transport vehicle or freight container see 173.9												
	Furaldehydes	6.1	UN1199	II	6.1, 3	IB2, T7, TP2	153	202	243	5 L	60 L	A	
	Furan	3	UN2389	I	3	T12, TP2, TP13	None	201	243	1 L	30 L	E	40
	Furfuryl alcohol	6.1	UN2874	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	52, 74
	Furfurylamine	3	UN2526	III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A	40
	Fuse, detonating, *metal clad, see* Cord, detonating, *metal clad*												
	Fuse, detonating, mild effect, *metal clad, see* Cord, detonating, mild effect, *metal clad*												
	Fuse, igniter *tubular metal clad*	1.4G	UN0103	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Fuse, non-detonating *instantaneous or quickmatch*	1.3G	UN0101	II	1.3G		None	62	None	Forbidden	Forbidden	07	
	Fuse, safety	1.4S	UN0105	II	1.4S		None	62	None	25 kg	100 kg	05	
D	Fusee (*railway or highway*)	4.1	NA1325	II	4.1		None	184	None	15 kg	50 kg	B	
	Fusel oil	3	UN1201	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Fuses, tracer, see Tracers for ammunition												
	Fuzes, combination, percussion and time, see Fuzes, detonating *(UN0257, UN0367);* Fuzes, igniting *(UN0317, UN0368)*												
	Fuzes, detonating	1.1B	UN0106	II	1.1B		None	62	None	Forbidden	Forbidden	11	
	Fuzes, detonating	1.2B	UN0107	II	1.2B		None	62	None	Forbidden	Forbidden	11	
	Fuzes, detonating	1.4B	UN0257	II	1.4B	116	None	62	None	Forbidden	75 kg	06	
	Fuzes, detonating	1.4S	UN0367	II	1.4S	116	None	62	None	25 kg	100 kg	05	
	Fuzes, detonating, *with protective features*	1.1D	UN0408	II	1.1D		None	62	None	Forbidden	Forbidden	07	
	Fuzes, detonating, *with protective features*	1.2D	UN0409	II	1.2D		None	62	None	Forbidden	Forbidden	07	
	Fuzes, detonating, *with protective features*	1.4D	UN0410	II	1.4D	116	None	62	None	Forbidden	75 kg	06	
	Fuzes, igniting	1.3G	UN0316	II	1.3G		None	62	None	Forbidden	Forbidden	07	
	Fuzes, igniting	1.4G	UN0317	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Fuzes, igniting	1.4S	UN0368	II	1.4S		None	62	None	25 kg	100 kg	05	
	Galactsan trinitrate	Forbidden											
	Gallium	8	UN2803	III	8	T1, TP33	None	162	240	20 kg	20 kg	B	48
	Gas cartridges, *(flammable) without a release device, non-refillable*	2.1	UN2037		2.1		306	304	None	1 kg	15 kg	B	40
	Gas generator assemblies (aircraft), *containing a non-flammable non-toxic gas and a propellant cartridge*	2.2			2.2		None	335	None	75 kg	150 kg	A	
D	Gas identification set	2.3	NA9035		2.3	6	None	194	None	Forbidden	Forbidden	D	
	Gas oil	3	UN1202	III	3	144, B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	(8) Packaging (§173.***) Non-bulk	(8) Packaging (§173.***) Bulk	(9) Quantity limitations Passenger aircraft/rail	(9) Quantity limitations Cargo aircraft only	(10) Vessel stowage Location	(10) Vessel stowage Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
G	Gas, refrigerated liquid, flammable, n.o.s. *(cryogenic liquid)*	2.1	UN3312		2.1	T75, TP5	None	316	318	Forbidden	Forbidden	D	40
G	Gas, refrigerated liquid, n.o.s. *(cryogenic liquid)*	2.2	UN3158		2.2	T75, TP5	320	316	318	50 kg	500 kg	D	
G	Gas, refrigerated liquid, oxidizing, n.o.s. *(cryogenic liquid)*	2.2	UN3311		2.2. 5.1.	T75, TP5, TP22	320	316	318	Forbidden	Forbidden	D	
	Gas sample, non-pressurized, flammable, n.o.s., *not refrigerated liquid*	2.1	UN3167		2.1		306	302, 304.	None	1 L	5 L	D	
	Ges sample, non-pressurized, toxic, flammable, n.o.s., *not refrigerated liquid*	2.3	UN3168		2.3, 2.1.	6	306	302	None	Forbidden	1 L	D	
	Gas sample, non-pressurized, toxic, n.o.s., *not refrigerated liquid*	2.3	UN3169		2.3	6	306	302, 304.	None	Forbidden	1 L	D	
D	Gasohol *gasoline mixed with ethyl alcohol, with not more then 20 percent alcohol*	3	NA1203	II	3	144	150	202	242	5 L	60 L	E	
	Gasoline	3	UN1203	II	3	139, B33, B101, T8	150	202	242	5 L	60 L	E	
	Gasoline, casinghead, see Gasoline												
	Gelatine, blasting, see Explosive, blasting, type A												
	Gelatine dynamites, see Explosive, blasting, type A												
	Germane	2.3	UN2192		2.3, 2.1.	2	None	302	245	Forbidden	Forbidden	D	40
	Glycerol-1,3-dinitrate	Forbidden											
	Glycerol gluconate trinitrate	Forbidden											
	Glycerol lactate trinitrate	Forbidden											
	Glycerol alpha-monochlorohydrin	6.1	UN2689	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Glyceryl trinitrete, see Nitroglycerin, *etc*												
	Glycidaldehyde	3	UN2622	II	3, 6.1	IB2, IP8, T7, TP1	150	202	243	1 L	60 L	A	40
	Grenades, *hand or rifle, with bursting cherge*	1.1D	UN0284	II	1.1D			62	None	Forbidden	Forbidden	07	
	Grenades, *hand or rifle, with bursting cherge*	1.2D	UN0285	Ii	1.2D			62	None	Forbidden	Forbidden	07	
	Grenades, *hand or rifle, with bursting cherge*	1.1F	UN0292	II	1.1F			62	None	Forbidden	Forbidden	08	
	Grenades, *hand or rifle, with bursting charge*	1.2F	UN0293	II	1.2F			62	None	Forbidden	Forbidden	08	
	Grenedes, illumineting, see Ammunition, illuminating, *etc*												
	Grenades, practice, *hand or rifle*	1.4S	UN0110	II	1.4S			62	None	25 kg	100 kg	05	
	Grenades, practice, *hand or rifle*	1.3G	UN0318	II	1.3G			62	None	Forbidden	Forbidden	07	
	Grenades, practice, *hand or rifle*	1.2G	UN0372	II	1.2G			62	None	Forbidden	Forbidden	07	
	Grenades practice *Hand or rifle*	1.4G	UN0452	II	1.4G			62	None	Forbidden	75 kg	06	
	Grenades, smoke, see Ammunition, smoke, *etc*												
	Guenidine nitrate	5.1	UN1467	III	5.1	A1, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	73
	Guanyl nitrosaminoguanylidene hydrazine (dry)	Forbidden											
	Guanyl nitroseminoguanylidene hydrazine, wetted *with not less than 30 percent water, by mass*	1.1A	UN0113	II	1.1A	111, 117	None	62	None	Forbidden	Forbidden	12	
	Guenyl nitrosaminoguenyltetrazene (dry)	Forbidden											
	Guanyl nitrosaminoguanyltetrazene, wetted or Tetrazene, wetted *with not less than 30 percent water or mixture of alcohol and water, by mess.*	1.1A	UN0114	II	1.1A	111, 117	None	62	None	Forbidden	Forbidden	12	
	Gunpowder, compressed *or* Gunpowder in pellets, *see* Black powder *(UN 0028)*												
	Gunpowder, *granular or as e meel, see* Black powder *(UN 0027)*												
	Hafnium powder, dry	4.2	UN2545	I	4.2		None	211	242	Forbidden	Forbidden	D	
				II	4.2	A19, A20, IB6, IP2, N34. T3, TP33	None	212	241	15 kg	50 kg	D	
				III	4.2	IB8, IP3, T1, TP33	None	213	241	25 kg	100 kg	D	
	Hafnium powder, wetted *with not less than 25 percent water (a visible excess of water must be present) (a) mechanically produced, particle size less than 53 microns: (b) chemically produced, particle size less than 840 microns.*	4.1	UN1326	II	4.1	A6, A19, A20, IB6, IP2, N34, T3, TP33	None	212	241	15 kg	50 kg	E	74
	Hand signal device, see Signal devices, hand												
	Hazardous substances, liquid or solid, n.o.s., see Environmentally hazardous substances, *etc*												
D G	Hazardous waste, liquid, n.o.s.	9	NA3082	III	9	IB3, T2, TP1	155	203	241	No limit	No limit	A	
D G	Hazerdous waste, solid, n.o.s.	9	NA3077	III	9	B54, IB8, IP2, T1, TP33	155	213	240	No limit	No limit	A	
	Heating oil, light	3	UN1202	III	3	B1, IB3. T2, TP1	150	203	242	60 L	220 L	A	
	Helium, compressed	2.2	UN1046		2.2		306	302	302, 314.	75 kg	150 kg	A	85
	Helium-oxygen mixture, see Rare gases and oxygen mixtures												
	Helium, refrigerated liquid *(cryogenic liquid)*	2.2	UN1963		2.2	T75, TP5	320	316	318	50 kg	500 kg	B	
	Heptafluoropropane *or* Refrigerent gas R 227	2.2	UN3296		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
	n-Heptaldehyde	3	UN3056	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	

Heptanes	3	UN1206	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
n-Heptene	3	UN2278	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
Hexachloroacetone	6.1	UN2661	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	B	12, 40
Hexachlorobenzene	6.1	UN2729	III	6.1	B3, IB8, IP3, T1, TP33	153	203	241	60 L	220 L	A	
Hexachlorobutadiene	6.1	UN2279	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
Hexachlorocyclopentadiene	6.1	UN2646	I	6.1	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
Hexachlorophene	6.1	UN2875	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
Hexadecyltrichlorosilane	8	UN1781	II	8	A7, B2, B6, IB2, N34, T7, TP2	None	202	242	Forbidden	30 L	C	40
Hexadienes	3	UN2458	II	3	IB2, T4, TP1	None	202	242	5 L	60 L	B	
Hexaethyl tetraphosphate and compressed gas mixtures	2.3	UN1612		2.3	3	None	334	None	Forbidden	Forbidden	D	40
Hexaethyl tetraphosphate, *liquid*	6.1	UN1611	II	6.1	IB2, N76, T7, TP2	153	202	243	5 L	60 L	E	40
Hexaethyl tetraphosphate, *solid*	6.1	UN1611	II	6.1	IB8, IP2, IP4, N76	153	212	242	25 kg	100 kg	E	40
Hexafluoroacetone	2.3	UN2420		2.3, 8	2, B9, B14	None	304	314, 315.	Forbidden	Forbidden	D	40
Hexafluoroacetone hydrate, liquid	6.1	UN2552	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	B	40
Hexafluoroacetone hydrate, solid	6.1	UN3436	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	B	40
Hexafluoroethane, *or* Refrigerant gas R 116	2.2	UN2193		2.2		306	304	314, 315.	7.5 kg	150 kg	A	
Hexafluorophosphoric acid	8	UN1782	II	8	A6, A7, B2, IB2, N3, N34, T8, TP2, TP12	None	202	242	1 L	30 L	A	
Hexafluoropropylene compressed *or* Refrigerant gas R 1216	2.2	UN1858		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
Hexaldehyde	3	UN1207	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
Hexamethylene diisocyanate	6.1	UN2281	II	6.1	IB2, T7, TP2, TP13	153	202	243	5 L	60 L	C	13, 40
Hexamethylene triperoxide diamine (dry)	Forbidden											
Hexamethylenediamine, solid	8	UN2280	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	12
Hexamethylenediamine solution	8	UN1783	II	8	IB2, T7, TP2	None	202	242	1 L	30 L	A	
			III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
Hexamethyleneimine	3	UN2493	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	40
Hexamethylenetetramine	4.1	UN1328	III	4.1	A1, IB8, IP3, T1, TP33	151	213	240	25 kg	100 kg	A	
Hexamethylol benzene hexanitrate	Forbidden											
Hexanes	3	UN1208	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
2,2',4,4',6,6'- Hexanitro-3,3'-dihydroxyazobenzene (dry)	Forbidden											
Hexanitroazoxy benzene	Forbidden											
N,N'-(hexanitrodiphenyl) ethylene dinitramine (dry)	Forbidden											
Hexanitrodiphenyl urea	Forbidden											
2,2',3',4,4',6-Hexanitrodiphenylamine	Forbidden											
Hexanitrodiphenylamine *or* Dipicrylamine *or* Hexyl	1.1D	UN0079	II	1.1D		None	62	None	Forbidden	Forbidden	10	
2,3',4,4',6,6'-Hexanitrodiphenylether	Forbidden											
Hexanitroethane	Forbidden											
Hexanitrooxanilide	Forbidden											
Hexanitrostilbene	1.1D	UN0392	II	1.1D		None	62	None	Forbidden	Forbidden	10	
Hexanoic acid, see Corrosive liquids, *n.o.s.*												
Hexanols	3	UN2282	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	74
1-Hexene	3	UN2370	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
Hexogen and cyclotetramethylenetetranitramine mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
Hexogen and HMX mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
Hexogen and octogen mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted *or* desensitized *etc.*												
Hexogen, *see* Cyclotrimethylenetrinitramine, *etc*												
Hexolite, *or* Hexotol *dry or wetted with less than 15 percent water, by mass*	1.1D	UN0118	II	1.1D		None	62	None	Forbidden	Forbidden	10	
Hexotonal	1.1D	UN0393	II	1.1D		None	62	None	Forbidden	Forbidden	10	
Hexyl, *see* Hexanitrodiphenylamine												
Hexyltrichlorosilane	8	UN1784	II	8	A7, B2, B8, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
High explosives, see individual explosives' entries												
HMX, *see* Cyclotetramethylenete tranitramine, *etc*												
Hydrazine, anhydrous	8	UN2029	I	8, 3, 6.1.	A3, A6, A7, A10, B7, B16, B53	None	201	243	Forbidden	2.5 L	D	40, 125

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Hydrazine, aqueous solution *with not more than 37 percent hydrazine, by mass*	6.1	UN3293	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Hydrazine azide	Forbidden											
	Hydrazine chlorate	Forbidden											
	Hydrazine dicarbonic acid diazide	Forbidden											
	Hydrazine aqueous solution, *with more than 37% hydrazine, by mass*	8	UN2030	I	8, 6.1	151, B18, B53, T10, TP2, TP13	None	201	243	Forbidden	2.5 L	D	40
				II	8, 6.1	B16, B53, IB2, T7, TP2, TP13	None	202	243	Forbidden	30 L	D	40
				III	8, 6.1	B16, B53, IB3, T4, TP1	154	203	241	5 L	60 L	D	40
	Hydrazine perchlorate	Forbidden											
	Hydrazine selenate	Forbidden											
	Hydriodic acid, anhydrous, see Hydrogen iodide, anhydrous												
	Hydriodic acid	8	UN1787	II	8	A3, A6, B2, IB2, N41, T7, TP2	154	202	242	1 L	30 L	C	
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	C	8
	Hydrobromic acid, anhydrous, see Hydrogen bromide, anhydrous												
	Hydrobromic acid, *with more than 49 percent hydrobromic acid*	8	UN1788	II	8	B2, B15, IB2, N41, T7, TP2	154	202	242	Forbidden	Forbidden	C	
				III	8	IB3, T4, TP1	154	203	241	Forbidden	Forbidden	C	8
	Hydrobromic acid, *with not more than 49 percent hydrobromic acid*	8	UN1788	II	8	A3, A6, B2, B15, IB2, N41, T7, TP2	154	202	242	1 L	30 L	C	
				III	8	A3, IB3, T4, TP1	154	203	241	5 L	60 L	C	8
	Hydrocarbon gas mixture, compressed, *n.o.s.*	2.1	UN1964		2.1		306	302	314, 315.	Forbidden	150 kg	E	40
	Hydrocarbon gas mixture, liquefied, *n.o.s.*	2.1	UN1965		2.1	T50	306	304	314, 315.	Forbidden	150 kg	E	40
	Hydrocarbons, liquid, n.o.s.	3	UN3295	I	3	144, T11, TP1, TP8, TP28	150	201	243	1 L	30 L	E	
				II	3	144, IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	
				III	3	144, B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
	Hydrochloric acid, anhydrous, see Hydrogen chloride, anhydrous												
	Hydrochloric acid	8	UN1789	II	8	A3, A6, B3, B15, IB2, N41, T8, TP2, TP12	154	202	242	1 L	30 L	C	
				III	8	A3, IB3, T4, TP1, TP12	154	203	241	5 L	60 L	C	8
	Hydrocyanic acid, anhydrous, see Hydrogen cyanide *etc*												
	Hydrocyenic acid, aqueous solutions or Hydrogen cyenide, aqueous solutions *with not more than 20 percent hydrogen cyanide.*	6.1	UN1613	I	6.1	2, B61. B65, B77, B82, T20, TP2, TP13	None	195	244	Forbidden	Forbidden	D	40
D	Hydrocyenic acid, aqueous solutions *with less than 5 percent hydrogen cyanide*	6.1	NA1613	II	6.1	IB1, T14, TP2, TP13, TP27	None	195	243	Forbidden	5 L	D	40
	Hydrocyanic acid, liquefied, see Hydrogen cyanide, *etc*												
	Hydrocyanic acid (prussic), unstabilized	Forbidden											
	Hydrofluoric acid end Sulfuric acid mixtures	8	UN1786	I	8, 6.1	A6, A7, B15, B23, N5, N34, T10, TP2, TP12, TP13	None	201	243	Forbidden	2.5 L	D	40
	Hydrofluoric acid, anhydrous, see Hydrogen fluoride, anhydrous												
	Hydrofluoric acid, *with more than 60 percent strength*	8	UN1790	I	8, 6.1	A6, A7, B4, B15, B23, N5, N34, T10, TP2, TP12, TP13	None	201	243	0.5 L	2.5 L	D	12, 40
	Hydrofluoric acid, *with not more than 60 percent strength*	8	UN1790	II	8, 6.1	A6, A7, B15, IB2, N5, N34, T8, TP2, TP12	154	202	243	1 L	30 L	D	12, 40
	Hydrofluoroboric acid, see Fluoroboric acid												
	Hydrofluorosilicic acid, see Fluorosilicic acid												
	Hydrogen and Methane mixtures, compressed	2.1	UN2034		2.1		306	302	302, 314, 315.	Forbidden	150 kg	E	40, 57

Hydrogen bromide, anhydrous	2.3	UN1048		2.3, 8	3, B14	None	304	314, 315.	Forbidden	Forbidden	D	40
Hydrogen chloride, anhydrous	2.3	UN1050		2.3, 8	3	None	304	None	Forbidden	Forbidden	D	40
Hydrogen chloride, refrigerated liquid	2.3	UN2186		2.3, 8	3, B6	None	None	314, 315.	Forbidden	Forbidden	B	40
Hydrogen, compressed	2.1	UN1049		2.1		306	302	302, 314.	Forbidden	150 kg	E	40, 57
Hydrogen cyanide, solution in alcohol *with not more than 45 percent hydrogen cyanide*	6.1	UN3294	I	6.1, 3	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
Hydrogen cyanide, stabilized *with less than 3 percent water*	6.1	UN1051	I	6.1, 3	1, B35, B61, B65, B77, B82	None	195	244	Forbidden	Forbidden	D	40
Hydrogen cyanide, stabilized, *with less than 3 percent water and absorbed in a porous inert material.*	6.1	UN1614	I	6.1	5	None	195	None	Forbidden	Forbidden	D	25, 40
Hydrogen fluoride, anhydrous	8	UN1052	I	8, 6.1	3, B7, B46, B71, B77, T10, TP2	None	163	243	Forbidden	Forbidden	D	40
Hydrogen *in* a metal hydride storage system	2.1	UN3468		2.1	167	None	214	None	Forbidden	Forbidden	D	
Hydrogen iodide, anhydrous	2.3	UN2197		2.3	3, B14	None	304	314, 315.	Forbidden	Forbidden	D	40
Hydrogen iodide solution, see Hydriodic acid, solution												
Hydrogen peroxide and peroxyacetic acid mixtures, stabilized *with acids, water and not more than 5 percent peroxyacetic acid.*	5.1	UN3149	II	5.1, 8	145, A2, A3, A6, B53, IB2, IP5, T7, TP2, TP6, TP24	None	202	243	1 L	5 L	D	25, 66, 75
Hydrogen peroxide, aqueous solutions *with more than 40 percent but not more than 60 percent hydrogen peroxide (stabilized as necessary).*	5.1	UN2014	II	5.1, 8	12, B53, B80, B81, B85, IB2, T7, TP2, TP6, TP24, TP37	None	202	243	Forbidden	Forbidden	D	25, 66, 75
Hydrogen peroxide, aqueous solutions *with not less than 20 percent but not more than 40 percent hydrogen peroxide (stabilized as necessary).*	5.1	UN2014	II	5.1, 8	A2, A3, A6, B53, IB2, IP5, T7, TP2, TP6, TP24, TP37	None	202	243	1 L	5 L	D	25, 66, 75
Hydrogen peroxide, aqueous solutions *with not less than 8 percent but less than 20 percent hydrogen peroxide (stabilized as necessary).*	5.1	UN2984	III	5.1	A1, IB2, IP5, T4, TP1, TP6, TP24, TP37	152	203	241	2.5 L	30 L	B	25, 66, 75
Hydrogen peroxide, stabilized *or* Hydrogen peroxide aqueous solutions, stabilized *with more than 60 percent hydrogen peroxide.*	5.1	UN2015	I	5.1, 8	12, B53, B80, B81, B85, T10, TP2, TP6, TP24, TP37	None	201	243	Forbidden	Forbidden	D	25, 66, 75
Hydrogen, refrigerated liquid *(cryogenic liquid)*	2.1	UN1968		2.1	T75. TP5	None	318	318, 319.	Forbidden	Forbidden	D	40
Hydrogen selenide, anhydrous	2.3	UN2202		2.3, 2.1.	1	None	192	245	Forbidden	Forbidden	D	40
Hydrogen sulfate, see Sulfuric acid												
Hydrogen sulfide	2.3	UN1053		2.3, 2.1.	2, B9, B14	None	304	314, 315.	Forbidden	Forbidden	D	40
Hydrogendifluorides, n.o.s.	8	UN1740	II	8	IB8, IP2, IP4, N3, N34, T3, TP33	None	212	240	15 kg	50 kg	A	25, 40, 52
			III	8	IB8, IP3, N3, N34, T1, TP33	154	213	240	25 kg	100 kg	A	25, 40, 52
Hydroquinone, solid	6.1	UN2662	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
Hydroquinone solution	6.1	UN3435	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
Hydrosilicofluoric acid, see Fluorosilicic acid												
Hydroxyl amine iodide	Forbidden											
Hydroxylamine sulfate	8	UN2865	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
Hypochlorite solutions	8	UN1791	II	8	A7, B2, B15, IB2, IP5, N34, T7, TP2, TP24	154	202	242	1 L	30 L	B	26
			III	8	IB3, N34, T4, TP2, TP24	154	203	241	5 L	60 L	B	26
Hypochlorites, inorganic, n.o.s.	5.1	UN3212	II	5.1	A9, IB8, IP2, IP4, T3, TP33	152	212	240	5 kg	25 kg	D	4, 48, 52, 56, 58, 69, 106, 116 118
Hyponitrous acid	Forbidden											
Igniter fuse, metal clad, see Fuse, *igniter, tubular, metal clad*												
Igniters	1.1G	UN0121	II	1.1G		None	62	None	Forbidden	Forbidden	07	
Igniters	1.2G	UN0314	II	1.2G		None	62	None	Forbidden	Forbidden	07	
Igniters	1.3G	UN0315	II	1.3G		None	62	None	Forbidden	Forbidden	07	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Igniters	1.4G	UN0325	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Igniters	1.4S	UN0454	II	1.4S		None	62	None	25 kg	100 kg	05	
	3,3'-Iminodipropylamine	8	UN2269	III	8	IB3, T4, TP2	154	203	241	5 L	60 L	A	
G	Infectious substances, affecting animals *only*	6.2	UN2900		6.2	A81, A82	134	198	None	50 mL or 50 g	4 L or 4 kg	B	40
G	Infectious substances, affecting humans	6.2	UN2814		6.2	A81, A82	134	198	None	50 mL or 50 g	4 L or 4 kg	B	40
	Diagnostic specimen	6.2				A82	134	199	None	4 L or 4 kg	4 L or 4 kg	A	40
	Inflammable, see Flammable												
	Initiating explosives (dry)	Forbidden											
	Inositol hexanitrate (dry)	Forbidden											
G	Insecticide gases, n.o.s.	2.2	UN1968		2.2		306	304	314, 315.	75 kg	150 kg	A	
G	Insecticide gases, flammable, n.o.s.	2.1	UN3354		2.1	T50	306	304	314, 315.	Forbidden	150 kg	D	40
G	Insecticide gases, toxic, flammeble, n.o.s. *Inhalation hazard Zone A*	2.3	UN3355		2.3, 2.1.	1	None	192	245	Forbidden	Forbidden	D	40
G	Insecticide gases, toxic, flammable, n.o.s. *Inhalation hazard Zone B*	2.3	UN3355		2.3, 2.1.	2, B9, B14	None	302, 305.	314, 315.	Forbidden	Forbidden	D	40
G	Insecticide gases, toxic, flammable, n.o.s. *Inhalation hazard Zone C*	2.3	UN3355		2.3, 2.1.	3, B14	None	302, 305.	314, 315.	Forbidden	Forbidden	D	
G	Insecticide gases, toxic, flammable, n.o.s. *Inhalation hazard Zone D*	2.3	UN3355		2.3, 2.1.	4	None	302, 305.	314, 315.	Forbidden	Forbidden	D	
G	Insecticide gases, toxic, n.o.s.	2.3	UN1967		2.3	3	None	193, 334.	245	Forbidden	Forbidden	D	40
	Inulin trinitrate (dry)	Forbidden											
	Iodine azide (dry)	Forbidden											
	Iodine monochloride	8	UN1792	II	8	B6, IB8, IP2, IP4, N41, T7, TP2	None	212	240	Forbidden	50 kg	D	40, 66, 74, 89, 90
	Iodine pentafluoride	5.1	UN2495	I	5.1, 6.1, 8.		None	205	243	Forbidden	Forbidden	D	25, 40, 52, 66, 90
	2-Iodobutane	3	UN2390	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Iodomethylpropanes	3	UN2391	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Iodopropanes	3	UN2392	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Iodoxy compounds (dry)	Forbidden											
	Iridium nitratopentamine iridium nitrate	Forbidden											
	Iron chloride, see Ferric chloride												
	Iron oxide, spent, or Iron sponge, spent *obtained from coal gas purification*	4.2	UN1376	III	4.2	B18, IB8, IP3, T1, TP33	None	213	240	Forbidden	Forbidden	E	
	Iron pentacarbonyl	6.1	UN1994	I	8.1, 3	1, B9, B14, B30, B72, B77, T22, TP2, TP13, TP38. TP44	None	226	244	Forbidden	Forbidden	D	40
	Iron sesquichloride, see Ferric chloride												
	Irritating material, see Tear gas substances, *etc*												
	Isobutane *see also* Petroleum gases, liquefied	2.1	UN1969		2.1	19, T50	308	304	314, 315.	Forbidden	150 kg	E	40
	Isobutanol *or* Isobutyl alcohol	3	UN1212	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Isobutyl acetate	3	UN1213	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Isobutyl acrylate, stabilized	3	UN2527	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Isobutyl alcohol, *see* Isobutanol												
	Isobutyl aldehyde, see Isobutyraldehyde												
D	Isobutyl chloroformate	6.1	NA2742	I	8.1, 3, 8.	2, B9, B14, B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	1 L	30 L	A	12, 13, 22, 25, 40, 48, 100
	Isobutyl formate	3	UN2393	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Isobutyl isobutyrate	3	UN2528	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
+	Isobutyl isocyanate	3	UN2486	I	3, 6.1	1, B9, B14, B30, B72, T22, TP2, TP13, TP27	None	226	244	Forbidden	Forbidden	D	40
	Isobutyl methacrylate, stabilized	3	UN2283	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Isobutyl propionate	3	UN2394	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	B	

	Isobutylamine	3	UN1214	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B		40
	Isobutylene *see also* Petroleum gases, liquefied	2.1	UN1055		2.1	19, T50	306	304	314, 315.	Forbidden	150 kg	E		40
	Isobutyraldehyde *or* Isobutyl aldehyde	3	UN2045	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E		40
	Isobutyric acid	3	UN2529	III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A		
	Isobutyronitrile	3	UN2284	II	3, 6.1	IB2, T7, TP2, TP13	150	202	243	1 L	60 L	E		40
	Isobutyryl chloride	3	UN2395	II	3, 8	IB1, T7, TP2	150	202	243	1 L	5 L	C		40
G	Isocyanates, flammable, toxic, n.o.s. *or* Isocyanate solutions, flammable, toxic, *n.o.s. flash point less than 23 degrees C.*	3	UN2478	II	3, 6.1	5, A3, A7, IB2, T11, TP2, TP13, TP27	150	202	243	1 L	60 L	D		40
				III	3, 6.1	5, A3, A7, IB3, T7, TP1, TP13, TP28	150	203	242	60 L	220 L	A		
G	Isocyanates, toxic, flammable, n.o.s. *or* Isocyanate solutions, toxic, flammable, n.o.s., *flash point not less than 23 degrees C but not more than 61 degrees C and boiling point less than 300 degrees C.*	6.1	UN3080	II	6.1, 3	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B		25, 40, 48
G	Isocyanates, toxic, n.o.s. *or* Isocyanate solutions, toxic, n.o.s., *flash point more than 61 degrees C and boiling point less than 300 degrees C.*	6.1	UN2206	II	6.1	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	E		25, 40, 48
				III	6.1	IB3, T7, TP1, TP13, TP28	153	203	241	60 L	220 L	E		25, 40, 48
	Isocyanatobenzotrifluorides	6.1	UN2285	II	6.1, 3	5, IB2, T7, TP2	153	202	243	5 L	60 L	D		25, 40, 48
	Isoheptenes	3	UN2287	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B		
	Isohexenes	3	UN2288	II	3	IB2, IP8, T11, TP1	150	202	242	5 L	60 L	E		
	Isooctane, see Octanes													
	Isooctenes	3	UN1216	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B		
	Isopentane, see Pentane													
	Isopentanoic acid, see Corrosive liquids, n.o.s.													
	Isopentenes	3	UN2371	I	3	T11, TP2	150	201	243	1 L	30 L	E		
	Isophorone diisocyanate	6.1	UN2290	III	6.1	IB3, T4, TP2	153	203	241	60 L	220 L	B		40
	Isophoronediamine	8	UN2289	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A		
	Isoprene, stabilized	3	UN1218	I	3	T11, TP2	150	201	243	1 L	30 L	E		
	Isopropanol *or* Isopropyl alcohol	3	UN1219	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B		
	Isopropenyl acetate	3	UN2403	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B		
	Isopropenylbenzene	3	UN2303	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A		
	Isopropyl acetate	3	UN1220	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B		
	Isopropyl acid phosphate	8	UN1793	III	8	IB2, T4, TP1	154	213	240	25 kg	100 kg	A		
	Isopropyl alcohol, *see* Isopropanol													
	Isopropyl butyrate	3	UN2405	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A		
	Isopropyl chloroacetate	3	UN2947	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A		
	Isopropyl chloroformate	6.1	UN2407	I	8.1, 3, 8.	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP44	None	227	244	Forbidden	Forbidden	B		40
	Isopropyl 2-chloropropionate	3	UN2934	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A		
	Isopropyl isobutyrate	3	UN2406	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B		
+	Isopropyl isocyanate	3	UN2483	I	3, 6.1	1, B9, B14, B30, B72, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D		40
	Isopropyl mercaptan, see Propanethiols													
	Isopropyl nitrate	3	UN1222	II	3	IB99	150	202	None	5 L	60 L	D		
	Isopropyl phosphoric acid, see Isopropyl acid phosphate													
	Isopropyl propionate	3	UN2409	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B		
	Isopropylamine	3	UN1221	I	3, 8	T11, TP2	None	201	243	0.5 L	2.5 L	E		
	Isopropylbenzene	3	UN1918	III	3	B1, IB3, T2, TP1	150	203	242	80 L	220 L	A		
	Isopropylcumyl hydroperoxide, with more than 72 percent in solution	Forbidden												
	Isosorbide dinitrate mixture *with not less than 60 percent lactose, mannose, starch or calcium hydrogen phosphate.*	4.1	UN2907	II	4.1	IB6, IP2, N85	None	212	None	15 kg	50 kg	E		28, 36
	Isosorbide-5-mononitrate	4.1	UN3251	III	4.1	66, IB8	151	213	240	Forbidden	Forbidden	D		12
	Isothiocyanic acid	Forbidden												
	Jet fuel, see Fuel aviation, turbine engine													
D	Jet perforating guns, charged oil well, with detonator	1.1D	NA0124	II	1.1D	55, 56	None	62	None	Forbidden	Forbidden	07		
D	Jet perforating guns, charged oil well, with detonator	1.4D	NA0494	II	1.4D	55, 56	None	62	None	Forbidden	Forbidden	06		
	Jet perforating guns, charged *oil well, without detonator*	1.1D	UN0124	II	1.1D	55	None	62	None	Forbidden	Forbidden	07		
	Jet perforating guns, charged, *oil well, without detonator*	1.4D	UN0494	II	1.4D	55, 114	None	62	None	Forbidden	300 kg	06		
	Jet perforators, see Charges, shaped, *etc*													
	Jet tappers, without detonator, see Charges, shaped, *etc*													
	Jet thrust igniters, for rocket motors or Jato, see Igniters													
	Jet thrust unit (Jato), see Rocket motors													
	Kerosene	3	UN1223	III	3	144, B1, IB3, T2, TP2	150	203	242	60 L	220 L	A		
G	Ketones, liquid, n.o.s.	3	UN1224	I	3	T11, TP1, TP8, TP27	None	201	243	1 L	30 L	E		

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	.....	.....	.....	II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	.....
	.....	.....	.....	III	3	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	.....
	Krypton, compressed	2.2	UN1056	.....	2.2		306	302	None	75 kg	150 kg	A	.....
	Krypton, refrigerated liquid *(cryogenic liquid)*	2.2	UN1970	.....	2.2	T75, TP5	320	None	None	50 kg	500 kg	B	.....
	Lacquer base or lacquer chips, nitrocellulose, dry, see Nitrocellulose, *etc. (UN 2557)*	.....			.....		.....	.....	.....	.....	.....		.....
	Lacquer base or lacquer chips, plastic, wet with alcohol or solvent, see Nitrocellulose *(UN2059, UN2555, UN2556, UN2557)* or Paint *etc.(UN1263).*	.....			.....		.....	.....	.....	.....	.....	.....	.....	.....
	Lead acetate	6.1	UN1616	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	.....
	Lead arsenates	6.1	UN1617	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	.....
	Lead arsenites	6.1	UN1618	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	.....
	Lead azide (dry)	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Lead azide, wetted *with not less than 20 percent water or mixture of alcohol and water, by mass.*	1.1A	UN0129	II	1.1A	111, 117	None	62	None	Forbidden	Forbidden	12	.....
	Lead compounds, soluble, n.o.s.	6.1	UN2291	III	6.1	138, IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	.....
	Lead cyanide	6.1	UN1620	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	52
	Lead dioxide	5.1	UN1872	III	5.1	A1, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	.....
	Lead dross, see Lead sulfate, *with more than 3 percent free acid*	.....			.....		.....	.....	.....	.....	.....		.....
	Lead nitrate	5.1	UN1469	II	5.1, 6.1.	IB8, IP2, IP4, T3, TP33	152	212	242	5 kg	25 kg	A	.....
	Lead nitroresorcinate (dry)	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Lead perchlorate, solid	5.1	UN1470	II	5.1, 6.1.	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
	Lead perchlorate, solution	5.1	UN3408	III	5.1, 6.1.	IB2, T4, TP1	152	203	242	2.5 L	30 L	A	56, 58
	.....	.....	.....	II	5.1, 6.1.	IB2, T4, TP1	152	202	243	1 L	5 L	A	56, 58
	Lead peroxide, see Lead dioxide	.....			.....		.....	.....	.....	.....	.....		.....
	Lead phosphite, dibasic	4.1	UN2989	II	4.1	IB8, IP2, IP4, T3, TP33	None	212	240	5 kg	25 kg	B	34
	.....	.....	.....	III	4.1	IB8, IP3, T1, TP33	151	213	240	15 kg	50 kg	B	34
	Lead picrate (dry)	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Lead styphnate (dry)	Forbidden			.....		.....	.....	.....	.....	.....		.....
	Lead styphnate, wetted or Lead trinitroresorcinate, wetted *with not less than 20 percent water or mixture of alcohol and water, by mass.*	1.1A	UN0130	II	1.1A	111, 117	None	62	None	Forbidden	Forbidden	12	.....
	Lead sulfate *with more than 3 percent free acid*	8	UN1794	II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	.....
	Lead trinitroresorcinate, *see* Lead styphnate, *etc*	.....			.....		.....	.....	.....	.....	.....		.....
	Life-saving appliances, not self inflating *containing dangerous goods as equipment*	9	UN3072	.....	None		None	219	None	No limit	No limit	A	.....
	Life-seving appliances, self inflating	9	UN2990	.....	None		None	219	None	No limit	No limit	A	.....
	Lighter replacement cartridges containing liquefied petroleum gases (and similar devices, each not exceeding 65 grams), see Lighters or lighter refills *etc. containing flammable gas.*	.....			.....		.....	.....	.....	.....	.....		.....
	Lighters, fuse	1.4S	UN0131	II	1.4S		None	62	None	25 kg	100 kg	05	.....
	Lighters or Lighter refills *containing flammable gas*	2.1	UN1057	.....	2.1	N10	None	21, 308	None	1 kg	15 kg	B	40
	Lime, unslaked, see Calcium oxide	.....			.....		.....	.....	.....	.....	.....		.....
G	Liquefied gas, flammable, n.o.s.	2.1	UN3161	.....	2.1	T50	306	304	314, 315.	Forbidden	150 kg	D	40
G	Liquefied gas, n.o.s.	2.2	UN3163	.....	2.2	T50	306	304	314, 315.	75 kg	150 kg	A	.....
G	Liquefied gas, oxidizing, n.o.s.	2.2	UN3157	.....	2.2, 5.1.	A14	306	304	314, 315.	75 kg	150 kg	D	.....
G I	Liquefied gas, toxic, corrosive, n.o.s. *Inhalation Hazard Zone A*	2.3	UN3308	.....	2.3, 8	1	None	192	245	Forbidden	Forbidden	D	40
G I	Liquefied gas, toxic, corrosive, n.o.s. *Inhalation Hazard Zone B*	2.3	UN3308	.....	2.3, 8	2, B9, B14	None	304	314, 315.	Forbidden	Forbidden	D	40
G I	Liquefied gas, toxic, corrosive, n.o.s. *Inhalation Hazard Zone C*	2.3	UN3308	.....	2.3, 8	3, B14	None	304	314, 315.	Forbidden	Forbidden	D	40

G I	Liquefied gas, toxic, corrosive, n.o.s. *Inhalation Hazard Zone D*	2.3	UN3308		2.3, 8	4	None	304	314, 315.	Forbidden	Forbidden	D	40
G I	Liquefied gas, toxic, flammable, corrosive, n.o.s. *Inhalation Hazard Zone A*	2.3	UN3309		2.3, 2.1, 8.	1	None	192	245	Forbidden	Forbidden	D	17, 40
G I	Liquefied gas toxic, flammable, corrosive, n.o.s. *Inhalation Hazard Zone B*	2.3	UN3309		2.3, 2.1, 8.	2, B9, B14	None	304	314, 315.	Forbidden	Forbidden	D	17, 40
G I	Liquefied gas, toxic, flammable, corrosive, n.o.s. *Inhalation Hazard Zone C*	2.3	UN3309		2.3, 2.1, 8.	3, B14	None	304	314, 315.	Forbidden	Forbidden	D	17, 40
G I	Liquefied gas, toxic, flammable, corrosive, n.o.s. *Inhalation Hazard Zone D*	2.3	UN3309		2.3, 2.1, 8.	4	None	304	314, 315.	Forbidden	Forbidden	D	17, 40
G	Liquefied gas, toxic, flammable, n.o.s. *Inhalation Hazard Zone A*	2.3	UN3160		2.3, 2.1.	1	None	192	245	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, flammable, n.o.s. *Inhalation Hazard Zone B*	2.3	UN3160		2.3, 2.1.	2, B9, B14	None	304	314, 315.	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, flammable, n.o.s. *Inhalation Hazard Zone C*	2.3	UN3160		2.3, 2.1.	3, B14	None	304	314, 315.	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, flammable, n.o.s. *Inhalation Hazard Zone D*	2.3	UN3160		2.3, 2.1.	4	None	304	314, 315.	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, n.o.s. *Inhalation Hazard Zone A*	2.3	UN3162		2.3	1	None	192	245	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, *n.o.s. Inhalation Hazard Zone B*	2.3	UN3162		2.3	2, B9, B14	None	304	314, 315.	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, *n.o.s. Inhalation Hazard Zone C*	2.3	UN3162		2.3	3, B14	None	304	314, 315.	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, n.o.s. *Inhalation Hazard Zone D*	2.3	UN3162		2.3	4	None	304	314, 315.	Forbidden	Forbidden	D	40
G I	Liquefied gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation Hazard Zone A*	2.3	UN3310		2.3, 5.1, 8.	1	None	192	245	Forbidden	Forbidden	D	40, 89, 90
G I	Liquefied gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation Hazard Zone B*	2.3	UN3310		2.3, 5.1, 8	2, B9, B14	None	304	314, 315.	Forbidden	Forbidden	D	40, 89, 90
G I	Liquefied gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation Hazard Zone C*	2.3	UN3310		2.3, 5.1, 8.	3, B14	None	304	314, 315.	Forbidden	Forbidden	D	40, 89, 90
G I	Liquefied gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation Hazard Zone D*	2.3	UN3310		2.3, 5.1, 8.	4	None	304	314, 315.	Forbidden	Forbidden	D	40, 89, 90
G	Liquefied gas, toxic, oxidizing, n.o.s. *Inhalation Hazard Zone A*	2.3	UN3307		2.3, 5.1.	1	None	192	245	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, oxidizing, *n.o.s. Inhalation Hazard Zone B*	2.3	UN3307		2.3, 5.1.	2, B9, B14	None	304	314, 315.	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, oxidizing, n.o.s. *Inhalation Hazard Zone C*	2.3	UN3307		2.3, 5.1.	3, B14	None	304	314, 315.	Forbidden	Forbidden	D	40
G	Liquefied gas, toxic, oxidizing, n.o.s. *Inhalation Hazard Zone D*	2.3	UN3307		2.3, 5.1.	4	None	304	314, 315.	Forbidden	Forbidden	D	40
	Liquefied gases, *non-flammable charged with nitrogen, carbon dioxide or air*	2.2	UN1058		2.2		306	304	None	75 kg	150 kg	A	
	Liquefied hydrocarbon gas, see Hydrocarbon gas mixture, liquefied, n.o.s.												
	Liquefied natural gas, see Methane, *etc. (UN 1972)*												
	Liquefied petroleum gas see Petroleum gases, liquefied												
	Lithium	4.3	UN1415	I	4.3	A7, A19, IB4, IP1, N45	None	211	244	Forbidden	15 kg	E	52
	Lithium acetylide ethylenediamine complex, see Water reactive solid etc												
	Lithium alkyls, liquid	4.2	UN2445	I	4.2, 4.3.	B11, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	
	Lithium alkyls, solid	4.2	UN3433	I	4.2, 4.3.	B11, T21, TP7, TP33	None	181	244	Forbidden	Forbidden	D	
	Lithium aluminum hydride	4.3	UN1410	I	4.3	A19	None	211	242	Forbidden	15 kg	E	52
	Lithium aluminum hydride, ethereal	4.3	UN1411	I	4.3, 3	A2, A3, A11, N34	None	201	244	Forbidden	1 L	D	40
	Lithium batteries, contained *in* equipment	9	UN3091	II	9	29, A54, A55	185	185	None	5 kg	5 kg	A	
	Lithium batteries packed with equipment	9	UN3091	II	9	29, A54, A55	185	185	None	5 kg gross	35 kg gross	A	
	Lithium battery	9	UN3090	II	9	29, A54, A55	185	185	None	5 kg gross	35 kg gross	A	
	Lithium borohydride	4.3	UN1413	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	52
	Lithium ferrosilicon	4.3	UN2830	II	4.3	A19, IB7, IP2, T3, TP33	151	212	241	15 kg	50 kg	E	40, 85, 103
	Lithium hydride	4.3	UN1414	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	52
	Lithium hydride, fused solid	4.3	UN2805	II	4.3	A8, A19, A20, IB4, T3, TP33	151	212	241	15 kg	50 kg	E	52
	Lithium hydroxide	8	UN2680	II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	
	Lithium hydroxide, solution	8	UN2679	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	29

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
				III	8	IB3, T4, TP2	154	203	241	5 L	60 L	A	29, 96
	Lithium hypochlorite, dry *with more than 39% available chlorine (8.8% available oxygen)* or Lithium hypochlorite mixtures, dry *with more than 39% available chlorine (8.8% available oxygen).*	5.1	UN1471	II	5.1	A9, IB8, IP2, IP4, N34	152	212	240	5 kg	25 kg	A	4, 48, 52, 56, 58, 69, 106, 116
	Lithium in cartridges, see Lithium												
	Lithium nitrate	5.1	UN2722	III	5.1	A1, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	
	Lithium nitride	4.3	UN2806	I	4.3	A19, IB4, IP1, N40	None	211	242	Forbidden	15 kg	E	
	Lithium peroxide	5.1	UN1472	II	5.1	A9, IB6, IP2, N34, T3, TP33	152	212	None	5 kg	25 kg	A	13, 52, 66, 75
	Lithium silicon	4.3	UN1417	II	4.3	A19, A20, IB7, IP2; T3, TP33	151	212	241	15 kg	50 kg	A	85, 103
	LNG, see Methane *etc. (UN 1972)*												
	London purple	6.1	UN1621	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	LPG, see Petroleum gases, liquefied												
	Lye, see Sodium hydroxide, solutions												
	Magnesium alkyls	4.2	UN3053	I	4.2, 4.3.	B11, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	18
	Magnesium aluminum phosphide	4.3	UN1419	I	4.3, 6.1.	A19, N34, N40	None	211	242	Forbidden	15 kg	E	40, 52, 85
+	Magnesium arsenate	6.1	UN1622	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Magnesium bisulfite solution, see Bisulfites, aqueous solutions, n.o.s.												
	Magnesium bromate	5.1	UN1473	II	5.1	A1, IB8, IP4, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
	Magnesium chlorate	5.1	UN2723	II	5.1	IB8, IP2, IP4, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
	Magnesium diamide	4.2	UN2004	II	4.2	A8, A19, A20, IB6, T3, TP33	None	212	241	15 kg	50 kg	C	
	Magnesium diphenyl	4.2	UN2005	I	4.2	T21, TP7, TP33	None	187	244	Forbidden	Forbidden	C	
	Magnesium dross, wet or hot	Forbidden											
	Magnesium fluorosilicate	6.1	UN2853	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	52
	Magnesium granules, coated, *particle size not less than 149 microns*	4.3	UN2950	III	4.3	A1, A19, IB8, IP4, T1, TP33	151	213	240	25 kg	100 kg	A	52
	Magnesium hydride	4.3	UN2010	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	52
	Magnesium or Magnesium alloys *with more than 50 percent magnesium in pellets, turnings or ribbons.*	4.1	UN1869	III	4.1	A1, IB8, IP3, T1, TP33	151	213	240	25 kg	100 kg	A	39, 52, 53, 74, 101
	Magnesium nitrate	5.1	UN1474	III	5.1	A1, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	
	Magnesium perchlorate	5.1	UN1475	II	5.1	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
	Magnesium peroxide	5.1	UN1476	II	5.1	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	A	13, 52, 66, 75
	Magnesium phosphide	4.3	UN2011	I	4.3, 6.1.	A19, N40	None	211	None	Forbidden	15 kg	E	40, 52, 85
	Magnesium, powder or Magnesium alloys, powder	4.3	UN1418	I	4.3, 4.2.	A19, B56	None	211	244	Forbidden	15 kg	A	39, 52
				II	4.3, 4.2.	A19, B56, IB5, IP2, T3, TP33	None	212	241	15 kg	50 kg	A	39, 52
				III	4.3, 4.2.	A19, B56, IB8, IP4, T1, TP33	None	213	241	25 kg	100 kg	A	39, 52
	Magnesium scrap, see Magnesium, *etc. (UN 1869)*												
	Magnesium silicide	4.3	UN2624	II	4.3	A19, A20, IB7, IP2, T3, TP33	151	212	241	15 kg	50 kg	B	85, 103
	Magnetized material, see § 173.21												
	Maleic anhydride	8	UN2215	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
	Maleic anhydride, molten	8	UN2215	III	8	T4, TP3	None	213	240	Forbidden	Forbidden	A	

	Malononitrile	6.1	UN2647	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A		12
	Mancozeb (manganese ethylenebisdithiocarbamate complex with zinc) see Maneb													
	Maneb *or* Maneb preparations *with not less than 60 percent maneb*	4.2	UN2210	III	4.2, 4.3	57, A1, A19, IB6, T1, TP33	None	213	242	25 kg	100 kg	A		34
	Maneb stabilized *or* Maneb preparations, stabilized *against self-heating*	4.3	UN2968	III	4.3	54, A1, A19, IB8, IP4, T1, TP33	151	213	242	25 kg	100 kg	B		34, 52
	Manganese nitrate	5.1	UN2724	III	5.1	A1, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A		
	Manganese resinate	4.1	UN1330	III	4.1	A1, IB6, T1, TP33	151	213	240	25 kg	100 kg	A		
	Mannitan tetranitrate	Forbidden												
	Mannitol hexanitrate (dry)	Forbidden												
	Mannitol hexanitrate, wetted *or* Nitromannite, wetted *with not less than 40 percent water, or mixture of alcohol and water, by mass*	1.1D	UN0133	II	1.1D	121	None	62	None	Forbidden	Forbidden	10		
	Marine pollutants, liquid or solid, n.o.s., see Environmentally hazardous substances, liquid or solid, n.o.s.													
	Matches, block, see Matches, 'strike anywhere'													
	Matches, fusee	4.1	UN2254	III	4.1		186	186	None	Forbidden	Forbidden	A		
	Matches, safety *(book, card or strike on box)*	4.1	UN1944	III	4.1		186	186	None	25 kg	100 kg	A		
	Matches, strike anywhere	4.1	UN1331	III	4.1		186	186	None	Forbidden	Forbidden	B		
	Matches, wax, Vesta	4.1	UN1945	III	4.1		186	186	None	25 kg	100 kg	B		
	Matting acid, see Sulfuric acid													
	Medicine, liquid, flammable, toxic, n.o.s.	3	UN3248	II	3, 6.1	36, IB2	150	202	None	1 L	5 L	B		40
				III	3, 6.1	36, IB3	150	203	None	5 L	5 L	A		
	Medicine, liquid, toxic, n.o.s.	6.1	UN1851	II	6.1	36	153	202	243	5 L	5 L	C		40
				III	6.1	36	153	203	241	5 L	5 L	C		40
	Medicine, solid, toxic, n.o.s.	6.1	UN3249	II	6.1	36, T3, TP33	153	212	None	5 kg	5 kg	C		40
				III	6.1	36, T1, TP33	153	213	None	5 kg	5 kg	C		40
	Memtetrahydrophthalic anhydride, see Corrosive liquids, n.o.s.													
	Mercaptans, liquid, flammable, n.o.s. *or* Mercaptan mixture, liquid, flammable, n.o.s.	3	UN3336	I	3	T11, TP2	150	201	243	1 L	30 L	E		95
				II	3	IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B		95
				III	3	B1, B52, IB3, T4, TP1, TP29	150	203	241	60 L	220 L	B		95
	Mercaptans, liquid, flammable, toxic, n.o.s. *or* Mercaptan mixtures, liquid, flammable, toxic, n.o.s.	3	UN1228	II	3, 6.1	IB2, T11, TP2, TP27	None	202	243	Forbidden	60 L	B		40, 95
				III	3, 6.1	A6, B1, IB3, T7, TP1, TP28	150	203	242	5 L	220 L	A		40, 95
	Mercaptans, liquid, toxic, flammable, n.o.s. *or* Mercaptan mixtures, liquid, toxic, flammable, n.o.s., *flash point not less than 23 degrees C*	6.1	UN3071	II	6.1, 3	A6, IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	C		40, 121
	5-Mercaptotetrazol-1-acetic acid	1.4C	UN0448	II	1.4C		None	62	None	Forbidden	75 kg	09		
	Mercuric arsenate	6.1	UN1623	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A		
	Mercuric chloride	6.1	UN1624	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A		
	Mercuric compounds, see Mercury compounds, *etc*													
	Mercuric nitrate	6.1	UN1625	II	6.1	IB8, IP2, IP4, N73, T3, TP33	153	212	242	25 kg	100 kg	A		
+	Mercuric potassium cyanide	6.1	UN1626	I	6.1	IB7, IP1, N74, N75, T6, TP33	None	211	242	5 kg	50 kg	A		52
	Mercuric sulfocyanate, see Mercury thiocyanate													
	Mercurol, see Mercury nucleate													
	Mercurous azide	Forbidden												
	Mercurous compounds, see Mercury compounds, *etc*													
	Mercurous nitrate	6.1	UN1627	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A		
A W	Mercury	8	UN2809	III	8		164	164	240	35 kg	35 kg	B		40, 97
	Mercury acetate	6.1	UN1629	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A		
	Mercury acetylide	Forbidden												
	Mercury ammonium chloride	6.1	UN1630	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A		
	Mercury based pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C*	3	UN2778	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B		40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	150	202	243	1 L	60 L	B		40
	Mercury based pesticides, liquid, toxic	6.1	UN3012	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B		40
				II	6.1	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B		40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A		40
	Mercury based pesticides, liquid, toxic, flammable, *flash point not less than 23 degrees C*	6.1	UN3011	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B		40

§172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1, 3	IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
				I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	40
	Mercury based pesticides, solid, toxic	6.1	UN2777	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Mercury benzoate	6.1	UN1631	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Mercury bromides	6.1	UN1634	I	6.1		None	201	243	1 L	30 L	B	40
	Mercury compounds, liquid, n.o.s.	6.1	UN2024	II	6.1	IB2	153	202	243	5 L	60 L	B	40
				III	6.1	IB3	153	203	241	60 L	220 L	B	40
				I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	
	Mercury compounds, solid, n.o.s.	6.1	UN2025	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
				III	8		None	164	None	No limit	No limit	B	40, 97
A	Mercury *contained in manufactured articles*	8	UN2809	II	6.1	IB8, IP2, IP4, N74, N75, T3, TP33	153	212	242	25 kg	100 kg	A	52
	Mercury cyanide	6.1	UN1636			111, 117	None	62	None	Forbidden	Forbidden	12	
	Mercury fulminate, wetted *with not less than 20 percent water, or mixture of alcohol and water, by mass.*	1.1A	UN0135	II	1.1A	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Mercury gluconate	6.1	UN1637	II	6.1	IB2, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Mercury iodide	6.1	UN1638	II	6.1								
	Mercury iodide aquabasic ammonobasic (Iodide of Millon's base)	Forbidden											
	Mercury nitride	Forbidden											
	Mercury nucleate	6.1	UN1639	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Mercury oleate	6.1	UN1640	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Mercury oxide	6.1	UN1641	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Mercury oxycyanide	Forbidden											
	Mercury oxycyanide, desensitized	6.1	UN1642	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	52, 91
	Mercury potassium iodide	6.1	UN1643	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Mercury salicylate	6.1	UN1644	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Mercury sulfates	6.1	UN1645	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
+	Mercury thiocyanate	6.1	UN1646	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Mesityl oxide	3	UN1229	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Metal carbonyls, liquid, n.o.s.	6.1	UN3281	I	6.1	5, T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
G				II	6.1	IB2, T11, TP2, TP27	153	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	40
				I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	D	40
	Metal carbonyls, solid, n.o.s.	6.1	UN3466	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	B	40
G				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	B	40

	Metal catalyst, dry	4.2	UN2881	I	4.2	N34, T21, TP7, TP33	None	187	None	Forbidden	Forbidden	C		
				II	4.2	IB6, IP2, N34, T3, TP33	None	187	242	Forbidden	50 kg	C		
				III	4.2	IB8, IP3, N34, T1, TP33	None	187	241	25 kg	100 kg	C		
	Metal catalyst, wetted *with a visible excess of liquid*	4.2	UN1378	II	4.2	A2, A8, IB1, N34, T3, TP33	None	212	None	Forbidden	50 kg	C		
	Metal hydrides, flammable, n.o.s.	4.1	UN3182	II	4.1	A1, IB4, T3, TP33	151	212	240	15 kg	50 kg	E		
				III	4.1	A1. IB4, T1, TP33	151	213	240	25 kg	100 kg	E		
	Metal hydrides, water reactive, n.o.s.	4.3	UN1409	I	4.3	A19, N34, N40	None	211	242	Forbidden	15 kg	D	52	
				II	4.3	A19, IB4, N34, N40. T3, TP33	151	212	242	15 kg	50 kg	D	52	
	Metal powder, self-heating, n.o.s.	4.2	UN3189	II	4.2	IB6, IP2, T3, TP33	None	212	241	15 kg	50 kg	C		
				III	4.2	IB8, IP3, T1, TP33	None	213	241	25 kg	100 kg	C		
	Metal powders, flammable, n.o.s.	4.1	UN3089	II	4.1	IB8, IP2, IP4, T3, TP33	151	212	240	15 kg	50 kg	B		
				III	4.1	IB6, T1, TP33	151	213	240	25 kg	100 kg	B		
	Metal salts of methyl nitramine (dry)	Forbidden												
G	Metal salts of organic compounds, flammable, n.o.s.	4.1	UN3181	II	4.1	A1, IB8, IP2, IP4. T3, TP33	151	212	240	15 kg	50 kg	B	40	
				III	4.1	A1, IB8, IP3, T1, TP33	151	213	240	25 kg	100 kg	B	40	
	Metaldehyde	4.1	UN1332	III	4.1	A1, IB8, IP3, T1, TP33	151	213	240	25 kg	100 kg	A		
G	Metallic substance, water-reactive, n.o.s.	4.3	UN3208	I	4.3	A7, IB4	None	211	242	Forbidden	15 kg	E	40	
				II	4.3	A7. IB7, IP2, T3, TP33	151	212	242	15 kg	50 kg	E	40	
				III	4.3	A7, IB8, IP4, T1, TP33	151	213	241	25 kg	100 kg	E	40	
G	Metallic substance, water-reactive, self-heating, n.o.s.	4.3	UN3209	I	4.3, 4.2.	A7	None	211	242	Forbidden	15 kg	E	40	
				II	4.3, 4.2.	A7, IB5, IP2, T3, TP33	None	212	242	15 kg	50 kg	E	40	
				III	4.3, 4.2.	A7, IB8, IP4, T1, TP33	None	213	242	25 kg	100 kg	E	40	
	Methacrylaldehyde, stabilized	3	UN2396	II	3. 6.1	45, IB2, T7, TP1, TP13	150	202	243	1 L	60 L	E	40	
	Methecrylic acid, stabilized	8	UN2531	II	8	IB2, T7, TP1, TP18, TP30	154	202	242	1 L	30 L	C	40	
+	Methacrylonitrile, stabilized	3	UN3079	I	3. 8.1	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	12, 40, 48	
	Methallyl alcohol	3	UN2614	III	3	B1, IB3. T2, TP1	150	203	242	60 L	220 L	A		
	Methane and hydrogen, mixtures, see Hydrogen and methane, mixtures, *etc*													
	Methane, compressed or Natural gas, compressed *(with high methane content)*	2.1	UN1971		2.1		306	302	302	Forbidden	150 kg	E	40	
	Methane, refrigerated liquid *(cryogenic liquid)* or Natural gas, refrigerated liquid *(cryogenic liquid), with high methane content).*	2.1	UN1972		2.1	T75, TP5	None	None	318	Forbidden	Forbidden	D	40	
	Methanesulfonyl chloride	6.1	UN3246	I	6.1, 8	2, B9, B14. B32, B74, T20, TP2, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40	
+ I	Methanol	3	UN1230	II	3, 6.1	IB2, T7, TP2	150	202	242	1 L	60 L	B	40	
D	Methanol	3	UN1230	II	3	IB2, T7, TP2	150	202	242	1 L	60 L	B	40	
	Methazoic acid	Forbidden												
	4-Methoxy-4-methylpentan-2-one	3	UN2293	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A		
	1-Methoxy-2-propanol	3	UN3092	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A		
+	Methoxymethyl isocyanate	3	UN2605	I	3, 6.1	1, B9, B14, B30, B72, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40	
	Methyl acetate	3	UN1231	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B		
	Methyl acetylene and propadiene mixtures, stabilized	2.1	UN1060		2.1	T50	306	304	314, 315.	Forbidden	150 kg	B	40	
	Methyl acrylate, stabilized	3	UN1919	II	3	IB2, T4, TP1, TP13	150	202	242	5 L	60 L	B		
	Methyl alcohol, see Methanol													
	Methyl allyl chloride	3	UN2554	II	3	IB2, T4, TP1, TP13	150	202	242	5 L	60 L	E		
	Methyl amyl ketone, see Amyl methyl ketone													

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Methyl bromide	2.3	UN1062		2.3	3, B14, T50	None	193	314, 315.	Forbidden	Forbidden	D	40
	Methyl bromide and chloropicrin mixtures with more than 2 percent chloropicrin, see Chloropicrin and methyl bromide mixtures.												
	Methyl bromide and chloropicrin mixtures with not more than 2 percent chloropicrin, see Methyl bromide.												
	Methyl bromide and ethylene dibromide mixtures, liquid	6.1	UN1647	I	6.1	2, B9, B14, B32, B74, N65, T20, TP2, TP13, TP38, TP44	None	227	244	Forbidden	Forbidden	C	40
	Methyl bromoacetate	6.1	UN2643	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	D	40
	2-Methylbutanal	3	UN3371	II		3IB2, T4, TP1	150	202	242	5 L	60 L	B	
	2-Methyl-1-butene	3	UN2459	I	3	T11, TP2	None	201	243	1 L	30 L	E	
	2-Methyl-2-butene	3	UN2460	II	3	IB2, IP8, T7, TP1	None	202	242	5 L	60 L	E	
	3-Methyl-1-butene	3	UN2561	I	3	T11, TP2	None	201	243	1 L	30 L	E	
	Methyl tert-butyl ether	3	UN2398	II	3	IB2, T7, TP1	150	202	242	5 L	60 L	E	
	Methyl butyrate	3	UN1237	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Methyl chloride, or Refrigerant gas R 40	2.1	UN1063		2.1	T50	306	304	314, 315.	5 kg	100 kg	D	40
	Methyl chloride and chloropicrin mixtures, see Chloropicrin and methyl chloride mixtures												
	Methyl chloride and methylene chloride mixtures	2.1	UN1912		2.1	T50	306	304	314, 315.	Forbidden	150 kg	D	40
	Methyl chloroacetate	6.1	UN2295	I	6.1, 3	T14, TP2, TP13	None	201	243	1 L	30 L	D	
	Methyl chlorocarbonate, see Methyl chloroformate												
	Methyl chloroform, see 1,1,1-Trichloroethane												
	Methyl chloroformate	6.1	UN1238	I	6.1, 3, 8.	1, B9, B14, B30, B72, N34, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	21, 40, 100
	Methyl chloromethyl ether	6.1	UN1239	I	6.1, 3	1, B9, B14, B30, B72, T22, TP2, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
	Methyl 2-chloropropionate	3	UN2933	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Methyl dichloroacetate	6.1	UN2299	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Methyl ethyl ether, see Ethyl methyl ether												
	Methyl ethyl ketone, see Ethyl methyl ketone												
	Methyl ethyl ketone peroxide, in solution with more than 9 percent by mass active oxygen	Forbidden											
	2-Methyl-5-ethylpyridine	6.1	UN2300	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Methyl fluoride, or Refrigerant gas R 41	2.1	UN2454		2.1		306	304	314, 315.	Forbidden	150 kg	E	40
	Methyl formate	3	UN1243	I	3	T11, TP2	150	201	243	1 L	30 L	E	
	2-Methyl-2-heptanethiol	6.1	UN3023	I	6.1, 3	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40, 102
	Methyl iodide	6.1	UN2644	I	6.1	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	A	12, 40
	Methyl isobutyl carbinol	3	UN2053	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Methyl isobutyl ketone	3	UN1245	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Methyl isobutyl ketone peroxide, in solution with more than 9 percent by mass active oxygen	Forbidden											
	Methyl isocyanate	6.1	UN2480	I	6.1, 3	1, B9, B14, B30, B72, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40, 52
	Methyl isopropenyl ketone, stabilized	3	UN1246	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Methyl isothiocyanate	6.1	UN2477	I	6.1, 3	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	A	
	Methyl isovalerate	3	UN2400	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Methyl magnesium bromide, in ethyl ether	4.3	UN1928	I	4.3, 3		None	201	243	Forbidden	1 L	D	
	Methyl mercaptan	2.3	UN1064		2.3, 2.1.	3, B7, B9, B14, T50	None	304	314, 315.	Forbidden	Forbidden	D	40

	Methyl mercaptopropionaldehyde, see Thia-4-pentanal													
	Methyl methacrylate monomer, stabilized	3	UN1247	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
	Methyl nitramine (dry)	Forbidden											
	Methyl nitrate	Forbidden											
	Methyl nitrite	Forbidden											
	Methyl norbornene dicarboxylic anhydride, see Corrosive liquids, n.o.s.												
	Methyl orthosilicate	6.1	UN2606	I	6.1, 3	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	E	40
D	Methyl phosphonic dichloride	6.1	NA9208	I	6.1, 8	2, B9, B14, B32, B74, N34, N43, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	C	
	Methyl phosphonothioic dichloride, anhydrous, see Corrosive liquid, n.o.s.												
D	Methyl phosphonous dichloride, *pyrophoric liquid*	6.1	NA2845	I	6.1, 4.2.	2, B9, B14, B16, B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	18
	Methyl picric acid (heavy metal salts of)	Forbidden											
	Methyl propionate	3	UN1248	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Methyl propyl ether	3	UN2612	II	3	IB2, IP8, T7, TP2	150	202	242	5 L	60 L	E	40
	Methyl propyl ketone	3	UN1249	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Methyl sulfate, see Dimethyl sulfate												
	Methyl sulfide, see Dimethyl sulfide												
	Methyl trichloroacetate	6.1	UN2533	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Methyl trimethylol methane trinitrate	Forbidden											
	Methyl vinyl ketone, stabilized	6.1	UN1251	I	6.1, 3, 8.	1, B9, B14, B30, B72, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	B	40
	Methylal	3	UN1234	II	3	IB2, IP8, T7, TP2	None	202	242	5 L	60 L	E	
	Methylamine, anhydrous	2.1	UN1061		2.1	T50	306	304	314, 315.	Forbidden	150 kg	B	40
	Methylamine, aqueous solution	3	UN1235	II	3, 8	B1, IB2, T7, TP1	150	202	243	1 L	5 L	E	135
	Methylamine dinitramine and dry salts thereof	Forbidden											
	Methylamine nitroform	Forbidden											
	Methylamine perchlorate (dry)	Forbidden											
	Methylamyl acetate	3	UN1233	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	N-Methylaniline	6.1	UN2294	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	alpha-Methylbenzyl alcohol, liquid	6.1	UN2937	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	alpha-Methylbenzyl alcohol, solid	6.1	UN3438	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	3-Methylbutan-2-one	3	UN2397	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	N-Methylbutylamine	3	UN2945	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	40
	Methylchlorosilane	2.3	UN2534		2.3, 2.1, 8.	2, B9, B14, N34	None	226	314, 315.	Forbidden	Forbidden	D	17, 40
	Methylcyclohexane	3	UN2296	II	3	B1, IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Methylcyclohexanols, *flammable*	3	UN2617	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Methylcyclohexanone	3	UN2297	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Methylcyclopentane	3	UN2298	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
D	Methyldichloroarsine	6.1	NA1556	I	6.1	2, T20, TP4, TP12, TP13, TP38, TP45	None	192	None	Forbidden	Forbidden	D	40
	Methyldichlorosilane	4.3	UN1242	I	4.3, 8, 3.	A2, A3, A7, B6, B77, N34, T10, TP2, TP7, TP13	None	201	243	Forbidden	1 L	D	21, 28, 40, 49, 100
	Methylene chloride, see Dichloromethane												
	Methylene glycol dinitrate	Forbidden											
	2-Methylfuran	3	UN2301	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
	a-*Methylglucoside tetranitrate*	Forbidden											
	a-*Methylglycerol trinitrate*	Forbidden											
	5-Methylhexan-2-one	3	UN2302	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Methylhydrazine	6.1	UN1244	I	6.1, 3, 8.	1, B7, B9, B14, B30, B72, B77, N34, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	21, 40, 49, 100
	4-Methylmorpholine or n-methylmorpholine	3	UN2535	II	3, 8	B6, IB2, T7, TP1	150	202	243	1 L	5 L	B	40
	Methylpentadienes	3	UN2461	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	E	
	2-Methylpentan-2-ol	3	UN2560	III	3	B1, IB3, T2, TP1	150	203	242	80 L	220 L	A	
	Methylpentanes, see Hexanes												

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	(8) Packaging (§173.***) Non-bulk	(8) Packaging (§173.***) Bulk	(9) Quantity limitations Passenger aircraft/rail	(9) Quantity limitations Cargo aircraft only	(10) Vessel stowage Location	(10) Vessel stowage Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Methylphenyldichlorosilane	8	UN2437	II	8	IB2, T7, TP2, TP13	154	202	242	1 L	30 L	C	40
	1-Methylpiperidine	3	UN2399	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	
	Methyltetrahydrofuran	3	UN2536	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Methyltrichlorosilane	3	UN1250	I	3, 8	A7, B6, B77, N34, T11, TP2, TP13	None	201	243	Forbidden	2.5 L	B	40
	alpha-Methylvaleraldehyde	3	UN2367	II	3	B1, IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Mine rescue equipment containing carbon dioxide, see Carbon dioxide												
	Mines *with bursting charge*	1.1F	UN0136	II	1.1F			62	None	Forbidden	Forbidden	08	
	Mines *with bursting charge*	1.1D	UN0137	II	1.1D			62	None	Forbidden	Forbidden	03	
	Mines *with bursting charge*	1.2D	UN0138	II	1.2D			62	None	Forbidden	Forbidden	03	
	Mines *with bursting charge*	1.2F	UN0294	II	1.2F			62	None	Forbidden	Forbidden	08	
	Mixed acid, see Nitrating acid, mixtures *etc*												
	Mobility aids, see Battery powered equipment *or* Battery powered vehicle												
D	Model rocket motor	1.4C	NA0276	II	1.4C	51	None	62	None	Forbidden	75 kg	06	
D	Model rocket motor	1.4S	NA0323	II	1.4S	51	None	62	None	25 kg	100 kg	05	
	Molybdenum pentachloride	8	UN2508	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	C	40
	Monochloroacetone (unstabilized)	Forbidden											
	Monochloroethylene, see Vinyl chloride, stabilized												
	Monoethanolamine, see Ethanolamine, solutions												
	Monoethylamine, see Ethylamine												
	Morpholine	8	UN2054	I	8, 3	A6, T10, TP2	None	201	243	0.5 L	2.5 L	A	
	Morpholine, aqueous. mixture, see Corrosive liquids, n.o.s.												
	Motor fuel anti-knock compounds *see* Motor fuel anti-knock mixtures												
+	Motor fuel anti-knock mixtures	6.1	UN1649	I	6.1, 3	14, 151, B9, B90, T14, TP2, TP13	None	201	244	Forbidden	30 L	D	25, 40
	Motor spirit, *see* Gasoline												
	Muriatic acid, see Hydrochloric acid												
	Musk xylene, *see* 5-tert-Butyl-2,4,6-trinitro-m-xylene												
	Naphtha see Petroleum distillates n.o.s.												
	Naphthalene, crude *or* Naphthalene, refined	4.1	UN1334	III	4.1	A1, IB8, IP3, T1, TP33	151	213	240	25 kg	100 kg	A	
	Naphthalene diozonide	Forbidden											
	beta-Naphthylamine	6.1	UN1650	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	beta-Naphthylamine, *solid*	6.1	UN1650	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	beta-Naphthylamine solution	6.1	UN3411	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	
				III	6.1	IB2, T7, TP2	153	203	241	60 L	220 L	A	
	alpha-Naphthylamine	6.1	UN2077	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Naphthalene, molten	4.1	UN2304	III	4.1	IB1, T1, TP3	151	213	241	Forbidden	Forbidden	C	
	Naphthylamineperchlorate	Forbidden											
	Naphthylthiourea	6.1	UN1651	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Naphthylurea	6.1	UN1652	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Natural gases (with high methane content), see Methane, *etc. (UN 1971, UN 1972)*												
	Neohexane, see Hexanes												
	Neon, compressed	2.2	UN1065		2.2		306	302	302	75 kg	150 kg	A	
	Neon, refrigerated liquid *(cryogenic liquid)*	2.2	UN1913		2.2	T75, TP5	320	316	None	50 kg	500 kg	B	
	New explosive or explosive device, see §§ 173.51 and 173.56												
	Nickel carbonyl	6.1	UN1259	I	6.1, 3	1	None	198	None	Forbidden	Forbidden	D	18, 40
	Nickel cyanide	6.1	UN1653	II	6.1	IB8, IP2, IP4, N74, N75, T3, TP33	153	212	242	25 kg	100 kg	A	52
	Nickel nitrate	5.1	UN2725	III	5.1	A1, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	
	Nickel nitrite	5.1	UN2726	III	5.1	A1, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	56, 58
	Nickel picrate	Forbidden											
	Nicotine	6.1	UN1654	II	6.1	IB2	153	202	243	5 L	60 L	A	

	Nicotine compounds, liquid, n.o.s. *or* Nicotine preparations, liquid, n.o.s.	6.1	UN3144	I	6.1		A4	None	201	243	1 L	30 L	B	40
				II	6.1		IB2, T11, TP2, TP27	153	202	243	5 L	60 L	B	40
				III	6.1		IB3, T7, TP1, TP28	153	203	241	60 L	220 L	B	40
	Nicotine compounds, solid, n.o.s. *or* Nicotine preparations, solid, n.o.s.	6.1	UN1655	I	6.1		IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	B	
				II	6.1		IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
				III	6.1		IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Nicotine hydrochloride liquid *or* solution	6.1	UN1656	II	6.1		IB2	153	202	243	5 L	60 L	A	
				III	6.1		IB3	153	203	241	60 L	220 L	A	
	Nicotine hydrochloride, solid	6.1	UN3444	II	6.1		IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Nicotine salicylate	6.1	UN1657	II	6.1		IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Nicotine sulfate solution	6.1	UN1658	II	6.1		IB2, T7, TP2	153	202	243	5 L	60 L	A	
				III	6.1		IB3, T7, TP2	153	203	241	60 L	220 L	A	
	Nicotine sulphate, solid	6.1	UN3445	II	6.1		IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Nicotine tartrate	6.1	UN1659	II	6.1		IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Nitrated paper (unstable)	Forbidden												
	Nitrates, inorganic, aqueous solution, n.o.s.	5.1	UN3218	II	5.1		58, IB2, T4, TP1	152	202	242	1 L	5 L	B	56, 58, 133
				III	5.1		58, IB2, T4, TP1	152	203	241	2.5 L	30 L	B	56, 58, 133
	Nitrates, inorganic, n.o.s.	5.1	UN1477	II	5.1		IB8, IP2, IP4, T3, TP33	152	212	240	5 kg	25 kg	A	56, 58
				III	5.1		IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	56, 58
	Nitrates of diazonium compounds	Forbidden												
	Nitrating acid mixtures, spent *with more than 50 percent nitric acid*	8	UN1826	I	8, 5.1		A7, T10, TP2, TP12, TP13	None	158	243	Forbidden	2.5 L	D	40, 66
	Nitrating acid mixtures spent *with not more than 50 percent nitric acid*	8	UN1826	II	8		A7, B2, IB2, T8, TP2, TP12	None	158	242	Forbidden	30 L	D	40
	Nitrating acid mixtures *with more than 50 percent nitric acid*	8	UN1796	I	8, 5.1		A7, T10, TP2, TP12, TP13	None	158	243	Forbidden	2.5 L	D	40, 68
	Nitrating acid mixtures *with not more than 50 percent nitric acid*	8	UN1796	II	8		A7, B2, IB2, T8, TP2, TP12, TP13	None	158	242	Forbidden	30 L	D	40
	Nitric acid *other than red fuming, with more than 70 percent nitric acid*	8	UN2031	I	8, 5.1		A3, B47, B53, T10, TP2, TP12, TP13	None	158	243	Forbidden	2.5 L	D	44, 66, 89, 90, 110, 111
	Nitric acid *other than red fuming, with not more than 70 percent nitric acid*	8	UN2031	II	8		A6, B2, B47, B53, IB2, T8, TP2, TP12	None	158	242	Forbidden	30 L	D	44, 66, 89, 90, 110, 111
+	Nitric acid, red fuming	8	UN2032	I	8, 5.1, 6.1.		2, B9, B32, B74, T20, TP2, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40, 66, 74, 89, 90
	Nitric oxide, compressed	2.3	UN1660		2.3, 5.1, 8.		1, B37, B46, B50, B60, B77	None	337	None	Forbidden	Forbidden	D	40, 89, 90
	Nitric oxide and dinitrogen tetroxide mixtures *or* Nitric oxide and nitrogen dioxide mixtures	2.3	UN1975		2.3. 5.1, 8.		1, B7, B9, B14, B45, B46, B61, B66, B67, B77	None	337	None	Forbidden	Forbidden	D	40, 89, 90
G	Nitriles, flammable, toxic, n.o.s.	3	UN3273	I	3, 6.1		T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	E	40, 52
				II	3, 6.1		IB2, T11, TP2, TP13, TP27	150	202	243	1 L	60 L	B	40, 52
G	Nitriles, toxic, flammable, n.o.s.	6.1	UN3275	I	6.1, 3		5, T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40, 52
				II	6.1, 3		IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40, 52
G	Nitriles, toxic, liquid, n.o.s.	6.1	UN3276	I	6.1		5, T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	52
G	Nitriles, toxic, solid, n.o.s.	6.1	UN3439	I	6.1		IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	D	52
G	Nitriles, toxic, liquid, n.o.s.	6.1	UN3276	II	6.1		IB2, T11, TP2, TP27	153	202	243	5 L	60 L	B	52
G	Nitriles, toxic, solid, n.o.s.	6.1	UN3439	II	6.1		IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	B	52

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	(8) Packaging (§173.***) Non-bulk	(8) Packaging (§173.***) Bulk	(9) Quantity limitations Passenger aircraft/rail	(9) Quantity limitations Cargo aircraft only	(10) Vessel stowage Location	(10) Vessel stowage Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
G	Nitriles, toxic, liquid, n.o.s.	6.1	UN3276	III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	52
G	Nitriles, toxic, solid, n.o.s.	6.1	UN3439	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	52
	Nitrites, inorganic, aqueous solution, n.o.s.	5.1	UN3219	II	5.1	IB1, T4, TP1	152	202	242	1 L	5 L	B	46, 56, 58, 133
				III	5.1	IB2, T4, TP1	152	203	241	2.5 L	30 L	B	48, 56, 58, 133
	Nitrites, inorganic, n.o.s.	5.1	UN2627	II	5.1	33, IB8, IP4, T3, TP33	152	212	None	5 kg	25 kg	A	46, 56, 58, 133
	3-Nitro-4-chlorobenzotrifluoride	6.1	UN2307	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	40
	6-Nitro-4-diazotoluene-3-sulfonic acid (dry)	Forbidden											
	Nitro isobutane tnol trinitrate	Forbidden											
	N-Nitro-N-methylglycolamide nitrate	Forbidden											
	2-Nitro-2-methylpropanol nitrate	Forbidden											
	Nitro urea	1.1D	UN0147	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	N-Nitroaniline	Forbidden											
+	Nitroanilines (*o-; m-; p-*)	6.1	UN1661	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Nitroanisole, liquid	6.1	UN2730	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Nitroanisoles, solid	6.1	UN3458	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
+	Nitrobenzene	6.1	UN1662	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	40
	m-Nitrobenzene diazonium perchlorate	Forbidden											
	Nitrobenzenesulfonic acid	8	UN2305	II	8	B2, B4, IB8, IP2, IP4, T3, TP33	154	202	242	1 L	30 L	A	
	Nitrobenzol, see Nitrobenzene												
	5-Nitrobenzotriazol	1.1D	UN0385	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Nitrobenzotrifluorides, liquid	6.1	UN2306	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	40
	Nitrobenzotrifluorides, solid	6.1	UN3431	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40
	Nitrobromobenzenes, liquid	6.1	UN2732	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Nitrobromobenzenes, solid	6.1	UN3459	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Nitrocellulose, *dry or wetted with less than 25 percent water (or alcohol), by mass*	1.1D	UN0340	II	1.1D		None	62	None	Forbidden	Forbidden	13	27E
	Nitrocellulose membrane filters, *with not more than 12.6% nitrogen, by dry mass*	4.1	UN3270	II	4.1	43, A1	151	212	240	1 kg	15 kg	D	
	Nitrocellulose, plasticized *with not less than 18 percent plasticizing substance, by mass*	1.3C	UN0343	II	1.3C		None	62	None	Forbidden	Forbidden	10	
	Nitrocellulose, solution, flammable *with not more than 12.6 percent nitrogen. by mass, and not more than 55 percent nitrocellulose.*	3	UN2059	I	3	T11, TP1, TP8, TP27	None	201	243	1 L	30 L	E	
				II	3	IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Nitrocellulose, *unmodified or plasticized with less than 18 percent plasticizing substance, by mass.*	1.1D	UN0341	II	1.1D		None	62	None	Forbidden	Forbidden	13	27E
	Nitrocellulose, wetted *with not less than 25 percent alcohol, by mass*	1.3C	UN0342	II	1.3C		None	62	None	Forbidden	Forbidden	10	
	Nitrocellulose with alcohol *with not less than 25 percent alcohol by mass. and with not more than 12.6 percent nitrogen, by dry mass.*	4.1	UN2556	II	4.1		151	212	None	1 kg	15 kg	D	28
	Nitrocellulose, *with not more than 12.6 percent nitrogen, by dry mass,* or Nitrocellulose mixture with pigment or Nitrocellulose mixture with plasticizer or Nitrocellulose mixture with pigment and plasticizer.	4.1	UN2557	II	4.1	44	151	212	None	1 kg	15 kg	D	28
	Nitrocellulose with weter *with not less than 25 percent water, by mass*	4.1	UN2555	II	4.1		151	212	None	15 kg	50 kg	E	28
	Nitrochlorobenzene, see Chloronitrobenzenes etc												
	Nitrocresols, solid	6.1	UN2446	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Nitrocresols, liquid	6.1	UN3434	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Nitroethane	3	UN2842	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Nitroethyl nitrate	Forbidden											
	Nitroethylene polymer	Forbidden											
	Nitrogen, compressed	2.2	UN1066		2.2		306	302	314, 315.	75 kg	150 kg	A	
	Nitrogen dioxide, *see* Dinitrogen tetroxide												
	Nitrogen fertilizer solution, see Fertilizer ammoniating solution *etc*												
	Nitrogen, mixtures with rare gases, see Rare gases and nitrogen mixtures												
	Nitrogen peroxide, see *Dinitrogen tetroxide*												
	Nitrogen, refrigerated liquid *cryogenic liquid*	2.2	UN1977		2.2	T75, TP5	320	316	318	50 kg	500 kg	D	

Nitrogen tetroxide and nitric oxide mixtures, see Nitric oxide and nitrogen tetroxide mixtures													
Nitrogen tetroxide, see Dinitrogen tetroxide													
Nitrogen trichloride													
Nitrogen trifluoride	Forbidden												
	2.2	UN2451		2.2, 5.1.		None	302	None	75 kg	150 kg	D	40	
Nitrogen triiodide	Forbidden												
Nitrogen triiodide monoamine	Forbidden												
Nitrogen trioxide	2.3	UN2421		2.3, 5.1, 8.	1	None	336	245	Forbidden	Forbidden	D	40, 89, 90	
Nitroglycerin, desensitized *with not less than 40 percent non-volatile water insoluble phlegmatizer, by mass.*	1.1D	UN0143	II	1.1D, 6.1.	125	None	62	None	Forbidden	Forbidden	13	21E	
Nitroglycerin, liquid, not desensitized	Forbidden												
Nitroglycerin mixture, desensitized, liquid, flammable, n.o.s. *with not more than 30 percent nitroglycerin, by mass*	3	UN3343		3	129	None	214	None	Forbidden	Forbidden	D		
Nitroglycerin mixture, desensitized, liquid, n.o.s. *with not more than 30% nitroglycerin, by mass*	3	UN3357	II	3	142	None	202	243	5 L	60 L	E		
Nitroglycerin mixture, desensitized, solid, n.o.s. *with more than 2 percent but not more than 10 percent nitroglycerin, by mass.*	4.1	UN3319	II	4.1	118	None	None	None	Forbidden	0.5 kg	E		
Nitroglycerin, solution in alcohol, *with more than 1 percent but not more than 5 percent nitroglycerin.*	3	UN3064	II	3	N8	None	202	None	Forbidden	5 L	E		
Nitroglycerin, solution in alcohol, *with more than 1 percent but not more than 10 percent nitroglycerin.*	1.1D	UN0144	II	1.1D		None	62	None	Forbidden	Forbidden	10	21E	
Nitroglycerin solution in alcohol *with not more than 1 percent nitroglycerin*	3	UN1204	II	3	IB2, N34	150	202	None	5 L	60 L	B		
Nitroguanidine nitrate	Forbidden												
Nitroguanidine *or* Picrite, *dry or wetted with less than 20 percent water, by mass*	1.1D	UN0282	II	1.1D		None	62	None	Forbidden	Forbidden	10		
Nitroguanidine, wetted *or* Picrite, wetted *with not less than 20 percent water, by mass*	4.1	UN1336	I	4.1	23, A8, A19, A20, N41	None	211	None	1 kg	15 kg	E	28	
1-Nitrohydantoin	Forbidden												
Nitrohydrochloric acid	8	UN1798	I	8	A3, B10, N41, T10, TP2, TP12, TP13	None	201	243	Forbidden	2.5 L	D	40, 66, 74, 89, 90	
Nitromannite (dry)	Forbidden												
Nitromannite, wetted, *see* Mannitol hexanitrate, *etc*													
Nitromethane	3	UN1261	II	3		150	202	None	Forbidden	60 L	A		
Nitromuriatic acid, see Nitrohydrochloric acid													
Nitronaphthalene	4.1	UN2538	III	4.1	A1, IB8, IP3, T1, TP33	151	213	240	25 kg	100 kg	A		
4-Nitrophenylhydrazine, *with not less than 30% water, by mass*	4.1	UN3376	I	4.1	164, A8, A19, A20, N41	None	211	None	Forbidden	15 kg	E	36	
+ Nitrophenols (*o-; m-, p-*)	6.1	UN1663	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A		
m-Nitrophenyldinitro methane	Forbidden												
Nitropropanes	3	UN2608	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A		
p-Nitrosodimethylaniline	4.2	UN1369	II	4.2	A19, A20, IB6, IP2, N34, T3, TP33	None	212	241	15 kg	50 kg	D	34	
Nitrostarch, *dry or wetted with less than 20 percent water, by mass*	1.1D	UN0146	II	1.1D		None	62	None	Forbidden	Forbidden	10		
Nitrostarch, wetted *with not less than 20 percent water, by mass*	4.1	UN1337	I	4.1	23, A8, A19, A20, N41	None	211	None	1 kg	15 kg	D	28	
Nitrosugars (dry)	Forbidden												
Nitrosyl chloride	2.3	UN1069		2.3, 8	3, B14	None	304	314, 315.	Forbidden	Forbidden	D	40	
Nitrosylsulfuric acid, liquid	8	UN2308	II	8	A3, A6, A7, B2, IB2, N34, T8, TP2, TP12	154	202	242	1 L	30 L	D	40, 66, 74, 89, 90	
Nitrosylsulphuric acid, solid	8	UN3456	II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	D	40, 66, 74, 89, 90	
Nitrotoluenes, liquid	6.1	UN1664	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A		
Nitrotoluenes, solid	6.1	UN3446	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A		
Nitrotoluidines (mono)	6.1	UN2660	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A		
Nitrotriazolone *or* NTO	1.1D	UN0490	II	1.1D		None	62	None	Forbidden	Forbidden	10		
Nitrous oxide and carbon dioxide mixtures, see Carbon dioxide and nitrous oxide mixtures													
Nitrous oxide	2.2	UN1070		2.2, 5.1.	A14	306	304	314, 315.	75 kg	150 kg	A	40	
Nitrous oxide, refrigerated liquid	2.2	UN2201		2.2, 5.1.	B6, T75, TP5, TP22	None	304	314, 315.	Forbidden	Forbidden	B	40	
Nitroxylenes, liquid	6.1	UN1665	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A		
Nitroxylenes, solid	6.1	UN3447	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A		
Nitroxylol, see Nitroxylenes													
Nonanes	3	UN1920	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A		
Non-flammable gas, n.o.s., see Compressed gas, *etc. or* Liquefied gas, *etc*													

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Nonliquefied gases, see Compressed gases, *etc*												
	Nonliquefied hydrocarbon gas, see Hydrocarbon gas mixture, compressed, n.o.s.												
	Nonyltrichlorosilane	8	UN1799	II	8	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	Nordhausen acid, see Sulfuric acid, fuming *etc*												
	2,5-Norbornadiene, stabilized, *see* Bicyclo *2,2,1* hepta-2,5-diene, stabilized												
	Octadecyltrichlorosilane	8	UN1800	II	8	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	Octadiene	3	UN2309	II	3	B1, IB2, T4, TP1	150	202	242	5 L	60 L	B	
	1,7-Octadine-3,5-diyne-1,8-dimethoxy-9-octadecynoic acid	Forbidden											
	Octafluorobut-2-ene *or* Refrigerant gas R 1318	2.2	UN2422		2.2		None	304	314, 315.	75 kg	150 kg	A	
	Octafluorocyclobutane, *or* Refrigerant gas RC 318	2.2	UN1976		2.2	T50	None	304	314, 315.	75 kg	150 kg	A	
	Octafluoropropane*or* Refrigerant gas R 218	2.2	UN2424		2.2	T50	None	304	314, 315.	75 kg	150 kg	A	
	Octanes	3	UN1262	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Octogen, *etc. see* Cyclotetramethylene tetranitramine, *etc.*												
	Octolite *or* Octol, *dry or wetted with less than 15 percent water, by mass*	1.1D	UN0266	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Octonal	1.1D	UN0496		1.1D		None	62	None	Forbidden	Forbidden	10	
	Octyl aldehydes	3	UN1191	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Octyltrichlorosilane	8	UN1801	II	8	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	242	Forbidden	30 L	C	40
	Oil gas, compressed	2.3	UN1071		2.3, 2.1.	6	None	304	314, 315.	Forbidden	25 kg	D	40
	Oleum, see Sulfuric acid, fuming												
	Organic peroxide type A, liquid or solid	Forbidden											
G	Organic peroxide type B, liquid	5.2	UN3101	II	5.2, 1	53	152	225	None	Forbidden	Forbidden	D	12, 40, 52, 53
G	Organic peroxide type B, liquid, temperature controlled	5.2	UN3111	II	5.2, 1	53	None	225	None	Forbidden	Forbidden	D	2, 40, 52, 53
G	Organic peroxide type B, solid	5.2	UN3102	II	5.2, 1	53	152	225	None	Forbidden	Forbidden	D	12, 40, 52, 53
G	Organic peroxide type B, solid, temperature controlled	5.2	UN3112	II	5.2, 1	53	None	225	None	Forbidden	Forbidden	D	2, 40, 52, 53
G	Organic peroxide type C, liquid	5.2	UN3103	II	5.2		152	225	None	5 L	10 L	D	12, 40, 52, 53
G	Organic peroxide type C, liquid, temperature controlled	5.2	UN3113	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 40, 52, 53
G	Organic peroxide type C, solid	5.2	UN3104	II	5.2		152	225	None	5 kg	10 kg	D	12, 40, 52, 53
G	Organic peroxide type C, solid, temperature controlled	5.2	UN3114	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 40, 52, 53
G	Organic peroxide type D, liquid	5.2	UN3105	II	5.2		152	225	None	5 L	10 L	D	12, 40, 52, 53
G	Organic peroxide type D, liquid, temperature controlled	5.2	UN3115	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 40, 52, 53
G	Organic peroxide type D, solid	5.2	UN3106	II	5.2		152	225	None	5 kg	10 kg	D	12, 40, 52, 53
G	Organic peroxide type D, solid, temperature controlled	5.2	UN3116	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 40, 52, 53
G	Organic peroxide type E, liquid	5.2	UN3107	II	5.2		152	225	None	10 L	25 L	D	12, 40, 52, 53
G	Organic peroxide type E, liquid, temperature controlled	5.2	UN3117	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 40, 52, 53
G	Organic peroxide type E, solid	5.2	UN3108	II	5.2		152	225	None	10 kg	25 kg	D	12, 40, 52, 53
G	Organic peroxide type E, solid, temperature controlled	5.2	UN3118	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 40, 52, 53
G	Organic peroxide type F, liquid	5.2	UN3109	II	5.2	IP5	152	225	225	10 L	25 L	D	12, 40, 52, 53

G	Organic peroxide type F, liquid, temperature controlled	5.2	UN3119	II	5.2	IP5	None	225	225	Forbidden	Forbidden	D	2, 40, 52, 53
G	Organic peroxide type F, solid	5.2	UN3110	II	5.2	TP33	152	225	225	10 kg	25 kg	D	12, 40, 52, 53
G	Organic peroxide type F, solid, temperature controlled	5.2	UN3120	II	5.2	TP33	None	225	225	Forbidden	Forbidden	D	2, 52, 53
D	Organic phosphate, mixed with compressed gas *or* Organic phosphate compound, mixed with compressed gas *or* Organic phosphorus compound, mixed with compressed gas	2.3	NA1955		2.3	3	None	334	None	Forbidden	Forbidden	D	40
	Organic pigments, self-heating	4.2	UN3313	II	4.2	IB8, IP2, IP4, T3, TP33	None	212	241	15 kg	50 kg	C	
				III	4.2	IB8, IP3, T1, TP33	None	213	241	25 kg	100 kg	C	
G	Organoarsenic compound, liquid, n.o.s.	6.1	UN3280	I	6.1	5, T14, TP2, TP13, TP27	None	211	242	5 kg	50 kg	B	
				II	6.1	IB2, T11, TP2, TP27	153	212	242	25 kg	100 kg	B	
				III	6.1	IB3, T7, TP1, TP28	153	213	240	100 kg	200 kg	A	
G	Organoarsenic compound, solid, n.o.s.	6.1	UN3465	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	B	
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	B	
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Organochlorine pesticides liquid, flammable, toxic, *flash point less than 23 degrees C*	3	UN2762	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	150	202	243	1 L	60 L	B	40
	Organochlorine pesticides, liquid, toxic	6.1	UN2996	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Organochlorine pesticides, liquid, toxic, flammable, *flash point not less than 23 degrees C*	6.1	UN2995	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1, 3	B1, IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Organochlorine pesticides, solid, toxic	6.1	UN2761	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40
				III	6.1	IP8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40
G	Organometallic compound, toxic, liquid, n.o.s.	6.1	UN3282	I	6.1	T14, TP2, TP13, TP27	None	211	242	5 kg	50 kg	B	
				II	6.1	IB2, T11, TP2, TP27	153	212	242	25 kg	100 kg	B	
				III	6.1	IB3, T7, TP1, TP28	153	213	240	100 kg	200 kg	A	
G	Organometallic compound, toxic, solid, n.o.s.	6.1	UN3467	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	B	
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	B	
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
G	Organometallic substance, liquid, pyrophoric	4.2	UN3392	I	4.2	B11, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	143
G	Organometallic substance, liquid, pyrophoric, water-reactive	4.2	UN3394	I	4.2, 4.3	B11, T21, TP2, TP7	None	181	244	Forbidden	Forbidden	D	
G	Organometallic substance, liquid, water-reactive	4.3	UN3398	I	4.3	T13, TP2, TP7	None	201	244	Forbidden	Forbidden	E	40, 52
				II	4.3	IB1, T7, TP2, TP7	None	202	243	1 L	5 L	E	40, 52
				III	4.3	IB2, T7, TP2, TP7	None	203	242	5 L	60 L	E	40, 52
G	Organometallic substance, liquid, water-reactive, flammable	4.3	UN3399	I	4.3, 3	T13, TP2, TP7	None	201	244	Forbidden	Fobidden	E	40, 52
				II	4.3, 3	IB1, T7, TP2, TP7	None	202	243	Forbidden	Forbidden	E	40, 52
				III	4.3, 3	IB2, T7, TP2, TP7	None	203	242	Forbidden	Forbidden	E	40, 52
G	Organometallic substance, solid, pyrophoric	4.2	UN3391	I	4.2	T21, TP7, TP33	None	181	244	Forbidden	Forbidden	D	
G	Organometallic substance, solid, pyrophoric, water-reactive	4.2	UN3393	I	4.2, 4.3	B11, T21, TP7, TP33	None	181	244	Forbidden	Forbidden	D	52

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
G	Organometallic substance, solid, self-heating	4.2	UN3400	II	4.2	IB6, T3, TP33	None	212	242	15 kg	50 kg	C	
				III	4.2	IB8, T1, TP33	None	203	242	25 kg	100 kg	C	
G	Organometallic substance, solid, water-reactive	4.3	UN3395	I	4.3	N40, T9, TP7, TP33	None	211	242	Forbidden	Forbidden	E	40, 52
				II	4.3	IB4, T3, TP33	151	212	242	15 kg	50 kg	E	40, 52
				III	4.3	IB6, T1, TP33	151	213	241	25 kg	100 kg	E	40, 52
G	Organometallic substance, solid, water-reactive, flammable	4.3	UN3396	I	4.3, 4.1.	N40, T9, TP7, TP33	None	211	242	Forbidden	Forbidden	E	40, 52
				II	4.3, 4.1.	IB4, T3, TP33	151	212	242	15 kg	50 kg	E	40, 52
				III	4.3, 4.1.	IB6, T1, TP33	151	213	241	25 kg	100 kg	E	40, 52
G	Organometallic substance, solid, water-reactive, self-heating	4.3	UN3397	I	4.3, 4.2.	N40, T9, TP7, TP33	None	211	242	Forbidden	Forbidden	E	40, 52
				II	4.3, 4.2.	IB4, T3, TP33	None	212	242	15 kg	50 kg	E	40, 52
				III	4.3, 4.2.	IB6, T1, TP33	None	213	241	25 kg	100 kg	E	40, 52
	Organophosphorus compound, toxic, flammable, n.o.s.	6.1	UN3279	I	6.1, 3	5, T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
G	Organophosphorus compound, toxic, liquid, n.o.s.	6.1	UN3278	I	6.1	5, T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	
				II	6.1	IB2, T11, TP2, TP27	153	202	243	5 L	60 L	B	
				III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	
G	Organophosphorus compound, toxic, solid, n.o.s.	6.1	UN3464	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	B	
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	B	
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Organophosphorus pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C*	3	UN2784	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	150	202	243	1 L	60 L	B	40
	Organophosphorus pesticides, liquid, toxic	6.1	UN3018	I	6.1	N76, T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, N76, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1	IB3, N76, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Organophosphorus pesticides, liquid, toxic, flammable, *flash point not less than 23 degrees C*	6.1	UN3017	I	6.1, 3	N76, T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, N76, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1, 3	B1, IB3, N76, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Organophosphorus pesticides, solid, toxic	6.1	UN2783	I	6.1	IB7, IP1, N77, T6, TP33	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4, N77, T3, TP33	153	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3, N77, T1, TP33	153	213	240	100 kg	200 kg	A	40
	Organotin compounds, liquid, n.o.s.	6.1	UN2788	I	6.1	A3, N33, N34, T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	A3, IB2, N33, N34, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	A	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40

	Organotin compounds, solid, n.o.s.	6.1	UN3146	I	6.1	A5, IB7, IP1. T6, TP33	None	211	242	5 kg	50 kg	B	40
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40
	Organotin pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C*	3	UN2787	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3. 6.1	IB2, T11. TP2. TP13, TP27	150	202	243	1 L	60 L	B	40
	Organotin pesticides, liquid, toxic	6.1	UN3020	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Organotin pesticides, liquid, toxic, flammable. *flash point not less than 23 degrees C*	6.1	UN3019	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1, 3	B1, IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Organotin pesticides, solid, toxic	6.1	UN2786	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40
				III	6 1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40
	Orthonitroaniline, see Nitroanilines *etc*												
	Osmium tetroxide	6.1	UN2471	I	6.1	A8, IB7, IP1, N33, N34, T6, TP33	None	211	242	5 kg	50 kg	B	40
D G	Other regulated substances, liquid, n.o.s.	9	NA3082	III	9	IB3, T2, TP1	155	203	241	No limit	No limit	A	
D G	Other regulated substances, solid. n.o.s.	9	NA3077	III	9	B54, IB8, IP2, T1, TP33	155	213	240	No limit	No limit	A	
G	Oxidizing liquid, corrosive, n.o.s.	5.1	UN3098	I	5.1, 8	A6	None	201	244	Forbidden	2.5 L	D	13, 56, 58, 106, 138
				II	5.1, 8	IB1	None	202	243	1 L	5 L	B	34, 56, 58, 106, 138
				III	5.1, 8	IB2	152	203	242	2.5 L	30 L	B	34, 56, 58, 106, 138
G	Oxidizing liquid, n.o.s.	5.1	UN3139	I	5.1	127, A2, A6	None	201	243	Forbidden	2.5 L	D	56, 58, 106, 138
				II	5.1	127, A2, IB2	152	202	242	1 L	5 L	B	56, 58, 106, 138
				III	5.1	127. A2, IB2	152	203	241	2.5 L	30 L	B	56, 58, 106, 138
G	Oxidizing liquid, toxic, n.o.s.	5.1	UN3099	I	5.1, 6.1.	A6	None	201	244	Forbidden	2.5 L	D	56, 58, 106, 138
				II	5.1, 6.1.	IB1	152	202	243	1 L	5 L	B	56, 58, 95, 106, 138
				III	5.1, 6.1.	IB2	152	203	242	2.5 L	30 L	B	56, 58, 95, 106, 138
G	Oxidizing solid, corrosive, n.o.s.	5.1	UN3085	I	5.1, 8		None	211	242	1 kg	15 kg	D	13, 56, 58, 106, 138
				II	5.1, 8	IB6, IP2, T3, TP33	None	212	242	5 kg	25 kg	B	13, 34, 56, 58, 106, 138

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
				III	5.1, 8	IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	B	13, 34, 56, 58, 106, 138
G	Oxidizing solid, flammable, n.o.s.	5.1	UN3137	I	5.1, 4.1.		None	214	214	Forbidden	Forbidden		
G	Oxidizing solid, n.o.s.	5.1	UN1479	I	5.1	IB5, IP1	None	211	242	1 kg	15 kg	D	56, 58, 106, 138
				II	5.1	IB8, IP2, IP4, T3, TP33	152	212	240	5 kg	25 kg	B	56, 58, 106, 138
				III	5.1	IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	B	56, 58, 106, 138
G	Oxidizing solid, self-heating, n.o.s.	5.1	UN3100	I	5.1, 4.2.		None	214	214	Forbidden	Forbidden		
				II	5.1, 4.2.		None	214	214	Forbidden	Forbidden		
G	Oxidizing solid, toxic, *n.o.s.*	5.1	UN3087	I	5.1, 6.1.		None	211	242	1 kg	15 kg	D	56, 58, 106, 138
				II	5.1, 6.1.	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	B	56, 58, 95, 106, 138
				III	5.1, 6.1.	IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	B	56, 58, 95, 106, 138
G	Oxidizing solid, water-reactive, n.o.s.	5.1	UN3121		5.1, 4.3.		None	214	214	Forbidden	Forbidden		
	Oxygen and carbon dioxide mixtures, see Carbon dioxide and oxygen mixtures												
	Oxygen, compressed	2.2	UN1072		2.2, 5.1.	A14, A52	306	302	314, 315.	75 kg	150 kg	A	
	Oxygen difluoride, compressed	2.3	UN2190		2.3, 5.1, 8.	1	None	304	None	Forbidden	Forbidden	D	13, 40, 89, 90
	Oxygen generator, chemical *(including when contained in associated equipment, e.g., passenger service units (PSUs), portable breathing equipment (PBE), etc).*	5.1	UN3356	II	5.1	60, A51	None	212	None	Forbidden	25 kg gross	D	58, 58, 69, 106
+	Oxygen generator, chemical, spent	9	NA3356	III	9	61	None	213	None	Forbidden	Forbidden	A	
	Oxygen, mixtures with rare gases, see Rare gases and oxygen mixtures												
	Oxygen, refrigerated liquid *(cryogenic liquid)*	2.2	UN1073		2.2, 5.1.	T75, TP5, TP22	320	316	318	Forbidden	Forbidden	D	
	Paint *including paint, lacquer, enamel, stain, shellac solutions, varnish, polish, liquid filler, and liquid lacquer base.*	3	UN1263	I	3	T11, TP1, TP8	150	201	243	1 L	30 L	E	
				II	3	149, B52, IB2, T4, TP1, TP8	150	173	242	5 L	60 L	B	
				III	3	B1, B52, IB3, T2, TP1	150	173	242	60 L	220 L	A	
	Paint or Paint related material	8	UN3066	II	8	B2, IB2, T7, TP2	154	173	242	1 L	30 L	A	
				III	8	B52, IB3, T4, TP1	154	173	241	5 L	60 L	A	
	Paint related material *including paint thinning, drying, removing, or reducing compound*	3	UN1263	I	3	T11, TP1, TP8	150	201	243	1 L	30 L	E	
				II	3	149, B52, IB2, T4, TP1, TP8	150	173	242	5 L	60 L	B	
				III	3	B1, B52, IB3, T2, TP1	150	173	242	60 L	220 L	A	
	Paper, unsaturated oil treated *incompletely dried (including carbon paper)*	4.2	UN1379	III	4.2	IB8, IP3	None	213	241	Forbidden	Forbidden	A	
	Paraformaldehyde	4.1	UN2213	III	4.1	A1, IB8, IP3, T1, TP33	151	213	240	25 kg	100 kg	A	
	Paraldehyde	3	UN1264	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Paranitroaniline, solid, see Nitroanilines *etc*												
D	Parathion and compressed gas mixture	2.3	NA1967		2.3	3	None	334	245	Forbidden	Forbidden	E	40
	Paris green, solid, see Copper acetoarsenite												

A W	PCB, *see* Polychlorinated biphenyls														
+	Pentaborane	4.2	UN1380	I	4.2, 6.1	1	None	205	245	Forbidden	Forbidden	D			
	Pentachloroethane	6.1	UN1669	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	40		
	Pentachlorophenol	6.1	UN3155	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A			
	Pentaerythrite tetranitrate (dry)	Forbidden													
	Pentaerythrite tetranitrate mixture, desensitized, solid, n.o.s. *with more than 10 percent but not more than 20 percent PETN, by mass.*	4.1	UN3344	II	4.1	118, N85	None	214	None	Forbidden	Forbidden	E			
	Pentaerythrite tetranitrate or Pentaerythritol tetranitrate or PETN, *with not less than 7 percent wax by mass.*	1.1D	UN0411	II	1.1D		None	62	None	Forbidden	Forbidden	10			
	Pentaerythrite tetranitrate, wetted or Pentaerythritol tetranitrate, wetted, or PETN, wetted *with not less than 25 percent water, by mass,* or Pentaerythrite tetranitrate, or Pentaerythritol tetranitrate or PETN, desensitized *with not less than 15 percent phlegmatizer by mass.*	1.1D	UN0150	II	1.1D	121	None	62	None	Forbidden	Forbidden	10			
	Pentaerythritol tetranitrate, *see* Pentaerythrite tetranitrate, *etc*														
	Pentafluoroethane *or* Refrigerant gas R 125	2.2	UN3220		2.2	T50	306	304	314, 315.	75 kg	150 kg	A			
	Pentamethylheptane	3	UN2286	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A			
	Pentane-2,4-dione	3	UN2310	III	3, 6.1	B1, IB3, T4, TP1	150	203	242	60 L	220 L	A			
	Pentanes	3	UN1265	I	3	T11, TP2	150	201	243	1 L	30 L	E			
				II	3	IB2, IP8, T4, TP1	150	202	242	5 L	60 L	E			
	Pentanitroaniline (dry)	Forbidden													
	Pentanols	3	UN1105	II	3	IB2, T4, TP1, TP29	150	202	242	5 L	60 L	B			
				III	3	B1, B3, IB3, T2, TP1	150	203	242	60 L	220 L	A			
	1-Pentene *(n-amylene)*	3	UN1108	I	3	T11, TP2	150	201	243	1 L	30 L	E			
	1-Pentol	8	UN2705	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	B	26, 27		
	Pentolite, *dry or wetted with less than 15 percent water, by mass*	1.1D	UN0151	II	1.1D		None	62	None	Forbidden	Forbidden	10			
	Pepper spray, see Aerosols, *etc. or* Self-defense spray, non-pressurized														
	Perchlorates, inorganic, aqueous solution, n.o.s.	5.1	UN3211	II	5.1	IB2, T4, TP1	152	202	242	1 L	5 L	B	56, 58, 133		
				III	5.1	IB2, T4, TP1	152	202	241	2.5 L	30 L	B	56, 58, 69, 133		
	Perchlorates, inorganic, n.o.s.	5.1	UN1481	II	5.1	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58		
				III	5.1	IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	56, 58		
	Perchlone acid, with more than 72 percent acid by mass	Forbidden													
	Perchloric acid *with more than 50 percent but not more than 72 percent acid, by mass*	5.1	UN1873	I	5.1, 8	A2, A3, N41, T10, TP1, TP12	None	201	243	Forbidden	2.5 L	D	66		
	Perchloric acid *with not more than 50 percent acid by mass*	8	UN1802	II	8, 5.1	IB2, N41, T7, TP2	None	202	243	Forbidden	30 L	C	66		
	Perchloroethylene, see Tetrachloroethylene														
	Perchloromethyl mercaptan	6.1	UN1670	I	6.1	2, B9, B14, B32, B74, N34, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40		
	Perchloryl fluoride	2.3	UN3083		2.3, 5.1.	2, B9, B14	None	302	314, 315.	Forbidden	Forbidden	D	40		
	Percussion caps, see Primers, cap type														
	Perfluoro-2-butene, see Octafluorobut-2-ene														
	Perfluoro(ethyl vinyl ether)	2.1	UN3154		2.1		306	302, 304, 305.	314, 315.	Forbidden	150 kg	E	40		
	Perfluoro(methyl vinyl ether)	2.1	UN3153		2.1	T50	306	302, 304, 305	314, 315.	Forbidden	150 kg	E	40		
	Perfumery products *with flammable solvents*	3	UN1266	II	3	149, IB2, T4, TP1, TP8	150	202	242	15 L	60 L	B			
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A			
	Permanganates, inorganic, aqueous solution, n.o.s.	5.1	UN3214	II	5.1	26, IB2, T4, TP1	152	202	242	1 L	5 L	D	56, 58, 133, 138		
	Permanganates, inorganic, n.o.s.	5.1	UN1482	II	5.1	26, A30, IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	D	56, 58, 138		
				III	5.1	26, A30, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	D	56, 58, 138		
	Peroxides, inorganic, n.o.s.	5.1	UN1483	II	5.1	A7, A20, IB6, IP2, N34, T3, TP33	None	212	242	5 kg	25 kg	A	13, 52, 66, 75		
				III	5.1	A7, A20, IB8, IP3, N34, T1, TP33	152	213	240	25 kg	100 kg	A	13, 52, 66, 75		
	Peroxyacetic acid, with more than 43 percent and with more than 6 percent hydrogen peroxide	Forbidden													

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Persulfates, inorganic, aqueous solution, n.o.s.	5.1	UN3216	III	5.1	IB2, T4, TP1, TP29	152	203	241	2.5 L	30 L	A	56, 133
	Persulfates, inorganic, n.o.s.	5.1	UN3215	III	5.1	IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	56, 58
G	Pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C*	3	UN3021	I	3, 6.1	B5, T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	150	202	243	1 L	60 L	B	
G	Pesticides, liquid, toxic, flammable, n.o.s. *flash point not less than 23 degrees C*	6.1	UN2903	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1, 3	B1, IB3. T7, TP2	153	203	242	60 L	220 L	A	40
G	Pesticides, liquid, toxic, n.o.s.	6.1	UN2902	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
G	Pesticides, solid, toxic, n.o.s.	6.1	UN2588	I	6.1	IB7. T6, TP33	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40
	PETN, *see* Pentaerythrite tetranitrate												
	PETN/TNT, see Pentolite. *etc*												
	Petrol, *see* Gasoline												
	Petroleum crude oil	3	UN1267	I	3	144, T11, TP1, TP8	150	201	243	1 L	30 L	E	
				II	3	144, IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
				III	3	144, B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Petroleum distillates, n.o.s. *or* Petroleum products. n.o.s.	3	UN1268	I	3	144, T11, TP1, TP8	150	201	243	1 L	30 L	E	
				II	3	144, IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	
				III	3	144, B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
	Petroleum gases, liquefied *or* Liquefied petroleum gas	2.1	UN1075		2.1	T50	306	304	314, 315.	Forbidden	150 kg	E	40
	Petroleum oil	3	NA1270	I	3	144, T11, TP1	None	201	243	1 L	30 L	E	
D				II	3	144, IB2, T7, TP1, TP8, TP28	150	202	242	5 L	60 L	B	
				III	3	144, B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
	Phenacyl bromide	6.1	UN2645	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	B	40
	Phenetidines	6.1	UN2311	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
+	Phenol, molten	6.1	UN2312	II	6.1	B14, T7, TP3	None	202	243	Forbidden	Forbidden	B	40
	Phenol, solid	6.1	UN1671	II	6.1	IB8, IP2, IP4, N78, T3, TP33	153	212	242	25 kg	100 kg	A	
+	Phenol solutions	6.1	UN2821	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	
				III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Phenolsulfonic acid, liquid	8	UN1803	II	8	B2, IB2, N41, T7, TP2	154	202	242	1 L	30 L	C	14
	Phenoxyacetic acid derivative pesticide, liquid, flammable. toxic *flash point less than 23 degrees C.*	3	UN3346	I	3, 6.1	T14. TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	150	202	243	1 L	60 L	B	40
	Phenoxyacetic acid derivative pesticide, liquid, toxic	6.1	UN3348	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP27	153	202	243	5 L	60 L	B	40

			III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
Phenoxyacetic acid derivative pesticide, liquid, toxic, flammable, *flash point not less than 23 degrees C.*	6.1	UN3347	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
			II	6.1, 3	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
			III	6.1, 3	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
Phenoxyacetic acid derivative pesticide, solid, toxic	6.1	UN3345	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	40
			II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40
			III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40
Phenyl chloroformate	6.1	UN2746	II	6.1, 8	IB2, T7, TP2, TP13	153	202	243	1 L	30 L	A	12, 13, 21, 25, 40, 100
Phenyl isocyanate	6.1	UN2487	I	6.1, 3	2, B9, B14, B32, B74, B77, N33, N34, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
Phenyl mercaptan	6.1	UN2337	I	6.1, 3	2, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	B	40, 52
Phenyl phosphorus dichloride	8	UN2798	II	8	B2, B15, IB2, T7, TP2	154	202	242	Forbidden	30 L	B	40
Phenyl phosphorus thiodichloride	8	UN2799	II	8	B2, B15, IB2, T7, TP2	154	202	242	Forbidden	30 L	B	40
Phenylacetonitrile, liquid	6.1	UN2470	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	52
Phenylacetyl chloride	8	UN2577	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	C	40
Phenylcarbylamine chloride	6.1	UN1672	I	6.1	2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
m-Phenylene diaminediperchlorate (dry)	Forbidden											
+ Phenylenediamines *(o-; m-; p-;)*	6.1	UN1673	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
Phenylhydrazine	6.1	UN2572	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	40
Phenylmercuric acetate	6.1	UN1674	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
Phenylmercuric compounds, n.o.s.	6.1	UN2026	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	
			II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
			III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
Phenylmercuric hydroxide	6.1	UN1894	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
Phenylmercuric nitrate	6.1	UN1895	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
Phenyltrichlorosilane	8	UN1804	II	8	A7, B6, IB2, N34, T7, TP2	None	202	242	Forbidden	30 L	C	40
Phosgene	2.3	UN1076		2.3, 8	1, B7, B46	None	192	314	Forbidden	Forbidden	D	40
9-Phosphabicyclononanes or Cyclooctadiene phosphines	4.2	UN2940	II	4.2	A19, IB6, IP2, T3, TP33	None	212	241	15 kg	50 kg	A	
Phosphine	2.3	UN2199		2.3, 2.1.	1	None	192	245	Forbidden	Forbidden	D	40
Phosphoric acid solution	8	UN1805	III	8	A7, IB3, N34, T4, TP1	154	203	241	5 L	60 L	A	
Phosphoric acid, solid	8	UN3453	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
Phosphoric acid triethyleneimine, see Tris-(1-aziridiyl)phosphine oxide, solution												
Phosphoric anhydride, see Phosphorus pentoxide												
Phosphorous acid	8	UN2834	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	48
Phosphorus, amorphous	4.1	UN1338	III	4.1	A1, A19, B1, B9, B26, IB8, IP3, T1, TP33	None	213	243	25 kg	100 kg	A	74
Phosphorus bromide, see Phosphorus tribromide												
Phosphorus chloride, see Phosphorus trichloride												
Phosphorus heptasulfide, *free from yellow or white phosphorus*	4.1	UN1339	II	4.1	A20, IB4, N34, T3, TP33	None	212	240	15 kg	50 kg	B	74

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Phosphorus oxybromide	8	UN1939	II	8	B8, IB8, IP2, IP4, N41, N43, T3, TP33	None	212	240	Forbidden	50 kg	C	12, 40
	Phosphorus oxybromide, molten	8	UN2576	II	8	B2, B8, IB1, N41, N43, T7, TP3, TP13	None	202	242	Forbidden	Forbidden	C	40
+	Phosphorus oxychloride	8	UN1810	II	8, 6.1	2, B9, B14, B32, B74, B77, N34, T20, TP2, TP38, TP45	None	227	244	Forbidden	Forbidden	C	40
	Phosphorus pentabromide	8	UN2691	II	8	A7, IB8, IP2, IP4, N34, T3, TP33	154	212	240	Forbidden	50 kg	B	12, 40, 53, 55
	Phosphorus pentachloride	8	UN1806	II	8	A7, IB8, IP2, IP4, N34, T3, TP33	None	212	240	Forbidden	50 kg	C	40, 44, 89, 100, 141
	Phosphorus	2.3	UN2198		2.3, 8	2, B9, B14	None	302, 304.	314, 315.	Forbidden	Forbidden	D	40
	Phosphorus pentasulfide, *free from yellow or white phosphorus*	4.3	UN1340	II	4.3, 4.1.	A20, B59, IB4, T3, TP33	151	212	242	15 kg	50 kg	B	74
	Phosphorus pentoxide	8	UN1807	II	8	A7, IB8, IP2, IP4, N34, T3, TP33	154	212	240	15 kg	50 kg	A	
	Phosphorus sesquisulfide, *free from yellow or white phosphorus*	4.1	UN1341	II	4.1	A20, IB4, N34, T3, TP33	None	212	240	15 kg	50 kg	B	74
	Phosphorus tribromide	8	UN1808	II	8	A3, A6, A7, B2, B25, IB2, N34, N43, T7, TP2	None	202	242	Forbidden	30 L	C	40
	Phosphorus trichloride	6.1	UN1809	I	6.1, 8	2, B9, B14, B15, B32, B74, B77, N34, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	C	40
	Phosphorus trioxide	8	UN2578	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	12
	Phosphorus trisulfide, *free from yellow or white phosphorus*	4.1	UN1343	II	4.1	A20, IB4, N34, T3, TP33	None	212	240	15 kg	50 kg	B	74
	Phosphorus, white dry or Phosphorus, white, under water or Phosphorus white, in solution or Phosphorus, yellow dry or Phosphorus, yellow, under water or Phosphorus, yellow, in solution.	4.2	UN1381	I	4.2, 6.1.	B9, B26, N34, T9, TP3, TP31	None	188	243	Forbidden	Forbidden	E	
	Phosphorus white, molten	4.2	UN2447	I	4.2, 6.1.	B9, B26, N34, T21, TP3, TP7, TP26	None	188	243	Forbidden	Forbidden	D	
	Phosphorus (white or red) and a chlorate, mixtures of	Forbidden											
	Phosphoryl chloride, see Phosphorus oxychloride												
	Phthalic anhydride *with more than .05 percent maleic anhydride*	8	UN2214	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
	Picolines	3	UN2313	III	3	B1, IB3, T4, TP1	150	203	242	60 L	220 L	A	40
	Picric acid, *see* Trinitrophenol, *etc*												
	Picrite, *see* Nitroguanidine, *etc*												
	Picryl chloride, *see* Trinitrochlorobenzene												
	Pine oil	3	UN1272	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	alpha-Pinene	3	UN2368	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Piperazine	8	UN2579	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	12, 52
	Piperidine	8	UN2401	I	8, 3	A10, T10, TP2	None	201	243	0.5 L	2.5 L	B	52
	Pivaloyl chloride, see Trimethylacetyl chloride												
	Plastic molding compound *in dough, sheet or extruded rope form evolving flammable vapor*	9	UN3314	III	9	32, IB8, IP3, IP7	155	221	221	100 kg	200 kg	A	85, 87
	Plastic solvent, n.o.s., see Flammable liquids, n.o.s.												
	Plastics, nitrocellulose-based, self-heating, n.o.s.	4.2	UN2006	III	4.2		None	213	None	Forbidden	Forbidden	C	
	Poisonous gases, n.o.s., see Compressed or liquefied gases, flammable or toxic, n.o.s.												
	Polyalkylamines, n.o.s., see Amines, *etc*												
	Polychlorinated biphenyls, liquid	9	UN2315	II	9	9, 81, 140, IB3, T4, TP1	155	202	241	100 L	220 L	A	95
	Polychlorinated biphenyls, solid	9	UN3432	II	9	9, 81, 140, IB8, T3, TP33	155	212	240	100 kg	200 kg	A	95

Polyester resin kit	3	UN3269		3	40, 149	152	225	None	5 kg	5 kg	B	
Polyhalogenated biphenyls, liquid *or* Polyhalogenated terphenyls liquid	9	UN3151	II	9	IB2	155	204	241	100 L	220 L	A	95
Polyhalogenated biphenyls, solid *or* Polyhalogenated terphenyls, solid	9	UN3152	II	9	IB8, IP2, IP4, T3, TP33	155	204	241	100 kg	200 kg	A	95
Polymeric beads, expandable, *evolving flammable vapor*	9	UN2211	III	9	32, IB8, IP3, IP7, T1, TP33	155	221	221	100 kg	200 kg	A	85, 87
Potassium	4.3	UN2257	I	4.3	A7, A19, A20, B27, IB4, IP1, N6, N34, T9, TP7, TP33	None	211	244	Forbidden	15 kg	D	52
Potassium arsenate	6.1	UN1677	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
Potassium arsenite	6.1	UN1678	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
Potassium bisulfite solution, see Bisulfites, aqueous solutions, n.o.s.												
Potassium borohydride	4.3	UN1870	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	52
Potassium bromate	5.1	UN1484	II	5.1	IB8, IP4, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
Potassium carbonyl	Forbidden											
Potassium chlorate	5.1	UN1485	II	5.1	A9, IB8, IP4, N34, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
Potassium chlorate, aqueous solution	5.1	UN2427	II	5.1	A2, IB2, T4, TP1	152	202	241	1 L	5 L	B	56, 58, 133
			III	5.1	A2, IB2, T4, TP1	152	203	241	2.5 L	30 L	B	56, 58, 69, 133
Potassium chlorate mixed with mineral oil, see Explosive, blasting, type C												
Potassium cuprocyanide	6.1	UN1679	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	52
Potassium cyanide, solid	6.1	UN1680	I	6.1	B69, B77, IB7, IP1, N74, N75, T6, TP33	None	211	242	5 kg	50 kg	B	52
Potassium cyanide solution	6.1	UN3413	I	6.1	B69, B77, N74, N75, T14, TP2, TP13	None	201	243	1 L	30 L	B	52
			II	6.1	B69, B77, IB2, N74, N75, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	52
			III	6.1	B69, B77, IB3, N74, N75, T7, TP2, TP13, TP28	153	203	241	60 L	220 L	A	52
Potassium dichloro isocyanurate or Potassium dichloro-s-triazinetrione, see Dichloroisocyanuric acid, dry *or* Dichloroisocyanuric acid salts *etc.*												
Potassium dithionite *or* Potassium hydrosulfite	4.2	UN1929	II	4.2	A8, A19, A20, IB6, IP2, T3, TP33	None	212	241	15 kg	50 kg	E	13
Potassium fluoride, solid	6.1	UN1812	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	52
Potassium fluoride solution	6.1	UN3422	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	52
Potassium fluoroacetate	6.1	UN2628	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	E	
Potassium fluorosilicate	6.1	UN2655	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	52
Potassium hydrate, see Potassium hydroxide, solid												
Potassium hydrogen fluoride, see Potassium hydrogen difluoride												
Potassium hydrogen fluoride solution, see Corrosive liquid, n.o.s.												
Potassium hydrogen sulfate	8	UN2509	II	8	A7, IB8, IP2, IP4, N34, T3, TP33	154	212	240	15 kg	50 kg	A	
Potassium hydrogendifluoride solid	8	UN1811	II	8, 6.1	IB8, IP2, IP4, N3, N34, T3, TP33	154	212	240	15 kg	50 kg	A	25, 40, 52
Potassium hydrogendifluoride solution	8	UN3421	II	8, 6.1	IB2, N3, N34, T7, TP2	154	202	243	1 L	30 L	A	25, 40, 52
			III	8, 6.1	IB3, N3, N34, T4, TP1	154	203	241	5 L	60 L	A	40, 52
Potassium hydrosulfite, *see* Potassium dithionite												
Potassium hydroxide, liquid, see Potassium hydroxide solution												
Potassium hydroxide, solid	8	UN1813	II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	
Potassium hydroxide, solution	8	UN1814	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	
			III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
Potassium hypochlorite, solution, see Hypochlorite solutions, *etc*												
Potassium, metal alloys, liquid	4.3	UN1420	I	4.3	A7, A19, A20, B27	None	201	244	Forbidden	1 L	E	40, 52

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Potassium, metal alloys, solid	4.3	UN3404	I	4.3	A19, A20, B27, IB4, IP1, T9, TP7, TP33	None	211	244	Forbidden	15 kg	D	
	Potassium metal, liquid alloy, see Alkali metal alloys, liquid, n.o.s.												
	Potassium metavanadate	6.1	UN2864	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Potassium monoxide	8	UN2033	II	8	IB8, IP2, IP4. T3, TP33	154	212	240	15 kg	50 kg	A	29
	Potassium nitrate	5.1	UN1486	III	5.1	A1, A29, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	
	Potassium nitrate and sodium nitrite mixtures	5.1	UN1487	II	5.1	B78, IB8, IP4, T3, TP33	152	212	240	5 kg	25 kg	A	56, 58
	Potassium nitrite	5.1	UN1488	II	5.1	IB8, IP4, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
	Potassium perchlorate	5.1	UN1489	II	5.1	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
	Potassium permanganate	5.1	UN1490	II	5.1	IB8, IP4, T3, TP33	152	212	240	5 kg	25 kg	D	56, 58, 138
	Potassium peroxide	5.1	UN1491	I	5.1	A20, IB6, IP1, N34	None	211	None	Forbidden	15 kg	B	13, 52, 68, 75
	Potassium persulfate	5.1	UN1492	III	5.1	A1, A29, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	56, 58
	Potassium phosphide	4.3	UN2012	I	4.3, 6.1.	A19, N40	None	211	None	Forbidden	15 kg	E	40, 52, 85
	Potassium selenate, see Selenates *or* Selenites												
	Potassium selenite, see Selenates *or* Selenites												
	Potassium sodium alloys, solid	4.3	UN3403	I	4.3	A19, B27, N34, N40, T9, TP7, TP33	None	211	244	Forbidden	15 kg	D	52
	Potassium sodium alloys, solid	4.3	UN3404	I	4.3	A19, B27, N34, N40, T9, TP7, TP33	None	211	244	Forbidden	15 kg	D	52
	Potassium sodium alloys, liquid	4.3	UN1422	I	4.3	A7, A19, B27, N34, N40, T9, TP3, TP7, TP31	None	201	244	Forbidden	1 L	E	40, 52
	Potassium sulfide, anhydrous *or* Potassium sulfide *with less than 30 percent water of crystallization.*	4.2	UN1382	II	4.2	A19, A20, B16, IB6, IP2, N34, T3, TP33	None	212	241	15 kg	50 kg	A	52
	Potassium sulfide, hydrated *with not less than 30 percent water of crystallization*	8	UN1847	II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	52
	Potassium superoxide	5.1	UN2466	I	5.1	A20, IB6, IP1	None	211	None	Forbidden	15 kg	B	13, 52, 66, 75
	Powder cake, wetted *or* Powder paste, wetted *with not less than 17 percent alcohol by mass*	1.1C	UN0433	II	1.1C		None	62	None	Forbidden	Forbidden	10	
	Powder cake, wetted *or* Powder paste, wetted *with not less than 25 percent water, by mass*	1.3C	UN0159	II	1.3C		None	62	None	Forbidden	Forbidden	10	
	Powder paste, *see* Powder cake, *etc*												
	Powder, smokeless	1.1C	UN0160	II	1.1C		None	62	None	Forbidden	Forbidden		26E
	Powder, smokeless	1.3C	UN0161	II	1.3C		None	62	None	Forbidden	Forbidden		26E
	Power device, explosive, see Cartridges, power device												
	Primers, cap type	1.4S	UN0044	II	None		None	62	None	25 kg	100 kg	05	
	Primers, cap type	1.1B	UN0377	II	1.1B		None	62	None	Forbidden	Forbidden	11	
	Primers, cap type	1.4B	UN0378	II	1.4B		None	62	None	Forbidden	75 kg	06	
	Primers, small arms, see Primers, cap type												
	Primers, tubular	1.3G	UN0319	II	1.3G		None	62	None	Forbidden	Forbidden	07	
	Primers, tubular	1.4G	UN0320	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Primers, tubular	1.4S	UN0376	II	None		None	62	None	25 kg	100 kg	05	
	Printing ink, *flammable or* Printing ink related material *(including printing ink thinning or reducing compound), flammable.*	3	UN1210	I	3	T11, TP1, TP8	150	173	243	1 L	30 L	E	
				II	3	149, IB2, T4, TP1, TP8	150	173	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	173	242	60 L	220 L	A	
	Projectiles, illuminating, see Ammunition, illuminating, *etc*												
	Projectiles, *inert with tracer*	1.4S	UN0345	II	1.4S			62	None	25 kg	100 kg	01	
	Projectiles, *inert, with tracer*	1.3G	UN0424	II	1.3G			62	None	Forbidden	Forbidden	03	
	Projectiles, *inert, with tracer*	1.4G	UN0425	II	1.4G			62	None	Forbidden	75 kg	02	
	Projectiles, *with burster or expelling charge*	1.2D	UN0346	II	1.2D			62	None	Forbidden	Forbidden	03	

Projectiles, *with burster or expelling charge*	1.4D	UN0347	II	1.4D			62	None	Forbidden	75 kg	02	
Projectiles, *with burster or expelling charge*	1.2F	UN0426	II	1.2F			62	None	Forbidden	Forbidden	08	
Projectiles, *with burster or expelling charge*	1.4F	UN0427	II	1.4F			62	None	Forbidden	Forbidden	08	
Projectiles, *with burster or expelling charge*	1.2G	UN0434	II	1.2G			62	None	Forbidden	Forbidden	03	
Projectiles, *with burster or expelling charge*	1.4G	UN0435	II	1.4G			62	None	Forbidden	75 kg	02	
Projectiles, *with bursting charge*	1.1F	UN0167	II	1.1F			62	None	Forbidden	Forbidden	08	
Projectiles, *with bursting charge*	1.1D	UN0168	II	1.1D			62	None	Forbidden	Forbidden	03	
Projectiles, *with bursting charge*	1.2D	UN0169	II	1.2D			62	None	Forbidden	Forbidden	03	
Projectiles, *with bursting charge*	1.2F	UN0324	II	1.2F			62	None	Forbidden	Forbidden	08	
Projectiles, *with bursting charge*	1.4D	UN0344	II	1.4D			62	None	Forbidden	75 kg	02	
Propadiene, stabilized	2.1	UN2200		2.1		None	304	314, 315.	Forbidden	150 kg	B	40
Propadiene mixed with methyl acetylene, see Methyl acetylene and propadiene mixtures, stabilized.												
Propane *see also* Petroleum gases, liquefied	2.1	UN1978		2.1	19, T50	306	304	314, 315.	Forbidden	150 kg	E	40
Propanethiols	3	UN2402	II	3	A6, IB2, T4, TP1, TP13	150	202	242	5 L	60 L	E	95, 102
n-Propanol or Propyl alcohol, normal	3	UN1274	II	3	B1, IB2, T4, TP1	150	202	242	5 L	60 L	B	
			III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
Propellant, liquid	1.3C	UN0495	II	1.3C	37	None	62	None	Forbidden	Forbidden	10	
Propellant, liquid	1.1C	UN0497	II	1.1C	37	None	62	None	Forbidden	Forbidden	10	
Propellant, solid	1.1C	UN0498	II	1.1C		None	62	None	Forbidden	Forbidden		26E
Propellant, solid	1.3C	UN0499	II	1.3C		None	62	None	Forbidden	Forbidden		26E
Propellant, solid	1.4C	UN0501		1.4C		None	62	None	Forbidden	Forbidden	A	24E
Propionaldehyde	3	UN1275	II	3	IB2, T7, TP1	150	202	242	5 L	60 L	E	
Propionic acid	8	UN1848	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
Propionic anhydride	8	UN2496	III	8	IB3, T4. TP1	154	203	241	5 L	60 L	A	
Propionitrile	3	UN2404	II	3, 6.1	IB2, T7, TP1, TP13	None	202	243	Forbidden	60 L	E	40
Propionyl chloride	3	UN1815	II	3, 8	IB1, T7, TP1	150	202	243	1 L	5 L	B	40
n-Propyl acetate	3	UN1276	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
Propyl alcohol, see Propanol												
n-Propyl benzene	3	UN2364	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
n-Propyl chloroformate	6.1	UN2740	I	6.1, 3, 8.	2, B9, B14, B32, B74, B77. N34, T20, TP2, TP13, TP38, TP44	None	227	244	Forbidden	Forbidden	B	21, 40, 100
Propyl chloride see 1-Chloropropane												
Propyl formates	3	UN1281	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
n-Propyl isocyanate	6.1	UN2482	I	6.1, 3	1, B9. B14, B30, B72. T22, TP2. TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
Propyl mercaptan, see Propanethiols												
n-Propyl nitrate	3	UN1865	II	3	IB99	150	202	None	5 L	60 L	D	44, 89, 90, 100
Propylamine	3	UN1277	II	3, 8	A7, IB2, N34, T7. TP1	150	202	243	1 L	5 L	E	40
Propylene *see also* Petroleum gases, liquefied	2.1	UN1077		2.1	19, T50	306	304	314, 315.	Forbidden	150 kg	E	40
Propylene chlorohydrin	6.1	UN2611	II	6.1, 3	IB2, T7, TP2, TP13	153	202	243	5 L	60 L	A	12, 40, 48
Propylene oxide	3	UN1280	I	3	A3, N34, T11, TP2, TP7	None	201	243	1 L	30 L	E	40
Propylene tetramer	3	UN2850	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
1,2-Propylenediamine	8	UN2258	II	8, 3	A3, A6, IB2, N34, T7, TP2	None	202	243	1 L	30 L	A	40
Propyleneimine, stabilized	3	UN1921	I	3, 6.1	A3, N34. T14, TP2, TP13	None	201	243	1 L	30 L	B	40
Propyltrichlorosilane	8	UN1816	II	8, 3	A7, B2, B6, IB2, N34, T7, TP2, TP13	None	202	243	Forbidden	30 L	C	40
Prussic acid, see Hydrogen cyanide												
Pyrethroid pesticide, liquid, flammable, toxic, *flash point less than 23 degrees C*	3	UN3350	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
			II	3, 6.1	IB2, T11, TP2, TP13, TP27	150	202	243	1 L	60 L	B	40
Pyrethroid pesticide, liquid toxic	6.1	UN3352	I	6.1	T14, TP2, TP13, TP27	None	211	242	1 L	30 L	A	40
			II	6.1	IB2, T11, TP2, TP27	153	212	242	5 L	60 L	A	40
			III	6.1	IB3, T7, TP2, TP28	153	213	240	60 L	220 L	A	40
Pyrethroid pesticide, liquid, toxic, flammable, *flash point not less than 23 degrees C*	6.1	UN3351	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	.....	.....		II	6.1, 3	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
	.....	.....		III	6.1, 3	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	B	40
	Pyrethroid pesticide, solid, toxic	6.1	UN3349	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	40
	.....	.....		II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40
	.....	.....		III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40
	Pyridine	3	UN1282	II	3	IB2, T4, TP2	None	202	242	5 L	60 L	B	21, 100
	Pyridine perchlorate	Forbidden											
G	Pyrophoric liquid, inorganic, n.o.s.	4.2	UN3194	I	4.2		None	181	244	Forbidden	Forbidden	D	18
G	Pyrophoric liquids, organic, n.o.s.	4.2	UN2845	I	4.2	B11, T22, TP2, TP7	None	181	244	Forbidden	Forbidden	D	18
G	Pyrophoric metals, n.o.s., *or* Pyrophoric alloys, n.o.s.	4.2	UN1383	I	4.2	B11, T21, TP7, TP33	None	187	242	Forbidden	Forbidden	D	
G	Pyrophoric solid, inorganic, n.o.s.	4.2	UN3200	I	4.2	T21, TP7, TP33	None	187	242	Forbidden	Forbidden	D	
G	Pyrophoric solids, organic, n.o.s.	4.2	UN2846	I	4.2		None	187	242	Forbidden	Forbidden	D	
	Pyrosulfuryl chloride	8	UN1817	II	8	B2, IB2, T8, TP2, TP12	154	202	242	1 L	30 L	C	40
	Pyroxylin solution or solvent, see Nitrocellulose												
	Pyrrolidine	3	UN1922	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	40
	Quebrachitol pentanitrate	Forbidden											
	Quicklime, see Calcium oxide												
	Quinoline	6.1	UN2656	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	12
	R 12, see Dichlorodifluoromethane												
	R 12B1, see Chlorodifluorobromomethane												
	R 13, see Chlorotrifluoromethane												
	R 13B1, see Bromotrifluoromethane												
	R 14, see Tetrafluoromethane												
	R 21, see Dichlorofluoromethane												
	R 22, see Chlorodifluoromethane												
	R 114, see Dichlorotetrafluoroethane												
	R 115, see Chloropentafluoroethane												
	R 116, see Hexafluoroethane												
	R 124, see Chlorotetrafluoroethane												
	R 133a, see Chlorotrifluoroethane												
	R 152a, see Difluoroethane												
	R 500, see Dichlorodifluoromethane and difluorethane, *etc*												
	R 502, see Chlorodifluoromethane and chloropentafluoroethane mixture, *etc*												
	R 503, see Chlorotrifluoromethane and trifluoromethane, *etc*												
	Radioactive material, excepted package-articles manufactured from natural uranium or depleted uranium *or* natural thorium.	7	UN2909	.....	None		422, 426.	422, 426.	422, 426.			A	
	Radioactive material, excepted package-empty packaging	7	UN2908	.....	Empty		422, 428.	422, 428.	422, 428.			A	
	Radioactive material, excepted package-instruments *or* articles	7	UN2911	.....	None		422, 424.	422, 424.				A	
	Radioactive material, excepted package-limited quantity of material	7	UN2910	.....	None		421, 422.	421, 422.	421, 422.			A	
	Radioactive material, low specific activity (LSA-I) *non fissile or fissile-excepted*	7	UN2912	.....	7	A56, T5, TP4, W7	421, 422, 428.	427	427			A	95, 129
	Radioactive material, low specific activity (LSA-II) *non fissile or fissile-excepted*	7	UN3321	.....	7	A56, T5, TP4, W7	421, 422, 428.	427	427			A	95, 129
	Radioactive material, low specific activity (LSA-III) *non fissile or fissile excepted*	7	UN3322	.....	7	A56, T5, TP4, W7	421, 422. 428.	427	427			A	95, 129
	Radioactive material, surface contaminated objects (SCO-I or SCO-II) *non fissile* or *fissile-excepted.*	7	UN2913	.....	7	A56	421, 422, 428.	427	427			A	95
	Radioactive material, transported under special arrangement, *non fissile or fissile excepted*	7	UN2919	.....	7	A56, 139						A	95, 105
	Radioactive material, transported under special arrangement, fissile	7	UN3331	.....	7	A56, 139						A	95, 105

	Radioactive material, Type A package, fissile *non-special form*	7	UN3327		7	A56, W7, W8	453	417	417			A	95, 105, 131
	Radioactive material, Type A package *non-special form, non fissile or fissile-excepted*	7	UN2915		7	A56, W7, W8		415	415			A	95, 130
	Radioactive material, Type A package, special form *non fissile or fissile-excepted*	7	UN3332		7	A56, W7, W8		415. 476.	415. 476.			A	95
	Radioactive material, Type A package, special form, fissile	7	UN3333		7	A56, W7, W8	453	417, 476.	417, 476.			A	95, 105
	Radioactive material, Type B(M) package, fissile	7	UN3329		7	A56	453	417	417			A	95, 105
	Radioactive material, Type B(M) package *non fissile or fissile-excepted*	7	UN2917		7	A56		416	416			A	95, 105
	Radioactive material, Type B(U) package, fissile	7	UN3328		7	A56	453	417	417			A	95, 105
	Radioactive material, Type B(U) package *non fissile or fissile-excepted*	7	UN2916		7	A56		416	416			A	95, 105
	Radioactive material, uranium hexafluoride *non fissile or fissile-excepted*	7	UN2978		7, 8		423	420, 427.	420. 427.			A	95, 132
I	Radioactive material, uranium hexafluoride, fissile	7	UN2977		7, 8		453	417, 420.	417, 420.			A	95, 132
A W	Rags, oily	4.2	UN1856	III	4.2		151	213	240	Forbidden	Forbidden	A	
	Railway torpedo, see Signals, railway track, explosive												
	Rare gases and nitrogen mixtures, compressed	2.2	UN1981		2.2		306	302	None	75 kg	150 kg	A	
	Rare gases and oxygen mixtures, compressed	2.2	UN1980		2.2	79	306	302	None	75 kg	150 kg	A	
	Rare gases mixtures, compressed	2.2	UN1979		2.2		306	302	None	75 kg	150 kg	A	
	RC 318, see Octafluorocyclobutane												
	RDX and cyclotetramethylenetetranitramine, wetted *or* desensitized *see* RDX and HMX mixtures, wetted or desensitized												
	RDX and HMX mixtures, wetted *with not less than 15 percent water by mass or* RDX and HMX mixtures, desensitized *with not less than 10 percent phlegmatizer by mass.*	1.1D	UN0391	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	RDX and Octogen mixtures, wetted *or* desensitized *see* RDX and HMX mixtures, wetted or desensitized *etc.*												
	RDX, see Cyclotrimethylene trinitramine, *etc*												
	Receptacles, small, containing gas (gas cartridges) *flammable, without release device, not refillable and not exceeding 1 L capacity.*	2.1	UN2037		2.1		306	304	None	1 kg	15 kg	B	40
	Receptacles, small, containing gas (gas cartridges) *non-flammable, without release device, not refillable and not exceeding 1 L capacity.*	2.2	UN2037		2.2		306	304	None	1 kg	15 kg	B	40
					2.2, 5.1.	A14	306	304	None	1 kg	15 kg	B	40
	Red phosphorus, see Phosphorus, amorphous												
	Refrigerant gas R 404A	2.2	UN3337		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
	Refrigerant gas R 407A	2.2	UN3338		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
	Refrigerant gas R 407B	2.2	UN3339		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
	Refrigerant gas R 407C	2.2	UN3340		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
G	Refrigerant gases, n.o.s.	2.2	UN1078		2.2	T50	306	304	314, 315.	75 kg	150 kg	A	
D	Refrigerant gases, n.o.s. *or* Dispersant gases, n.o.s.	2.1	NA1954		2.1	T50	306	304	314, 315.	Forbidden	150 kg	D	40
	Refrigerating machines, *containing flammable, non-toxic, liquefied gas*	2.1	UN3358		2.1		306	306	306	Forbidden	Forbidden	C	40
	Refrigerating machines, *containing non-flammable,* non-toxic, or ammonia solution *(UN2672)*	2.2	UN2857		2.2	A53	306, 307.	306	306, 307.	450 kg	450 kg	A	
	Regulated medical waste	6.2	UN3291	II	6.2	A13	134	197	197	No limit	No limit	A	40
	Release devices, explosive	1.4S	UN0173	II	1.4S		None	62	None	25 kg	100 kg	05	
	Resin solution, *flammable*	3	UN1866	I	3	B52, T11, TP1, TP8, TP28	150	201	243	1 L	30 L	E	
				II	3	149, B52, IB2, T4, TP1, TP8	150	173	242	5 L	60 L	B	
				III	3	B1, B52, IB3, T2, TP1	150	173	242	60 L	220 L	A	
	Resorcinol	6.1	UN2876	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Rifle grenade, see Grenades, *hand or rifle, etc*												
	Rifle powder, see Powder, smokeless *(UN 0160)*												
	Rivets, explosive	1.4S	UN0174	II	1.4S		None	62	None	25 kg	100 kg	05	
	Road asphalt or tar liquid, see Tars, liquid, *etc*												
	Rocket motors	1.3C	UN0186	II	1.3C	109	None	62	None	Forbidden	220 kg	03	
	Rocket motors	1.1C	UN0280	II	1.1C	109	None	62	None	Forbidden	Forbidden	03	
	Rocket motors	1.2C	UN0281	II	1.2C	109	None	62	None	Forbidden	Forbidden	03	
	Rocket motors, liquid fueled	1.2J	UN0395	II	1.2J	109	None	62	None	Forbidden	Forbidden	04	23E
	Rocket motors, liquid fueled	1.3J	UN0396	II	1.3J	109	None	62	None	Forbidden	Forbidden	04	23E
	Rocket motors with hypergolic liquids *with or without an expelling charge*	1.3L	UN0250	II	1.3L	109	None	62	None	Forbidden	Forbidden	08	8E, 14E, 15E
	Rocket motors with hypergolic liquids *with or without an expelling charge*	1.2L	UN0322	II	1.2L	109	None	62	None	Forbidden	Forbidden	08	8E, 14E, 15E

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	(8) Packaging (§173.***) Non-bulk	(8) Packaging (§173.***) Bulk	(9) Quantity limitations Passenger aircraft/rail	(9) Quantity limitations Cargo aircraft only	(10) Vessel stowage Location	(10) Vessel stowage Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Rockets, line-throwing	1.2G	UN0238	II	1.2G		None	62	None	Forbidden	Forbidden	07	
	Rockets, line-throwing	1.3G	UN0240	II	1.3G		None	62	None	Forbidden	75 kg	07	
	Rockets, line-throwing	1.4G	UN0453	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Rockets, liquid fueled *with bursting charge*	1.1J	UN0397	II	1.1J		None	62	None	Forbidden	Forbidden	04	23E
	Rockets, liquid fueled *with bursting charge*	1.2J	UN0398	II	1.2J		None	62	None	Forbidden	Forbidden	04	23E
	Rockets, *with bursting charge*	1.1F	UN0180	II	1.1F		None	62	None	Forbidden	Forbidden	08	
	Rockets, *with bursting charge*	1.1E	UN0181	II	1.1E		None	62	None	Forbidden	Forbidden	03	
	Rockets, *with bursting charge*	1.2E	UN0182	II	1.2E		None	62	None	Forbidden	Forbidden	03	
	Rockets, *with bursting charge*	1.2F	UN0295	II	1.2F		None	62	None	Forbidden	Forbidden	08	
	Rockets, *with expelling charge*	1.2C	UN0436	II	1.2C		None	62	None	Forbidden	Forbidden	03	
	Rockets, *with expelling charge*	1.3C	UN0437	II	1.3C		None	62	None	Forbidden	Forbidden	03	
	Rockets, *with expelling charge*	1.4C	UN0438	II	1.4C		None	62	None	Forbidden	75 kg	02	
	Rockets, *with inert head*	1.3C	UN0183	II	1.3C		None	62	None	Forbidden	Forbidden	03	
	Rockets, *with inert head*	1.2C	UN0502		1.2C		None	62	None	Forbidden	Forbidden	B	1E, 5E
	Rosin oil	3	UN1286	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Rubber solution	3	UN1287	II	3	149, IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
	Rubber scrap or shoddy, *powdered or granulated, not exceeding 840 microns and rubber contend exceeding 45%.*	4.1	UN1345	II	4.1	IB8, IP2, IP4, T3, TP33	151	212	240	15 kg	50 kg	A	
	Rubber solution	3	UN1287	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Rubidium	4.3	UN1423	I	4.3	22, A7, A19, IB4, IP1, N34, N40, N45	None	211	242	Forbidden	15 kg	D	52
	Rubidium hydroxide	8	UN2678	II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	29
	Rubidium hydroxide solution	8	UN2677	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	29
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	29
	Safety fuse, see Fuse, safety												
	Sand acid, see Fluorosilicic acid												
	Seed cake, *containing vegetable oil solvent extractions and expelled seeds, with not more than 10 percent of oil and when the amount of moisture is higher than 11 percent, with not more than 20 percent of oil and moisture combined.*	4.2	UN1386	III	None	IB8, IP3, IP7, N7	None	213	241	Forbidden	Forbidden	A	13
I	Seed cake *with more than 1.5 percent oil and not more than 11 percent moisture*	4.2	UN1386	III	None	IB8, IP3, IP7, N7	None	213	241	Forbidden	Forbidden	E	13
I	Seed cake *with not more than 1.5 percent oil and not more than 11 percent moisture*	4.2	UN2217	III	None	IB8, IP3, IP7, N7	None	213	241	Forbidden	Forbidden	A	13
	Selenates *or* Selenites	6.1	UN2630	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	E	
	Selenic acid	8	UN1905	I	8	IB7, IP1, N34, T6, TP33	None	211	242	Forbidden	25 kg	A	
	Selenium compound, solid, n.o.s.	6.1	UN3283	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	B	
	Selenium compound, liquid, n.o.s.	6.1	UN3440	I	6.1	T14, TP2, TP27	None	201	243	1 L	30 L	B	
	Selenium compound, solid, n.o.s.	6.1	UN3283	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	B	
	Selenium compound, liquid, n.o.s.	6.1	UN3440	II	6.1	IB2, T11, TP2, TP27	153	202	243	5 L	60 L	B	
	Selenium compound, solid, n.o.s.	6.1	UN3283	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Selenium compound, liquid, n.o.s.	6.1	UN3440	III	6.1	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	
	Selenium disulfide	6.1	UN2657	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Selenium hexafluoride	2.3	UN2194		2.3, 8	1	None	302	None	Forbidden	Forbidden	D	40
	Selenium nitride	Forbidden											
	Selenium oxychloride	8	UN2879	I	8, 6.1	A3, A6, A7, N34, T10, TP2, TP12, TP13	None	201	243	0.5 L	2.5 L	E	40
	Self-defense spray, aerosol, see Aerosols, *etc*												
+ A D	Self-defense spray, non-pressurized	9	NA3334	III	9	A37	155	203	None	No limit	No limit	A	
G	Self-heating liquid, corrosive, inorganic, n.o.s.	4.2	UN3188	II	4.2, 8	IB2	None	202	243	1 L	5 L	C	
				III	4.2, 8	IB2	None	203	241	5 L	60 L	C	
G	Self-heating liquid, corrosive, organic, n.o.s.	4.2	UN3185	II	4.2, 8	IB2	None	202	243	1 L	5 L	C	
				III	4.2, 8	IB2	None	203	241	5 L	60 L	C	
G	Self-heating liquid, inorganic, n.o.s.	4.2	UN3186	II	4.2	IB2	None	202	242	1 L	5 L	C	
				III	4.2	IB2	None	203	241	5 L	60 L	C	

G	Self-heating liquid, organic, n.o.s.	4.2	UN3183	II	4.2	IB2	None	202	242	1 L	5 L	C	
				III	4.2	IB2	None	203	241	5 L	60 L	C	
G	Self-heating liquid, toxic, inorganic, n.o.s.	4.2	UN3187	II	4.2, 6.1	IB2	None	202	243	1 L	5 L	C	
				III	4.2, 6.1	IB2	None	203	241	5 L	60 L	C	
G	Self-heating liquid, toxic, organic, n.o.s.	4.2	UN3184	II	4.2, 6.1	IB2	None	202	243	1 L	5 L	C	
				III	4.2, 6.1	IB2	None	203	241	5 L	60 L	C	
G	Self-heating solid, corrosive, inorganic, n.o.s.	4.2	UN3192	II	4.2, 8	IB5, IP2, T3, TP33	None	212	242	15 kg	50 kg	C	
				III	4.2, 8	IB8, IP3, T1, TP33	None	213	242	25 kg	100 kg	C	
G	Self-heating, solid, corrosive, organic, n.o.s.	4.2	UN3126	II	4.2, 8	IB5, IP2, T3, TP33	None	212	242	15 kg	50 kg	C	
				III	4.2, 8	IB8, IP3, T1, TP33	None	213	242	25 kg	100 kg	C	
G	Self-heating solid, inorganic, n.o.s.	4.2	UN3190	II	4.2	IB6, IP2, T3, TP33	None	212	241	15 kg	50 kg	C	
				III	4.2	IB8, IP3, T1, TP33	None	213	241	25 kg	100 kg	C	
G	Self-heating, solid, organic, n.o.s.	4.2	UN3088	II	4.2	IB6, IP2, T3, TP33	None	212	241	15 kg	50 kg	C	
				III	4.2	IB8, IP3, T1, TP33	None	213	241	25 kg	100 kg	C	
G	Self-heating, solid, oxidizing, n.o.s.	4.2	UN3127		4.2, 5.1		None	214	214	Forbidden	Forbidden		
G	Self-heating solid, toxic, inorganic, n.o.s.	4.2	UN3191	II	4.2, 6.1	IB5, IP2, T3, TP33	None	212	242	15 kg	50 kg	C	
				III	4.2, 6.1	IB8, IP3, T1, TP33	None	213	242	25 kg	100 kg	C	
G	Self-heating, solid, toxic, organic, n.o.s.	4.2	UN3128	II	4.2, 6.1	IB5, IP2, T3, TP33	None	212	242	15 kg	50 kg	C	
				III	4.2, 6.1	IB8, IP3, T1, TP33	None	213	242	25 kg	100 kg	C	
	Self-propelled vehicle, see Engines or Batteries *etc*												
G	Self-reactive liquid type B	4.1	UN3221	II	4.1	53	None	224	None	Forbidden	Forbidden	D	52, 53
G	Self-reactive liquid type B, temperature controlled	4.1	UN3231	II	4.1	53	None	224	None	Forbidden	Forbidden	D	2, 52, 53
G	Self-reactive liquid type C	4.1	UN3223	II	4.1		None	224	None	5 L	10 L	D	52, 53
G	Self-reactive liquid type C, temperature controlled	4.1	UN3233	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 52, 53
G	Self-reactive liquid type D	4.1	UN3225	II	4.1		None	224	None	5 L	10 L	D	52, 53
G	Self-reactive liquid type D, temperature controlled	4.1	UN3235	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 52, 53
G	Self-reactive liquid type E	4.1	UN3227	II	4.1		None	224	None	10 L	25 L	D	52, 53
G	Self-reactive liquid type E, temperature controlled	4.1	UN3237	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 52, 53
G	Self-reactive liquid type F	4.1	UN3229	II	4.1	T23	None	224	None	10 L	25 L	D	52, 53
G	Self-reactive liquid type F, temperature controlled	4.1	UN3239	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 52, 53
G	Self-reactive solid type B	4.1	UN3222	II	4.1	53	None	224	None	Forbidden	Forbidden	D	52, 53
G	Self-reactive solid type B, tempereture controlled	4.1	UN3232	II	4.1	53	None	224	None	Forbidden	Forbidden	D	2, 52, 53
G	Self-reactive solid type C	4.1	UN3224	II	4.1		None	224	None	5 kg	10 kg	D	52, 53
G	Self-reactive solid type C, temperature controlled	4.1	UN3234	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 52, 53
G	Self-reactive solid type D	4.1	UN3226	II	4.1		None	224	None	5 kg	10 kg	D	52, 53
G	Self-reactive solid type D, temperature controlled	4.1	UN3236	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 52, 53
G	Self-reactive solid type E	4.1	UN3228	II	4.1		None	224	None	10 kg	25 kg	D	52, 53
G	Self-reactive solid type E, temperature controlled	4.1	UN3238	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 52, 53
G	Self-reactive solid type F	4.1	UN3230	II	4.1		None	224	None	10 kg	25 kg	D	52, 53
G	Self-reactive solid type F, temperature controlled	4.1	UN3240	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 52, 53
	Shale oil	3	UN1288	I	3	T11, TP1, TP8, TP27	None	201	243	1 L	30 L	B	
				II	3	IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Shaped charges, see Charges, shaped, *etc*												
	Signal devices, hand	1.4G	UN0191	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Signal devices, hand	1.4S	UN0373	II	1.4S		None	62	None	25 kg	100 kg	05	

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Signals, distress, *ship*	1.1G	UN0194	II	1.1G		None	62	None	Forbidden	Forbidden	07	
	Signals, distress, *ship*	1.3G	UN0195	II	1.3G		None	62	None	Forbidden	75 kg	07	
	Signals, highway, see Signal devices, hand												
	Signals, railway track, explosive	1.1G	UN0192	II	1.1G		None	62	None	Forbidden	Forbidden	07	
	Signals, railway track, explosive	1.4S	UN0193	II	1.4S		None	62	None	25 kg	100 kg	05	
	Signals, railway track, explosive	1.3G	UN0492		1.3G		None	62	None	Forbidden	Forbidden	07	
	Signals, railway track, explosive	1.4G	UN0493		1.4G		None	62	None	Forbidden	75 kg	06	
	Signals, ship distress, water-activated, see Contrivances, water-activated, *etc*												
	Signals, smoke	1.1G	UN0196	II	1.1G		None	62	None	Forbidden	Forbidden	07	
	Signals, smoke	1.4G	UN0197	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Signals, smoke	1.2G	UN0313	II	1.2G		None	62	None	Forbidden	Forbidden	07	
	Signals, smoke	1.3G	UN0487	II	1.3G		None	62	None	Forbidden	Forbidden	07	
	Silane	2.1	UN2203		2.1		None	302	None	Forbidden	Forbidden	E	40, 57, 104
	Silicofluoric acid, see Fluorosilicic acid												
	Silicon chloride, see Silicon tetrachloride												
	Silicon powder, amorphous	4.1	UN1346	III	4.1	A1, IB8, IP3, T1, TP33	None	213	240	25 kg	100 kg	A	74
	Silicon tetrachloride	8	UN1818	II	8	A3, A6, B2, B6, IB2, T7, TP2, TP7	154	202	242	1 L	30 L	C	40
	Silicon tetrafluoride	2.3	UN1859		2.3, 8	2	None	302	None	Forbidden	Forbidden	D	40
	Silver acetylide (dry)	Forbidden											
	Silver arsenite	6.1	UN1683	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Silver azide (dry)	Forbidden											
	Silver chlorite (dry)	Forbidden											
	Silver cyanide	6.1	UN1684	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40, 52
	Silver fulminate (dry)	Forbidden											
	Silver nitrate	5.1	UN1493	II	5.1	IB8, IP4, T3, TP33	152	212	242	5 kg	25 kg	A	
	Silver oxalate (dry)	Forbidden											
	Silver picrate (dry)	Forbidden											
	Silver picrate, wetted *with not less than 30 percent water, by mass*	4.1	UN1347	I	4.1	23	None	211	None	Forbidden	Forbidden	D	28, 36
	Sludge, acid	8	UN1906	II	8	A3, A7, B2, IB2, N34, T8, TP2, TP12, TP28	None	202	242	Forbidden	30 L	C	14
D	Smokeless powder for small arms (*100 pounds or less*)	4.1	NA3178	I	4.1	16	None	171	None	Forbidden	7.3 kg	A	
	Soda lime *with more than 4 percent sodium hydroxide*	8	UN1907	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
	Sodium	4.3	UN1428	I	4.3	A7, A8, A19, A20, B9, B48, B68, IB4, IP1, N34, T9, TP7, TP33, TP46	None	211	244	Forbidden	15 kg	D	52
	Sodium aluminate, solid	8	UN2812	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
	Sodium aluminate, solution	8	UN1819	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	
				III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
	Sodium aluminum hydride	4.3	UN2835	II	4.3	A8, A19, A20, IB4, T3, TP33	151	212	242	Forbidden	50 kg	E	52
	Sodium ammonium vanadate	6.1	UN2863	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Sodium arsanilate	6.1	UN2473	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Sodium arsenate	6.1	UN1685	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Sodium arsenite, aqueous solutions	6.1	UN1686	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	
				III	6.1	IB3, T4, TP2	153	203	241	60 L	220 L	A	
	Sodium arsenite, solid	6.1	UN2027	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Sodium azide	6.1	UN1687	II	6.1	IB8, IP2, IP4	153	212	242	25 kg	100 kg	A	36, 52, 91
	Sodium bifluoride, see Sodium hydrogendifluoride												

Sodium bisulfite, solution, see Bisulfites, aqueous solutions, n.o.s.													
Sodium borohydride	4.3	UN1426	I	4.3	N40	None	211	242	Forbidden	15 kg	E	52
Sodium borohydride and sodium hydroxide solution, *with not more than 12 percent sodium borohydride and not more than 40 percent sodium hydroxide by mass.*	8	UN3320	II	8	B2, IB2, N34, T7, TP2	154	202	242	1 L	30 L	A	52
			III	8	B2, IB3, N34, T4, TP2	154	203	241	5 L	60 L	A	52
Sodium bromate	5.1	UN1494	II	5.1	IB8, IP4, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
Sodium cacodylate	6.1	UN1688	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	52
Sodium carbonate peroxyhydrate	5.1	UN3378	II	5.1	IB8, IP2, IP4, T3, TP33	152	212	240	5 kg	25 kg	A	13, 48, 75
			III	5.1	IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	13, 48, 75
Sodium chlorate	5.1	UN1495	II	5.1	A9, IB8, IP4, N34, T3, TP33	152	212	240	5 kg	25 kg	A	56, 58
Sodium chlorate, aqueous solution	5.1	UN2428	II	5.1	A2, IB2, T4, TP1	152	202	241	1 L	5 L	B	56, 58, 133
			III	5.1	A2, IB2, T4, TP1	152	203	241	2.5 L	30 L	B	56, 58, 69, 133
Sodium chlorate mixed with dinitrotoluene, see Explosive blasting, type C												
Sodium chlorite	5.1	UN1496	II	5.1	A9, IB8, IP2, IP4, N34, T3, TP33	None	212	242	5 kg	25 kg	A	56, 58
Sodium chloroacetate	6.1	UN2659	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
Sodium cuprocyanide, solid	6.1	UN2316	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	52
Sodium cuprocyanide, solution	6.1	UN2317	I	6.1	T14, TP2, TP13	None	201	243	1 L	30 L	B	40, 52
Sodium cyanide, solid	6.1	UN1689	I	6.1	B69, B77, IB7, N74, N75, T6, TP33	None	211	242	5 kg	50 kg	B	52
Sodium cyanide solution	6.1	UN3414	I	6.1	B69, B77, N74, N75, T14, TP2, TP13	None	201	243	1 L	30 L	B	52
			II	6.1	B69, B77, IB2, N74, N75, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	52
			III	6.1	B69, B77, IB3, N74, N75, T7, TP2, TP13, TP28	153	203	241	60 L	220 L	A	52
Sodium dichloroisocyanurate or Sodium dichloro-s-triazinetrione, see Dichloroisocyanuric acid *etc.*												
Sodium dinitro-o-cresolate, *dry or wetted with less than 15 percent water, by mass*	1.3C	UN0234	II	1.3C		None	62	None	Forbidden	Forbidden	10	5E
Sodium dinitro-o-cresolate, wetted *with not less than 10% water, by mass*	4.1	UN3369	I	4.1	162, A8, A19, N41, N84	None	211	None	0.5 kg	0.5 kg	E	36
Sodium dinitro-o-cresolate, wetted *with not less than 15 percent water, by mass*	4.1	UN1348	I	4.1, 6.1	23, A8, A19, A20, N41	None	211	None	1 kg	15 kg	E	28, 36
Sodium dithionite *or* Sodium hydrosulfite	4.2	UN1384	II	4.2	A19, A20, IB6, IP2, T3, TP33	None	212	241	15 kg	50 kg	E	13
Sodium fluoride, solid	6.1	UN1690	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	52
Sodium fluoride solution	6.1	UN3415	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	52
Sodium fluoroacetate	6.1	UN2629	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	E	
Sodium fluorosilicate	6.1	UN2674	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	52
Sodium hydrate, see Sodium hydroxide, solid												
Sodium hydride	4.3	UN1427	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	52
Sodium hydrogendifluoride	8	UN2439	II	8	IB8, IP2, IP4, N3, N34, T3, TP33	154	212	240	15 kg	50 kg	A	12, 25, 40, 52
Sodium hydrosulfide, *with less than 25 percent water of crystallization*	4.2	UN2318	II	4.2	A7, A19, A20, IB6, IP2, T3, TP33	None	212	241	15 kg	50 kg	A	
Sodium hydrosulfide *with not less than 25 percent water of crystallization*	8	UN2949	II	8	A7, IB8, IP2, IP4, T7, TP2	154	212	240	15 kg	50 kg	A	52
Sodium hydrosulfite, *see* Sodium dithionite												
Sodium hydroxide, solid	8	UN1823	II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	
Sodium hydroxide solution	8	UN1824	II	8	B2, IB2, N34, T7, TP2	154	202	242	1 L	30 L	A	
			III	8	IB3, N34, T4, TP1	154	203	241	5 L	60 L	A	
Sodium hypochlorite, solution, see Hypochlorite solutions *etc*												
Sodium metal, liquid alloy, see Alkali metal alloys, liquid, n.o.s.												

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Sodium methylate	4.2	UN1431	II	4.2, 8	A7, A19, IB5, IP2, T3, TP33	None	212	242	15 kg	50 kg	B	
	Sodium methylate solutions *in alcohol*	3	UN1289	II	3, 8	IB2, T7, TP1, TP8	150	202	243	1 L	5 L	B	
				III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A	
	Sodium monoxide	8	UN1825	II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	
	Sodium nitrate	5.1	UN1498	III	5.1	A1, A29, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	
	Sodium nitrate and potassium nitrate mixtures	5.1	UN1499	III	5.1	A1, A29, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	
	Sodium nitrite	5.1	UN1500	III	5.1, 6.1	A1, A29, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	56, 58
	Sodium pentachlorophenate	6.1	UN2567	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Sodium perborate monohydrate	5.1	UN3377	III	5.1	IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	13, 48, 75
	Sodium perchlorate	5.1	UN1502	II	5.1	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
	Sodium permanganate	5.1	UN1503	II	5.1	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	D	58, 58, 138
	Sodium peroxide	5.1	UN1504	I	5.1	A20, IB5, IP1, N34	None	211	None	Forbidden	15 kg	B	13, 52, 66, 75
	Sodium peroxoborate, anhydrous	5.1	UN3247	II	5.1	IB8, IP4, T3, TP33	152	212	240	5 kg	25 kg	A	13, 25
	Sodium persulfate	5.1	UN1505	III	5.1	A1, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	56, 58
	Sodium phosphide	4.3	UN1432	I	4.3, 6.1	A19, N40	None	211	None	Forbidden	15 kg	E	40, 52, 85
	Sodium picramate, *dry or wetted with less than 20 percent water, by mass*	1.3C	UN0235	II	1.3C		None	62	None	Forbidden	Forbidden	10	5E
	Sodium picramate, wetted *with not less than 20 percent water, by mass*	4.1	UN1349	I	4.1	23, A8, A19, N41	None	211	None	Forbidden	15 kg	E	28, 36
	Sodium picryl peroxide	Forbidden											
	Sodium potassium alloys, see Potassium sodium alloys												
	Sodium selenate, see Selenates or Selenites												
	Sodium sulfide, anhydrous or Sodium sulfide *with less than 30 percent water of crystallization*	4.2	UN1385	II	4.2	A19, A20, IB6, IP2, N34, T3, TP33	None	212	241	15 kg	50 kg	A	52
	Sodium sulfide, hydrated *with not less than 30 percent water*	8	UN1849	II	8	IB8, IP2, IP4, T3, TP33	154	212	240	15 kg	50 kg	A	26
	Sodium superoxide	5.1	UN2547	I	5.1	A20, IB6, IP1, N34	None	211	None	Forbidden	15 kg	E	13, 52, 66, 75
	Sodium tetranitride	Forbidden											
G	Solids containing corrosive liquid, n.o.s.	8	UN3244	II	8	49, IB5, T3, TP33	154	212	240	15 kg	50 kg	B	40
G	Solids containing flammable liquid, n.o.s.	4.1	UN3175	II	4.1	47, IB6, IP2, T3, TP33	151	212	240	15 kg	50 kg	B	
G	Solids containing toxic liquid, n.o.s.	6.1	UN3243	II	6.1	48, IB2, T2, TP33	153	212	240	25 kg	100 kg	B	40
	Sounding devices, explosive	1.2F	UN0204	II	1.2F		None	62	None	Forbidden	Forbidden	08	
	Sounding devices, explosive	1.1F	UN0296	II	1.1F		None	62	None	Forbidden	Forbidden	08	
	Sounding devices, explosive	1.1D	UN0374	II	1.1D		None	62	None	Forbidden	Forbidden	07	
	Sounding devices, explosive	1.2D	UN0375	II	1.2D		None	62	None	Forbidden	Forbidden	07	
	Spirits of salt, see Hydrochloric acid												
	Squibs, see Igniters *etc*												
	Stannic chloride, anhydrous	8	UN1827	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	C	
	Stannic chloride pentahydrate	8	UN2440	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
	Stannic phosphide	4.3	UN1433	I	4.3, 6.1	A19, N40	None	211	242	Forbidden	15 kg	E	40, 52, 85
	Steel swarf, see Ferrous metal borings, *etc*												
	Stibine	2.3	UN2676		2.3, 2.1	1	None	304	None	Forbidden	Forbidden	D	40
	Storage batteries, wet, see Batteries, *wet etc*												
	Strontium arsenite	6.1	UN1691	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	

	Strontium chlorate	5.1	UN1506	II	5.1	A1, A9, IB8, IP2, IP4, N34, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
	Strontium nitrate	5.1	UN1507	III	5.1	A1, A29, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	
	Strontium perchlorate	5.1	UN1508	II	5.1	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
	Strontium peroxide	5.1	UN1509	II	5.1	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	A	13, 52, 66, 75
	Strontium phosphide	4.3	UN2013	I	4.3, 6.1	A19, N40	None	211	None	Forbidden	15 kg	E	40, 52, 85
	Strychnine or Strychnine salts	6.1	UN1692	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	40
	Styphnic acid, *see* Trinitroresorcinol, *etc*												
	Styrene monomer, stabilized	3	UN2055	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
G	Substances, explosive, n.o.s.	1.1L	UN0357	II	1.1L	101	None	62	None	Forbidden	Forbidden		8E, 14E, 15E, 17E
G	Substances, explosive, n.o.s.	1.2L	UN0358	II	1.2L	101	None	62	None	Forbidden	Forbidden		8E, 14E, 15E, 17E
G	Substances, explosive, n.o.s.	1.3L	UN0359	II	1.3L	101	None	62	None	Forbidden	Forbidden		8E, 14E, 15E, 17E
G	Substances, explosive, n.o.s.	1.1A	UN0473	II	1.1A	101, 111	None	62	None	Forbidden	Forbidden	12	
G	Substances, explosive, n.o.s.	1.1C	UN0474	II	1.1C	101	None	62	None	Forbidden	Forbidden	10	
G	Substances, explosive, n.o.s.	1.1D	UN0475	II	1.1D	101	None	62	None	Forbidden	Forbidden	10	
G	Substances, explosive, n.o.s.	1.1G	UN0476	II	1.1G	101	None	62	None	Forbidden	Forbidden	08	
G	Substances, explosive, n.o.s.	1.3C	UN0477	II	1.3C	101	None	62	None	Forbidden	Forbidden	10	
G	Substances, explosive, n.o.s.	1.3G	UN0478	II	1.3G	101	None	62	None	Forbidden	Forbidden	08	
G	Substances, explosive, n.o.s.	1.4C	UN0479	II	1.4C	101	None	62	None	Forbidden	75 kg	09	
G	Substances, explosive, n.o.s.	1.4D	UN0480	II	1.4D	101	None	62	None	Forbidden	75 kg	09	
G	Substances, explosive, n.o.s.	1.4S	UN0481	II	1.4S	101	None	62	None	25 kg	75 kg	05	
G	Substances, explosive, n.o.s.	1.4G	UN0485	II	1.4G	101	None	62	None	Forbidden	75 kg	08	
G	Substances, explosive, n.o.s.	1.5D	UN0482	II	1.5D	101	None	62	None	Forbidden	Forbidden	10	
G	Substances, explosive, very insensitive, n.o.s., *or* Substances, EVI, n.o.s.	3	UN2780	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
	Substituted nitrophenol pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C*			II	3, 6.1	IB2, T11, TP2, TP13, TP27	150	202	243	1 L	60 L	B	40
	Substituted nitrophenol pesticides, liquid, toxic	6.1	UN3014	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Substituted nitrophenol pesticides, liquid, toxic, flammable, *flash point not less than 23 degrees C.*	6.1	UN3013	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1, 3	B1, IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Substituted nitrophenol pesticides, solid, toxic	6.1	UN2779	I	6.1	IB7 IP1, T6, TP33	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40
	Sucrose octanitrate (dry)	Forbidden											
	Sulfamic acid	8	UN2967	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	
D	Sulfur	9	NA1350	III	9	10, IB8, IP2	None	None	240	No limit	No limit	A	19, 74
I	Sulfur	4.1	UN1350	III	4.1	30, IB8, IP3, T1, TP33	None	None	240	No limit	No limit	A	19, 74
	Sulfur and chlorate, loose mixtures of	Forbidden											
	Sulfur chlorides	8	UN1828	I	8	5, A3, A7, A10, B10, B77, N34, T20, TP2, TP12	None	201	243	Forbidden	2.5 L	C	40
	Sulfur dichloride, see Sulfur chlorides												
	Sulfur dioxide	2.3	UN1079		2.3, 8	3, B14, T50, TP19	None	304	314, 315.	Forbidden	Forbidden	D	40
	Sulfur dioxide solution, see Sulfurous acid												

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	(8) Packaging (§173.***) Non-bulk	(8) Packaging (§173.***) Bulk	(9) Quantity limitations Passenger aircraft/rail	(9) Quantity limitations Cargo aircraft only	(10) Vessel stowage Location	(10) Vessel stowage Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Sulfur hexafluoride	2.2	UN1080		2.2		306	304	314, 315	75 kg	150 kg	A	
D	Sulfur, molten	9	NA2448	III	9	30, IB3, T1, TP3	None	213	247	Forbidden	Forbidden	C	61
I	Sulfur, molten	4.1	UN2448	III	4.1	30, IB1, T1, TP3	None	213	247	Forbidden	Forbidden	C	61
	Sulfur tetrafluoride	2.3	UN2418		2.3, 8	1	None	302	245	Forbidden	Forbidden	D	40, 52
+	Sulfur trioxide, stabilized	8	UN1829	I	8, 6.1	2, B9, B14, B32, B49, B74, B77, N34, T20, TP4, TP12, TP13, TP25, TP26, TP38, TP45	None	227	244	Forbidden	Forbidden	A	40
	Sulfuretted hydrogen, see Hydrogen sulfide												
	Sulfuric acid, fuming *with less than 30 percent free sulfur trioxide*	8	UN1831	I	8	B84, N34, T20, TP2, TP12, TP13	None	201	243	Forbidden	2.5 L	C	14, 40
+	Sulfuric acid, fuming *with 30 percent or more free sulfur trioxide*	8	UN1831	I	8, 6.1	2, A3, A6, A7, B9, B14, B32, B74, B77, B84, N34, T20, TP2, TP12, TP13	None	227	244	Forbidden	Forbidden	C	14, 40
	Sulfuric acid, spent	8	UN1832	II	8	A3, A7, B2, B83, B84, IB2, N34, T8, TP2, TP12	None	202	242	Forbidden	30 L	C	14
	Sulfuric acid *with more than 51 percent acid*	8	UN1830	II	8	A3, A7, B3, B83, B84, IB2, N34, T8, TP2, TP12	154	202	242	1 L	30 L	C	14
	Sulfuric acid *with not more than 51% acid*	8	UN2796	II	8	A3, A7, B2, B15, IB2, N6, N34, T8, TP2, TP12	154	202	242	1 L	30 L	B	
	Sulfuric and hydrofluoric acid mixtures, *see* Hydrofluoric and sulfuric acid mixtures												
	Sulfuric anhydride, see Sulfur trioxide, stabilized												
	Sulfurous acid	8	UN1833	II	8	B3, IB2, T7, TP2	154	202	242	1 L	30 L	B	40
+	Sulfuryl chloride	8	UN1834	I	8, 6.1	1, B6, B9, B10, B14, B30, B74, B77, N34, T22, TP2, TP12, TP38, TP44	None	226	244	Forbidden	Forbidden	C	40
	Sulfuryl fluoride	2.3	UN2191		2.3	4	None	304	314, 315	Forbidden	Forbidden	D	40
	Tars, liquid *including road asphalt and oils, bitumen and cut backs*	3	UN1999	II	3	149, B13, IB2, T3, TP3, TP29	150	202	242	5 L	60 L	B	
				III	3	B1, B13, IB3, T1, TP3	150	203	242	60 L	220 L	A	
	Tear gas candles	6.1	UN1700	II	6.1, 4.1		None	340	None	Forbidden	50 kg	D	40
	Tear gas cartridges, see Ammunition, tear-producing, etc												
D	Tear gas devices *with more than 2 percent tear gas substances, by mass*	6.1	NA1693	I	6.1		None	340	None	Forbidden	Forbidden	D	40
				II	6.1		None	340	None	Forbidden	Forbidden	D	40
	Tear gas devices, with not more than 2 percent tear gas substances, by mass, see Aerosols, etc.												
	Tear gas grenades, see Tear gas candles												
G	Tear gas substances, liquid, n.o.s.	6.1	UN1693	I	6.1		None	201	None	Forbidden	Forbidden	D	40
				II	6.1	IB2	None	202	None	Forbidden	5 L	D	40
G	Tear gas substance, solid, n.o.s.	6.1	UN3448	I	6.1	T6, TP33	None	211	242	Forbidden	Forbidden	D	40
				II	6.1	IB8, IP2, IP4, T3, TP33	None	212	242	Forbidden	25 kg	D	40
	Tellurium compound, n.o.s.	6.1	UN3284	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	B	
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	B	
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Tellurium hexafluoride	2.3	UN2195		2.3, 8	1	None	302	None	Forbidden	Forbidden	D	40
	Terpene hydrocarbons, n.o.s.	3	UN2319	III	3	B1, IB3, T4, TP1, TP29	150	203	242	60 L	220 L	A	
	Terpinolene	3	UN2541	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	

	Tetraazido benzene quinone	Forbidden													
	Tetrabromoethane	6.1	UN2504	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A			
	1,1,2,2-Tetrachloroethane	6.1	UN1702	II	6.1	IB2, N36, T7, TP2	153	202	243	5 L	60 L	A	40		
	Tetrachloroethylene	6.1	UN1897	III	6.1	IB3, N36, T4, TP1	153	203	241	60 L	220 L	A	40		
	Tetreethyl dithiopyrophosphate	6.1	UN1704	II	6.1	IB2, T7, TP2	153	212	242	25 kg	100 kg	D	40		
	Tetraethyl silicate	3	UN1292	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A			
	Tetraethylammonium perchlorate (dry)	Forbidden													
	Tetraethylenepentamine	8	UN2320	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A			
	1,1,1,2-Tetrafluoroethane *or* Refrigerant gas R 134a	2.2	UN3159		2.2	T50	306	304	314, 315.	75 kg	150 kg	A			
	Tetrafluoroethylene, stabilized	2.1	UN1081		2.1		306	304	None	Forbidden	150 kg	E	40		
	Tetrafluoromethane *or* Refrigerent gas R 14	2.2	UN1982		2.2		None	302	None	75 kg	150 kg	A			
	1,2,3,6-Tetrahydrobenzaldehyde	3	UN2498	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A			
	Tetrahydrofuran	3	UN2056	II	3	IB2, T4, TP1	None	202	242	5 L	60 L	B			
	Tetrahydrofurfurylamine	3	UN2943	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A			
	Tetrahydrophthalic anhydrides *with more than 0.05 percent of maleic anhydride*	8	UN2698	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A			
	1,2,3,6-Tetrahydropyridine	3	UN2410	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B			
	Tetrahydrothiophene	3	UN2412	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B			
	Tetramethylammonium hydroxide, solid	8	UN3423	II	8	B2, IB8, IP2, IP4, T3, TP33	154	213	240	15 kg	50 kg	A	52		
	Tetramethylammonium hydroxide solution	8	UN1835	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	A	52		
				III	8	B2, IB3, T7, TP2	154	203	241	5 L	60 L	A	52		
	Tetramethylene diperoxide dicarbamide	Forbidden													
	Tetramethylsilane	3	UN2749	I	3	A7, T14, TP2	None	201	243	Forbidden	30 L	D			
	Tetranitro diglycenn	Forbidden													
	Tetranitroaniline	1.1D	UN0207	II	1.1D		None	62	None	Forbidden	Forbidden	10			
+	Tetranitromethane	5.1	UN1510	I	5.1, 6.1.	2. B9, B14, B32, B74, T20, TP2, TP13, TP38, TP44	None	227	None	Forbidden	Forbidden	D	40, 66		
	2,3,4,6-Tetranitrophenol	Forbidden													
	2,3,4,6-Tetranitrophenyl methyl nitramine	Forbidden													
	2,3,4,6-Tetranitrophenylnitramine	Forbidden													
	Tetranitroresorcinol (dry)	Forbidden													
	2,3,5,6-Tetranitroso-1,4-dinitrobenzene	Forbidden													
	2,3,5,6-Tetranitroso nitrobenzene (dry)	Forbidden													
	Tetrapropylorthotitanate	3	UN2413	III	3	B1, IB3, T4, TP1	150	203	242	60 L	220 L	A			
	Tetrazene, see Guanyl nitrosaminoguanyltetrazene														
	Tetrazine (dry)	Forbidden													
	Tetrazol-1-acetic acid	1.4C	UN0407	II	1.4C		None	62	None	Forbidden	75 kg	09			
	1H-Tetrazole	1.1D	UN0504		1.1D		None	62	None	Forbidden	Forbidden	B	1E, 5E		
	Tetrazolyl azide (dry)	Forbidden													
	Tetryl, *see* Trinitrophenylmethylnitramine														
A I W	Textile waste, wet	4.2	UN1857	III	4.2		151	213	240	Forbidden	Forbidden	A			
	Thallium chlorate	5.1	UN2573	II	5.1, 6.1.	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58		
	Thallium compounds, n.o.s.	6.1	UN1707	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A			
	Thallium nitrate	6.1	UN2727	II	6.1, 5.1.	IB6, IP2, T3, TP33	153	212	242	5 kg	25 kg	A			
	4-Thiapentanal	6.1	UN2785	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	D	25, 49		
	Thioacetic acid	3	UN2436	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B			
	Thiocarbamate pesticide, liquid, flammable, toxic, *flash point less than 23 degrees C*	3	UN2772	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40		
				II	3, 6.1	IB2, T11, TP13, TP27	150	202	243	1 L	60 L	B	40		
	Thiocarbamate pesticide, liquid, toxic, flammable, *flash point not less than 23 degrees C*	6.1	UN3005	I	6.1, 3	T14, TP2, TP13	None	201	243	1 L	30 L	B	40		
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40		
				III	6.1, 3	IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40		
	Thiocarbamate pesticide, liquid, toxic	6.1	UN3006	I	6.1	T14, TP2, TP13	None	201	243	1 L	30 L	B	40		
				II	8.1	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40		
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40		
	Thiocarbamate pesticides, solid, toxic	6.1	UN2771	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	40		
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40		
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40		

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Thiocarbonylchloride, see Thiophosgene												
	Thioglycol	6.1	UN2966	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	
	Thioglycolic acid	8	UN1940	II	8	A7, B2, IB2, N34, T7, TP2	154	202	242	1 L	30 L	A	
	Thiolactic acid	6.1	UN2936	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	
	Thionyl chloride	8	UN1836	I	8	B6, B10, N34, T10, TP2, TP12, TP13	None	201	243	Forbidden	Forbidden	C	40
	Thiophene	3	UN2414	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	40
+	Thiophosgene	6.1	UN2474	II	6.1	2, B9, B14, B32, B74, N33, N34, T20, TP2, TP38, TP45	None	227	244	Forbidden	Forbidden	B	40, 52
	Thiophosphoryl chloride	8	UN1837	II	8	A3, A7, B2, B8, B25, IB2, N34, T7, TP2	None	202	242	Forbidden	30 L	C	40
	Thiourea dioxide	4.2	UN3341	II	4.2	IB6, IP2, T3, TP33	None	212	241	15 kg	50 kg	D	
				III	4.2	IB8, IP3, T1, TP33	None	213	241	25 kg	100 kg	D	
	Tin chloride, fuming, see Stannic chloride, anhydrous												
	Tin perchloride or Tin tetrachloride, see Stannic chloride, anhydrous												
	Tinctures, medicinal	3	UN1293	II	3	IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Tinning flux, see Zinc chloride												
	Titanium disulphide	4.2	UN3174	III	4.2	IB8, IP3, T1, TP33	None	213	241	25 kg	100 kg	A	
	Titanium hydride	4.1	UN1871	II	4.1	A19, A20, IB4, N34, T3, TP33	None	212	241	15 kg	50 kg	E	
	Titanium powder, dry	4.2	UN2546	I	4.2		None	211	242	Forbidden	Forbidden	D	
				II	4.2	A19, A20, IB6, IP2, N5, N34, T3, TP33	None	212	241	15 kg	50 kg	D	
				III	4.2	IB8, IP3, T1, TP33	None	213	241	25 kg	100 kg	D	
	Titanium powder, wetted *with not less than 25 percent water (a visible excess of water must be present) (a) mechanically produced, particle size less than 53 microns: (b) chemically produced, particle size less than 840 microns.*	4.1	UN1352	II	4.1	A19, A20, IB6, IP2, N34, T3, TP33	None	212	240	15 kg	50 kg	E	74
	Titanium sponge granules *or* Titanium sponge powders	4.1	UN2878	III	4.1	A1, IB8, IP3, T1, TP33	None	213	240	25 kg	100 kg	D	74
+	Titanium tetrachloride	8	UN1838	II	8, 6.1	2, B7, B9, B14, B32, B74, B77, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	C	40
	Titanium trichloride mixtures	8	UN2869	II	8	A7, IB8, IP2, IP4, N34, T3, TP33	154	212	240	15 kg	50 kg	A	40
				III	8	A7, IB8, IP3, N34, T1, TP33	154	213	240	25 kg	100 kg	A	40
	Titanium trichloride, pyrophoric *or* Titanium trichloride mixtures, pyrophoric	4.2	UN2441	I	4.2, 8	N34	None	181	244	Forbidden	Forbidden	D	40
	TNT mixed with aluminum, see Tritonal												
	TNT, *see* Trinitrotoluene, *etc*												
	Toluene	3	UN1294	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
+	Toluene diisocyanate	6.1	UN2078	II	6.1	IB2, T7, TP2, TP13	153	202	243	5 L	60 L	D	25, 40
	Toluene sulfonic acid, *see* Alkyl, or Aryl sulfonic acid *etc*												
+	Toluidines, liquid	6.1	UN1708	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	
	Toluidines, solid	6.1	UN3451	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	2,4-Toluylenediamine, solid *or* 2,4-Toluenediamine, solid	6.1	UN1709	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	2,4-Toluylenediamine solution *or* 2,4-Toluenediamine solution	6.1	UN3418	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Torpedoes, liquid fueled, *with inert head*	1.3J	UN0450	II	1.3J			62	None	Forbidden	Forbidden	04	23E
	Torpedoes, liquid fueled, *with or without bursting charge*	1.1J	UN0449	II	1.1J			62	None	Forbidden	Forbidden	04	23E
	Torpedoes *with bursting charge*	1.1E	UN0329	II	1.1E			62	None	Forbidden	Forbidden	03	

	Torpedoes *with bursting charge*	1.1F	UN0330	II	1.1F	...		.....	62	None	Forbidden	Forbidden	08	.....
	Torpedoes *with bursting charge*	1.1D	UN0451	II	1.1D	..		.....	62	None	Forbidden	Forbidden	03	.....
G	Toxic by inhalation liquid, n.o.s. *with an inhalation toxicity lower than or equal to 200 ml/m3 and saturated vapor concentration greater than or equal to 500 LC50.*	6.1	UN3381	I	6.1	.....	1, B9, B14, B30, B72, T22, TP2, TP13, TP27, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
G	Toxic by inhalation liquid, n.o.s. *with an inhalation toxicity toxicity lower than or equal to 1000 ml/m3 and saturated vapor concentration greater than or equal to 10 LC50.*	6.1	UN3382	I	6.1	.....	2, B9, B14, B32, B74, T20, TP2, TP13, TP27, TP38, TP4527, TP38, TP4513	None	227	244	Forbidden	Forbidden	D	40
G	Toxic by inhalation liquid, flammable, n.o.s. *with an inhalation toxicity lower than or equal to 200 ml/m3 and saturated vapor concentration greater than or equal to 500 LC50.*	6.1	UN3383	I	6.1, 3		1, B9, B14, B30, B72, T22, TP2, TP13, TP27, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
G	Toxic by inhalation liquid, flammable, n.o.s. *with an inhalation toxicity lower than or equal to 1000 ml/m3 and saturated vapor concentration greater than or equal to 10 LC50.*	6.1	UN3384	I	6.1, 3		2, B9, B14, B32, B74, T20, TP2, TP13, TP27, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
G	Toxic by inhalation liquid, water-reactive, n.o.s. *with an inhalation toxicity lower than or equal to 200 ml/m3 and saturated vapor concentration greater than or equal to 500 LC50.*	6.1	UN3385	I	6.1, 4.3.		1, B9, B14, B30, B72, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
G	Toxic by inhalation liquid, water-reactive, n.o.s. *with an inhalation toxicity lower than or equal to 1000 ml/m3 and saturated vapor concentration greater than or equal to 10 LC50.*	6.1	UN3386	I	6.1, 4.3.		2, B9, B14, B32, B74, T20, TP2, TP13, TP38, TP44	None	227	244	Forbidden	Forbidden	D	40
G	Toxic by inhalation liquid, oxidizing, n.o.s. *with an inhalation toxicity lower than or equal to 200 ml/m3 and saturated vapor concentration greater than or equal to 500 LC50.*	6.1	UN3387	I	6.1, 5.1.		1, B9, B14, B30, B72, T22, TP2, TP13, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
G	Toxic by inhalation liquid, oxidizing, n.o.s. *with an inhalation toxicity lower than or equal to 1000 ml/m3 and saturated vapor concentration greater than or equal to 10 LC50.*	6.1	UN3388	I	6.1, 5.1.		2, B9, B14, B32, T20, TP2, TP13, TP38, TP44	None	227	244	Forbidden	Forbidden	D	40
G	Toxic by inhalation liquid, corrosive, n.o.s. *with an inhalation toxicity lower than or equal to 200 ml/m3 and saturated vapor concentration greater than or equal to 500 LC50.*	6.1	UN3389	I	6.1, 8		1, B9, B14, B30, B72, T22, TP2, TP13, TP27, TP38, TP44	None	226	244	Forbidden	Forbidden	D	40
G	Toxic by inhalation liquid, corrosive, n.o.s. *with an inhalation toxicity lower than or equal to 1000 ml/m3 and saturated vapor concentration greater than or equal to 10 LC50.*	6.1	UN3390	I	6.1, 8		2, B9, B14, B32, B74, T20, TP2, TP13, TP27, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40
G	Toxic liquid, corrosive, inorganic, n.o.s.	6.1	UN3289	I	6.1, 8		T14, TP2, TP13, TP27	None	201	243	0.5 L	2.5 L	A	.....
G	Toxins, extracted from living sources, liquid, n.o.s.	6.1	UN3172	II	6.1	.....	141, IB2	None	202	243	5 L	60 L	B	40
	.....	.....		III	6.1	.....	141, IB3	153	203	241	60 L	220 L	B	40
G	Toxic liquid, corrosive, inorganic, n.o.s.	6.1	UN3289	II	6.1, 8		IB2, T11, TP2, TP27	153	202	243	1 L	30 L	A	.....
G	Toxic liquid, inorganic, n.o.s.	6.1	UN3287	I	6.1	.....	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	A	.....
	.....	.....		II	6.1	.....	IB2, T11, TP2, TP27	153	202	243	5 L	60 L	A	.....
	.....	.....		III	6.1	.....	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	.....
G	Toxic liquids, corrosive, organic, n.o.s.	6.1	UN2927	I	6.1, 8		T14, TP2, TP13, TP27	None	201	243	0.5 L	2.5 L	B	40
	.....	.....		II	6.1, 8		IB2, T11, TP2, TP27	153	202	243	1 L	30 L	B	40
G	Toxic liquids, flammable, organic, n.o.s.	6.1	UN2929	I	6.1, 3		T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
	.....	.....		II	6.1, 3		IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
G	Toxic, liquids, organic, n.o.s.	6.1	UN2810	I	6.1	.....	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
	.....	.....		II	6.1	.....	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
	.....	.....		III	6.1	.....	IB3, T7, TP1, TP28	153	203	241	60 L	220 L	A	40
G	Toxic liquids, oxidizing, n.o.s.	6.1	UN3122	I	6.1, 5.1.		A4	None	201	243	Forbidden	2.5 L	C	.....
	.....	.....		II	6.1, 5.1.		IB2	153	202	243	1 L	5 L	C	.....
G	Toxic liquids, water-reactive, n.o.s.	6.1	UN3123	I	6.1, 4.3.		A4	None	201	243	Forbidden	1 L	E	40

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
				II	6.1, 4.3.	IB2	None	202	243	1 L	5 L	E	40
G	Toxic solid, corrosive, inorganic, n.o.s.	6.1	UN3290	I	6.1, 8	IB7, T6, TP33	None	211	242	1 kg	25 kg	A	
				II	6.1, 8	IB6, IP2, T3, TP33	153	212	242	15 kg	50 kg	A	
G	Toxic solid, inorganic, n.o.s.	6.1	UN3288	I	6.1	IB7, T6, TP33	None	211	242	5 kg	50 kg	A	
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
G	Toxic solids, corrosive, organic, n.o.s.	6.1	UN2928	I	6.1, 8	IB7, T6, TP33	None	211	242	1 kg	25 kg	B	40
				II	6.1, 8	IB6, IP2, T3, TP33	153	212	242	15 kg	50 kg	B	40
G	Toxic solids, flammable, organic, n.o.s.	6.1	UN2930	I	6.1, 4.1.	IB6, T6, TP33	None	211	242	1 kg	15 kg	B	
				II	6.1, 4.1.	IB8, IP2, IP4, T3, TP33	153	212	242	15 kg	50 kg	B	
G	Toxic solids, organic, n.o.s.	6.1	UN2811	I	6.1	IB7, T6, TP33	None	211	242	5 kg	50 kg	B	
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	B	
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
G	Toxic solids, oxidizing, n.o.s.	6.1	UN3086	I	6.1, 5.1.	T6, TP33	None	211	242	1 kg	15 kg	C	
				II	6.1, 5.1.	IB6, IP2, T3, TP33	153	212	242	15 kg	50 kg	C	
G	Toxic solids, self-heating, n.o.s.	6.1	UN3124	I	6.1, 4.2.	A5, T6, TP33	None	211	242	5 kg	15 kg	D	40
				II	6.1, 4.2.	IB6, IP2, T3, TP33	None	212	242	15 kg	50 kg	D	40
G	Toxic solids, water-reactive, n.o.s.	6.1	UN3125	I	6.1, 4.3.	A5, T6, TP33	None	211	242	5 kg	15 kg	D	40
				II	6.1, 4.3.	IB6, IP2, T3, TP33	153	212	242	15 kg	50 kg	D	40
D	Toy Caps	1.4S	NA0337	II	1.4S		None	62	None	25 kg	100 kg	05	
	Tracers for ammunition	1.3G	UN0212	II	1.3G		None	62	None	Forbidden	Forbidden	07	
	Tracers for ammunition	1.4G	UN0306	II	1.4G		None	62	None	Forbidden	75 kg	06	
	Tractors, see Vehicle, *etc*												
	Tri-(b-nitroxyethyl) ammonium nitrate	Forbidden											
	Triallyl borate	6.1	UN2609	III	6.1	IB3	153	203	241	60 L	220 L	A	13
	Triallylamine	3	UN2610	III	3, 8	B1, IB3, T4, TP1	None	203	242	5 L	60 L	A	40
	Triazine pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C*	3	UN2764	I	3, 6.1	T14, TP2, TP13, TP27	None	201	243	Forbidden	30 L	B	40
				II	3, 6.1	IB2, T11, TP2, TP13, TP27	150	202	243	1 L	60 L	B	40
	Triazine pesticides, liquid, toxic	6.1	UN2998	I	6.1	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1	IB3, T7, TP2, TP28	153	203	241	60 L	220 L	A	40
	Triazine pesticides, liquid, toxic, flammable, *flash point not less than 23 degrees C*	6.1	UN2997	I	6.1, 3	T14, TP2, TP13, TP27	None	201	243	1 L	30 L	B	40
				II	6.1, 3	IB2, T11, TP2, TP13, TP27	153	202	243	5 L	60 L	B	40
				III	6.1, 3	IB3, T7, TP2, TP28	153	203	242	60 L	220 L	A	40
	Triazine pesticides, solid, toxic	6.1	UN2763	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	40
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	40
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40
	Tributylamine	6.1	UN2542	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	
	Tributylphosphane	4.2	UN3254	I	4.2	T21, TP7, TP33	None	211	242	Forbidden	Forbidden	D	136

	Trichloro-s-tnazinetrione, dry, with more than 39 percent available chlorine, see Trichloroisocyanuric acid, dry														
	Trichloroacetic acid	8	UN1839	II	8	A7, IB8, IP2, IP4, N34, T3, TP33	154	212	240	15 kg	50 kg	A			
	Trichloroacetic acid, solution	8	UN2564	II	8	A3, A6, A7, B2, IB2, N34, T7, TP2	154	202	242	1 L	30 L	B			
				III	8	A3, A6, A7, IB3, N34, T4, TP1	154	203	241	5 L	60 L	B	8		
+	Trichloroacetyl chloride	8	UN2442	II	8, 6.1	2, B9, B14, B32, B74, N34, T20, TP2, TP38, TP45	None	227	244	Forbidden	Forbidden	D	40		
	Trichlorobenzenes, liquid	6.1	UN2321	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A			
	Trichlorobutene	6.1	UN2322	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	25, 40		
	1,1,1-Trichloroethane	6.1	UN2831	III	6.1	IB3, N36, T4, TP1	153	203	241	60 L	220 L	A	40		
	Trichloroethylene	6.1	UN1710	III	6.1	IB3, N36, T4, TP1	153	203	241	60 L	220 L	A	40		
	Trichloroisocyanuric acid, dry	5.1	UN2468	II	5.1	IB8, IP4, T3, TP33	152	212	240	5 kg	25 kg	A	13		
	Trichloromethyl perchlorate	Forbidden													
	Trichlorosilane	4.3	UN1295	I	4.3, 3, 8	N34, T14, TP2, TP7, TP13	None	201	244	Forbidden	Forbidden	D	21, 28, 40, 49, 100		
	Tricresyl phosphate *with more than 3 percent ortho isomer*	6.1	UN2574	II	6.1	A3, IB2, N33, N34, T7, TP2	153	202	243	5 L	60 L	A			
	Triethyl phosphite	3	UN2323	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A			
	Triethylamine	3	UN1296	II	3, 8	IB2, T7, TP1	150	202	243	1 L	5 L	B	40		
	Triethylenetetramine	8	UN2259	II	8	B2, IB2, T7, TP2	154	202	242	1 L	30 L	B	40, 52		
	Trifluoroacetic acid	8	UN2699	I	8	A3, A6, A7, B4, N3, N34, N36, T10, TP2, TP12	None	201	243	0.5 L	2.5 L	B	12, 40		
	Trifluoroacetyl chloride	2.3	UN3057		2.3, 8	2, B7, B9, B14, T50, TP21	None	304	314, 315	Forbidden	Forbidden	D	40		
	Trifluorochloroethylene, stabilized	2.3	UN1082		2.3, 2.1	3, B14, T50	None	304	314, 315	Forbidden	Forbidden	D	40		
	Trifluoromethane *or* Refrigerant gas R 23	2.2	UN1984		2.2		306	304	314, 315	75 kg	150 kg	A			
	1,1,1-Trifluoroethane *or* Refrigerant gas, R 143a	2.1	UN2035		2.1	T50	306	304	314, 315	Forbidden	150 kg	B	40		
	Trifluoromethane, refrigerated liquid	2.2	UN3136		2.2	T75, TP5	306	None	314, 315	50 kg	500 kg	D			
	2-Trifluoromethylaniline	6.1	UN2942	III	6.1	IB3	153	203	241	60 L	220 L	A			
	3-Trifluoromethylaniline	6.1	UN2948	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	40		
	Trifornoxime trinitrate	Forbidden													
	Triisobutylene	3	UN2324	III	3	B1, IB3, T4, TP1	150	203	242	60 L	220 L	A			
	Triisopropyl borate	3	UN2616	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	A			
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A			
D	Trimethoxysilane	6.1	NA9269	I	6.1, 3	2, B9, B14, B32, B74, T20, TP4, TP12, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	E	40		
	Trimethyl borate	3	UN2416	II	3	IB2, T7, TP1	150	202	242	5 L	60 L	B			
	Trimethyl phosphite	3	UN2329	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A			
	1,3,5-Trimethyl-2,4,6-trinitrobenzene	Forbidden													
	Trimethylacetyl chloride	6.1	UN2438	I	6.1, 8, 3	2, B3, B9, B14, B32, B74, N34, T20, TP2, TP13, TP38, TP45	None	227	244	Forbidden	Forbidden	D	25, 40		
	Trimethylamine, anhydrous	2.1	UN1083		2.1	T50	306	304	314, 315	Forbidden	150 kg	B	40		
	Trimethylamine, aqueous solutions *with not more than 50 percent trimethylamine by mass*	3	UN1297	I	3, 8	T11, TP1	None	201	243	0.5 L	2.5 L	D	40, 135		
				II	3, 8	B1, IB2, T7, TP1	150	202	243	1 L	5 L	B	40, 41		
				III	3, 8	B1, IB3, T7, TP1	150	203	242	5 L	60 L	A	40, 41		
	1,3,5-Trimethylbenzene	3	UN2325	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A			
	Trimethylchlorosilane	3	UN1298	II	3, 8	A3, A7, B77, IB2, N34, T7, TP2, TP13	150	202	243	1 L	5 L	E	40		
	Trimethylcyclohexylamine	8	UN2326	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A			
	Trimethylene glycol diperchlorate	Forbidden													
	Trimethylhexamethylene diisocyanate	6.1	UN2328	III	6.1	IB3, T4, TP2, TP13	153	203	241	60 L	220 L	B			
	Trimethylhexamethylenediamines	8	UN2327	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A			
	Trimethylol nitromethane trinitrate	Forbidden													
	Trinitro-meta-cresol	1.1D	UN0216	II	1.1D		None	62	None	Forbidden	Forbidden	10	5E		

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***) Exceptions	Non-bulk	Bulk	(9) Quantity limitations Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	2,4,6-Trinitro-1,3-diazobenzene	Forbidden											
	2,4,6-Trinitro-1,3,5-triazido benzene (dry)	Forbidden											
	Trinitroacetic acid	Forbidden											
	Trinitroacetonitrile	Forbidden											
	Trinitroamine cobalt	Forbidden											
	Trinitroaniline *or* Picramide	1.1D	UN0153	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitroanisole	1.1D	UN0213	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitrobenzene (picryl chloride), wetted, *with not less then 10% water by mass*	4.1	UN3365	I	4.1	162, A8, A19, N41, N84	None	211	None	0.5 kg	0.5 kg	E	36
	Trinitrobenzene, wetted, *with not less than 10% weter, by mess*	4.1	UN3367	I	4.1	162, A8, A19, N41, N84	None	211	None	0.5 kg	0.5 kg	E	36
	Trinitrobenzene, *dry or wetted with less than 30 percent water, by mess*	1.1D	UN0214	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitrobenzene, wetted *with not less than 30 percent water, by mess*	4.1	UN1354	I	4.1	23, A2, A8, A19, N41	None	211	None	0.5 kg	0.5 kg	E	28
	Trinitrobenzenesulfonic acid	1.1D	UN0386	II	1.1D		None	62	None	Forbidden	Forbidden	10	5E
	Trinitrobenzoic acid, *dry or wetted with less then 30 percent water, by mass*	1.1D	UN0215	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitrobenzoic acid, wetted *with not less then 10% water by mass*	4.1	UN3368	I	4.1	162, A8, A19, N41, N84	None	211	None	0.5 kg	0.5 kg	E	36
	Trinitrobenzoic acid, wetted *with not less then 30 percent water. by mass*	4.1	UN1355	I	4.1	23, A2, A8, A19, N41	None	211	None	0.5 kg	0.5 kg	E	28
	Trinitrochlorobenzene *or* Picryl chloride	1.1D	UN0155	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitroethanol	Forbidden											
	Trinitroethylnitrate	Forbidden											
	Trinitrofluorenone	1.1D	UN0387	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitromethane	Forbidden											
	1,3,5-Tnnitronaphthalene	Forbidden											
	Trinitronaphthelene	1.1D	UN0217	II	1 1D		None	62	None	Forbidden	Forbidden	10	
	Trinitrophenetole	1.1D	UN0218	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitrophenol (picric acid), wetted, *with not less then 10 percent weter by mass*	4.1	UN3364	I	4.1	162, A8, A19, N41, N84	None	211	None	0.5 kg	0.5 kg	E	36
	Trinitrophenol *or* Picric ecid, *dry or wetted with less than 30 percent water, by mess*	1.1D	UN0154	II	1.1D		None	62	None	Forbidden	Forbidden	10	5E
	Trinitrophenol, wetted *with not less than 30 percent weter, by mess*	4.1	UN1344	I	4.1	23, A8, A19, N41	None	211	None	1 kg	15 kg	E	28, 36
	2,4,6-Trinitrophenyl guenidine (dry)	Forbidden											
	2,4,6-Trinitrophenyl nitramine	Forbidden											
	2,4,6-Trinitrophenyl trimethylol methyl nitremine trinitrate (dry)	Forbidden											
	Trinitrophenylmethylnitremine *or* Tetryl	1.1D	UN0208	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitroresorcinol *or* Styphnic acid, *dry or wetted with less than 20 percent water, or mixture of alcohol and weter, by mass.*	1.1D	UN0219	II	1.1D		None	62	None	Forbidden	Forbidden	10	5E
	Trinitroresorcinol, wetted *or* Styphnic acid, wetted *with not less than 20 percent water, or mixture of elcohol and water by mass.*	1.1D	UN0394	II	1.1D		None	62	None	Forbidden	Forbidden	10	5E
	2,4,6-Trinitroso-3-methyl nitreminoanisole	Forbidden											
	Trinitrotetremine cobalt nitrete	Forbidden											
	Trinitrotoluene end Trinitrobenzene mixtures *or* TNT end trinitrobenzene mixtures *or* TNT end hexanitrostilbene mixtures *or* Trinitrotoluene and hexenitrostilnene mixtures.	1.1D	UN0388	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitrotoluene mixtures containing Trinitrobenzene and Hexenitrostilbene *or* TNT mixtures containing trinitrobenzene end hexanitrostilbene.	1.1D	UN0389	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitrotoluene *or* TNT, *dry or wetted with less than 30 percent weter, by mass*	1.1D	UN0209	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Trinitrotoluene (TNT), wetted, *with not less than 10 percent water by mess*	4.1	UN3366	I	4.1	162, A8, A19, N41, N84	None	211	None	0.5 kg	0.5 kg	E	36
	Trinitrotoluene, wetted *with not less than 30 percent water, by mass*	4.1	UN1356	I	4.1	23, A2, A8, A19, N41	None	211	None	0.5 kg	0.5 kg	E	28
	Tripropylamine	3	UN2260	III	3, 8	B1, IB3, T4, TP1	150	203	242	5 L	60 L	A	40
	Tripropylene	3	UN2057	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Tris-(1-ezinidinyl)phosphine oxide, solution	6.1	UN2501	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	
				III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A	
	Tris, bis-bifluoroamino diethoxy propane (TVOPA)	Forbidden											
	Tritonal	1.1D	UN0390	II	1.1D		None	62	None	Forbidden	Forbidden	10	
	Tungsten hexafluoride	2.3	UN2196		2.3, 8	2	None	338	None	Forbidden	Forbidden	D	40
	Turpentine	3	UN1299	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Turpentine substitute	3	UN1300	I	3	T11, TP1, TP8, TP27	None	201	243	1 L	30 L	B	
				II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Undecane	3	UN2330	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	

	Urea hydrogen peroxide	5.1	UN1511	III	5.1, 8	A1, A7, A29, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	13
	Urea nitrate, *dry or wetted with less than 20 percent water, by mass*	1.1D	UN0220	II	1.1D	119	None	62	None	Forbidden	Forbidden	10	
	Urea nitrate, wetted, *with not less than 10 percent water by mass*	4.1	UN3370	I	4.1	162, A8, A19, N41, N84	None	211	None	0.5 kg	0.5 kg	E	36
	Urea nitrate, wetted *with not less than 20 percent water, by mass*	4.1	UN1357	I	4.1	23, 39, A8, A19, N41	None	211	None	1 kg	15 kg	E	28, 36
	Urea peroxide, see Urea hydrogen peroxide												
	Valeraldehyde	3	UN2058	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Valeric acid, see Corrosive liquids, n.o.s.												
	Valeryl chloride	8	UN2502	II	8, 3	A3, A6, A7, B2, IB2, N34, T7, TP2	154	202	243	1 L	30 L	C	40
	Vanadium compound, n.o.s.	6.1	UN3285	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	B	
				II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	B	
				III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	
	Vanadium oxytrichloride	8	UN2443	II	8	A3, A6, A7, B2, B16, IB2, N34, T7, TP2	154	202	242	Forbidden	30 L	C	40
	Vanadium pentoxide, *non-fused form*	6.1	UN2862	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40
	Vanadium tetrachloride	8	UN2444	I	8	A3, A6, A7, B4, N34, T10, TP2	None	201	243	Forbidden	2.5 L	C	40
	Vanadium trichloride	8	UN2475	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	40
	Vanadyl sulfate	6.1	UN2931	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Vehicle, flammable gas powered	9	UN3166		9	135, 157	220	220	220	Forbidden	No limit	A	
	Vehicle, flammable liquid powered	9	UN3166		9	135, 157	220	220	220	No limit	No limit	A	
	Very signal cartridge, see Cartridges, signal												
	Vinyl acetate, stabilized	3	UN1301	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Vinyl bromide, stabilized	2.1	UN1085		2.1	T50	306	304	314, 315	Forbidden	150 kg	B	40
	Vinyl butyrate, stabilized	3	UN2838	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Vinyl chloride, stabilized	2.1	UN1086		2.1	21, B44, T50	306	304	314, 315	Forbidden	150 kg	B	40
	Vinyl chloroacetate	6.1	UN2589	II	6.1, 3	IB2, T7, TP2	153	202	243	5 L	60 L	A	
	Vinyl ethyl ether, stabilized	3	UN1302	I	3	A3, T11, TP2	None	201	243	1 L	30 L	D	
	Vinyl fluoride, stabilized	2.1	UN1860		2.1		306	304	314, 315	Forbidden	150 kg	E	40
	Vinyl isobutyl ether, stabilized	3	UN1304	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
	Vinyl methyl ether, stabilized	2.1	UN1087		2.1	B44, T50	306	304	314, 315	Forbidden	150 kg	B	40
	Vinyl nitrate polymer	Forbidden											
	Vinylidene chloride, stabilized	3	UN1303	I	3	T12, TP2, TP7	150	201	243	1 L	30 L	E	40
	Vinylpyridines, stabilized	6.1	UN3073	II	6.1, 3, 8	IB1, T7, TP2, TP13	153	202	243	1 L	30 L	B	40
	Vinyltoluenes, stabilized	3	UN2618	III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Vinyltrichlorosilane, stabilized	3	UN1305	I	3, 8	A3, A7, B6, N34, T11, TP2, TP13	None	201	243	Forbidden	2.5 L	B	40
	Warheads, rocket *with burster or expelling charge*	1.4D	UN0370	II	1.4D		None	62	None	Forbidden	75 kg	02	
	Warheads, rocket *with burster or expelling charge*	1.4F	UN0371	II	1.4F		None	62	None	Forbidden	Forbidden	08	
	Warheads, rocket *with bursting charge*	1.1D	UN0286	II	1.1D		None	62	None	Forbidden	Forbidden	03	
	Warheads, rocket *with bursting charge*	1.2D	UN0287	II	1.2D		None	62	None	Forbidden	Forbidden	03	
	Warheads, rocket *with bursting charge*	1.1F	UN0369	II	1.1F		None	62	None	Forbidden	Forbidden	08	
	Warheads, torpedo *with bursting charge*	1.1D	UN0221	II	1.1D		None	62	None	Forbidden	Forbidden	03	
G	Water-reactive liquid, corrosive, n.o.s.	4.3	UN3129	I	4.3, 8		None	201	243	Forbidden	1 L	D	
				II	4.3, 8	IB1	None	202	243	1 L	5 L	E	85
				III	4.3, 8	IB2	None	203	242	5 L	60 L	E	
G	Water-reactive liquid, n.o.s.	4.3	UN3148	I	4.3		None	201	244	Forbidden	1 L	E	40
				II	4.3	IB1	None	202	243	1 L	5 L	E	40
				III	4.3	IB2	None	203	242	5 L	60 L	E	40
G	Water-reactive liquid, toxic, n.o.s.	4.3	UN3130	I	4.3, 6.1	A4	None	201	243	Forbidden	1 L	D	
				II	4.3, 6.1	IB1	None	202	243	1 L	5 L	E	85
				III	4.3, 6.1	IB2	None	203	242	5 L	60 L	E	85
G	Water-reactive solid, corrosive, n.o.s.	4.3	UN3131	I	4.3, 8	IB4, IP1, N40	None	211	242	Forbidden	15 kg	D	
				II	4.3, 8	IB6, IP2, T3, TP33	151	212	242	15 kg	50 kg	E	85
				III	4.3, 8	IB8, IP4, T1, TP33	151	213	241	25 kg	100 kg	E	85

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§172.102)	(8) Packaging (§173.***)			(9) Quantity limitations		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
G	Water-reactive solid, flammable, n.o.s.	4.3	UN3132	I	4.3, 4.1	IB4, N40	None	211	242	Forbidden	15 kg	D	
				II	4.3, 4.1	IB4, T3, TP33	151	212	242	15 kg	50 kg	E	
				III	4.3, 4.1	IB6, T1, TP33	151	213	241	25 kg	100 kg	E	
G	Water-reactive solid, n.o.s.	4.3	UN2813	I	4.3	IB4, N40	None	211	242	Forbidden	15 kg	E	40
				II	4.3	IB7, IP2, T3, TP33	151	212	242	15 kg	50 kg	E	40
				III	4.3	IB8, IP4, T1, TP33	151	213	241	25 kg	100 kg	E	40
G	Water-reactive, solid, oxidizing, n.o.s.	4.3	UN3133	II	4.3, 5.1		None	214	214	Forbidden	Forbidden	E	40
				III	4.3, 5.1		None	214	214	Forbidden	Forbidden	E	40
G	Water-reactive solid, self-heating, n.o.s.	4.3	UN3135	I	4.3, 4.2	N40	None	211	242	Forbidden	15 kg	E	
				II	4.3, 4.2	IB5, IP2, T3, TP33	None	212	242	15 kg	50 kg	E	
				III	4.3, 4.2	IB8, IP4, T1, TP33	None	213	241	25 kg	100 kg	E	
G	Water-reactive solid, toxic, n.o.s.	4.3	UN3134	I	4.3, 6.1	A8, IB4, IP1, N40	None	211	242	Forbidden	15 kg	D	
				II	4.3, 6.1	IB5, IP2, T3, TP33	151	212	242	15 kg	50 kg	E	85
				III	4.3, 6.1	IB8, IP4, T1, TP33	151	213	241	25 kg	100 kg	E	85
	Wheel chair, electric, see Battery powered vehicle *or* Battery powered equipment												
	White acid, see Hydrofluoric acid												
I	White asbestos *(chrysotile, actinolite, anthophyllite, tremolite)*	9	UN2590	III	9	156, IB8, IP2, IP3, T1, TP33	155	216	240	200 kg	200 kg	A	34, 40
	Wood preservatives, liquid	3	UN1306	II	3	149, IB2, T4, TP1, TP8	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	40
A I W	Wool waste, wet	4.2	UN1387	III	4.2		151	213	240	Forbidden	Forbidden	A	
	Xanthates	4.2	UN3342	II	4.2	IB6, IP2, T3, TP33	None	212	241	15 kg	50 kg	D	40
				III	4.2	IB8, IP3, T1, TP33	None	213	241	25 kg	100 kg	D	40
	Xenon	2.2	UN2036		2.2		306	302	None	75 kg	150 kg	A	
	Xenon, refrigerated liquid *(cryogenic liquids)*	2.2	UN2591		2.2	T75, TP5	320	None	None	50 kg	500 kg	B	
	Xylenes	3	UN1307	II	3	IB2, T4, TP1	150	202	242	5 L	60 L	B	
				III	3	B1, IB3, T2, TP1	150	203	242	60 L	220 L	A	
	Xylenols, solid	6.1	UN2261	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Xylenols, liquid	6.1	UN3430	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	
	Xylidines, liquid	6.1	UN1711	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	
	Xylidines, solid	6.1	UN3452	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Xylyl bromide, liquid	6.1	UN1701	II	6.1	A3, A6, A7, IB2, N33, T7, TP2, TP13	None	340	None	Forbidden	60 L	D	40
	Xylyl bromide, solid	6.1	UN3417	II	6.1	A3, A6, A7, IB8, IP2, IP4, N33, T3, TP33	None	340	None	Forbidden	100 kg	B	40
	p-Xylyl diazide	Forbidden											
	Zinc ammonium nitrite	5.1	UN1512	II	5.1	IB8, IP4, T3, TP33	None	212	242	5 kg	25 kg	E	
	Zinc arsenate *or* Zinc arsenite *or* Zinc arsenate and zinc arsenite mixtures	6.1	UN1712	II	6.1	IB8, IP2, IP4, T3, TP33	153	212	242	25 kg	100 kg	A	
	Zinc ashes	4.3	UN1435	III	4.3	A1, A19, IB8, IP4, T1, TP33	151	213	241	25 kg	100 kg	A	
	Zinc bisulfite solution, see Bisulfites, aqueous solutions, n.o.s.												
	Zinc bromate	5.1	UN2469	III	5.1	A1, A29, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	56, 58

Zinc chlorate	5.1	UN1513	II	5.1	A9, IB8, IP2, IP4, N34, T3, TP33	152	212	242	5 kg	25 kg	A	56, 58
Zinc chloride, anhydrous	8	UN2331	III	8	IB8, IP3, T1, TP33	None	213	240	25 kg	100 kg	A	
Zinc chloride, solution	8	UN1840	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	
Zinc cyanide	6.1	UN1713	I	6.1	IB7, IP1, T6, TP33	None	211	242	5 kg	50 kg	A	52
Zinc dithionite *or* Zinc hydrosulfite	9	UN1931	III	None	IB8, IP3, T1, TP33	155	204	240	100 kg	200 kg	A	49
Zinc ethyl, see Diethylzinc												
Zinc fluorosilicate	6.1	UN2855	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	52
Zinc hydrosulfite, *see* Zinc dithionite												
Zinc muriate solution, see Zinc chloride, solution												
Zinc nitrate	5.1	UN1514	II	5.1	IB8, IP4, T3, TP33	152	212	240	5 kg	25 kg	A	
Zinc permanganate	5.1	UN1515	II	5.1	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	D	56, 58, 138
Zinc peroxide	5.1	UN1516	II	5.1	IB6, IP2, T3, TP33	152	212	242	5 kg	25 kg	A	13, 52, 66, 75
Zinc phosphide	4.3	UN1714	I	4.3, 6.1	A19, N40	None	211	None	Forbidden	15 kg	E	40, 52, 85
Zinc powder *or* Zinc dust	4.3	UN1436	I	4.3, 4.2	A19, IB4, IP1, N40	None	211	242	Forbidden	15 kg	A	52, 53
			II	4.3, 4.2	A19, IB7, IP2, T3, TP33	None	212	242	15 kg	50 kg	A	52, 53
			III	4.3, 4.2	IB8, IP4, T1, TP33	None	213	242	25 kg	100 kg	A	52, 53
Zinc resinate	4.1	UN2714	III	4.1	A1, IB6, T1, TP33	151	213	240	25 kg	100 kg	A	
Zinc selenate, see Selenates *or* Selenites												
Zinc selenite, see Selenates *or* Selenites												
Zinc silicofluoride, see Zinc fluorosilicate												
Zirconium, dry, *coiled wire, finished metal sheets, strip (thinner than 254 microns but not thinner than 18 microns).*	4.1	UN2858	III	4.1	A1	151	213	240	25 kg	100 kg	A	
Zirconium, dry, *finished sheets, strip or coiled wire*	4.2	UN2009	III	4.2	A1, A19	None	213	240	25 kg	100 kg	D	
Zirconium hydride	4.1	UN1437	II	4.1	A19, A20, IB4, N34, T3, TP33	None	212	240	15 kg	50 kg	E	
Zirconium nitrate	5.1	UN2728	III	5.1	A1, A29, IB8, IP3, T1, TP33	152	213	240	25 kg	100 kg	A	
Zirconium picramate, *dry or wetted with less than 20 percent water, by mass*	1.3C	UN0236	II	1.3C		None	62	None	Forbidden	Forbidden	10	5E
Zirconium picramate, wetted *with not less than 20 percent water, by mass*	4.1	UN1517	I	4.1	23, N41	None	211	None	1 kg	15 kg	D	28, 36
Zirconium powder, dry	4.2	UN2008	I	4.2	T21, TP7, TP33	None	211	242	Forbidden	Forbidden	D	
			II	4.2	A19, A20, IB6, IP2, N5, N34, T3, TP33	None	212	241	15 kg	50 kg	D	
			III	4.2	IB8, IP3, T1, TP33	None	213	241	25 kg	100 kg	D	
Zirconium powder, wetted *with not less than 25 percent water (a visible excess of water must be present) (a) mechanically produced, particle size less than 53 microns; (b) chemically produced, particle size less than 840 microns.*	4.1	UN1358	II	4.1	A19, A20, IB6, IP2, N34, T3, TP33	None	212	241	15 kg	50 kg	E	74
Zirconium scrap	4.2	UN1932	III	4.2	IB8, IP3, N34, T1, TP33	None	213	240	Forbidden	Forbidden	D	
Zirconium suspended in a liquid	3	UN1308	I	3		None	201	243	Forbidden	Forbidden	B	
			II	3	IB2	None	202	242	5 L	60 L	B	
			III	3	B1, IB2	150	203	242	60 L	220 L	B	
Zirconium tetrachloride	8	UN2503	III	8	IB8, IP3, T1, TP33	154	213	240	25 kg	100 kg	A	

* * * * *

10. In Appendix B to § 172.101, the List of Marine Pollutants is amended by removing three entries, revising one entry and adding one entry in appropriate alphabetical order to read as follows:

Appendix B to § 172.101—List of Marine Pollutants

* * * * *

LIST OF MARINE POLLUTANTS

S, M, P	Marine Pollutant
(1)	(2)
[Remove:]	Isoamyl mercaptan
	Pentanethiols
	Tetrachlorophenol
[Revise:]	
PP	2, 6-Di-tert-Butylphenol
[Add:]	
* *	* * *
	Chloropicrin
* *	* * *

11. In § 172.102:

a. Paragraphs (b)(3), (b)(4) and (b)(8) are revised and a new paragraph (b)(9) is added.

b. In paragraph (c)(1), Special Provisions 47, 135, and 137 are revised; Special Provisions 163, 164, 165, 166, 167, 170 and 171 are added; and Special Provision 143 and 153 are removed.

c. In paragraph (c)(2), Special Provision A11 is revised and a new Special Provision A14 is added.

d. The introductory text of paragraph (c)(3) is revised; in paragraph (c)(3) Special Provision B69 is revised and paragraph (c)(4) is revised.

e. Paragraphs (c)(7)(viii) and (c)(8) are redesignated as paragraphs (c)(8) and (c)(9) respectively, the introductory paragraph of (c)(8) is revised, a new paragraph (c)(8)(ii) is added, Special Provisions TP3 and TP6 are revised and a new Special Provision TP32 is added.

f. Paragraph (c)(7) is revised.

The additions and revisions read as follows:

§ 172.102 Special provisions.

* * * * *

(b) * * *

(3) A code containing the letter "B" refers to a special provision that applies only to bulk packaging requirements. Unless otherwise provided in this subchapter, these special provisions do not apply to UN portable tanks or IBCs.

(4) A code containing the letters "IB" or "IP" refers to a special provision that applies only to transportation in IBCs.

* * * * *

(8) A code containing the letters "TP" refers to a special provision for UN portable tanks that is in addition to those provided by the portable tank instructions or the requirements in part 178 of this subchapter.

(9) A code containing the letter "W" refers to a special provision that applies only to transportation by water.

(c) * * *

(1) * * *

Code/Special Provisions

* * * * *

47 Mixtures of solids that are not subject to this subchapter and flammable liquids may be transported under this entry without first applying the classification criteria of Division 4.1, provided there is no free liquid visible at the time the material is loaded or at the time the packaging or transport unit is closed. Except when the liquids are fully absorbed in solid material contained in sealed bags, each packaging must correspond to a design type that has passed a leakproofness test at the Packing Group II level. Small inner packagings consisting of sealed packets containing less than 10 mL of a Class 3 liquid in Packing Group II or III absorbed into a solid material are not subject to this subchapter provided there is no free liquid in the packet.

* * * * *

135 The entries "Vehicle, flammable gas powered" or "Vehicle, flammable liquid powered," as appropriate, must be used when internal combustion engines are installed in a vehicle. These entries include hybrid electric vehicles powered by both an internal combustion engine and batteries.

* * * * *

137 Cotton, dry; flax, dry; and sisal, dry are not subject to the requirements of this subchapter when they are baled in accordance with ISO 8115, "Cotton Bales—Dimensions and Density" (IBR, see § 171.7 of this subchapter) to a density of not less than 360 kg/m^3 (22.1 lb/ft^3) for cotton, 400 kg/m^3 (24.97 lb/ft^3) for flax and 620 kg/m^3 (38.71 lb/ft^3) for sisal and transported in a freight container or closed transport vehicle.

* * * * *

163 Substances must satisfactorily pass Test Series 8 of the UN Manual of Tests and Criteria, Part I, Section 18 (IBR, *see* § 171.7 of this subchapter).

164 Substances must not be transported under this entry unless approved by the Associate Administrator on the basis of the results of appropriate tests according to Part I of the UN Manual of Tests and Criteria (IBR, *see* § 171.7 of this subchapter). The material must be packaged so that the percentage of diluent does not fall below that stated in the approval, at any time during transportation.

165 These substances are susceptible to exothermic decomposition at elevated temperatures. Decomposition can be initiated by heat, moisture or by impurities (*e.g.*, powdered metals (iron, manganese, cobalt, magnesium)). During the course of transportation, packages containing these substances must be shaded from direct sunlight and all sources of heat and be placed in adequately ventilated areas.

166 When transported in non-friable tablet form calcium hypochlorite, dry or hydrated, may be transported as a Packing Group III material.

167 These storage systems shall always be considered as containing hydrogen.

170 Air must be eliminated from the vapor space by nitrogen or other means.

171 This entry may only be used when the material is transported in non-friable tablet form or for granular or powered mixtures that have been shown to meet the PG III criteria in § 173.127.

* * * * *

(2) "A" codes. These provisions apply only to transportation by aircraft:

Code/Special Provisions

* * * * *

A11 Only specification cylinders constructed of metals which are compatible with the hazardous material may be used.

* * * * *

A14 This material is not authorized to be transported as a limited quantity or consumer commodity in accordance with § 173.306 of this subchapter when transported aboard an aircraft.

* * * * *

(3) "B" codes. These provisions apply only to bulk packagings. Unless otherwise provided in this subchapter, these special provisions do not apply to UN portable tanks or IBCs:

Code/Special Provisions

* * * * *

B69 Dry sodium cyanide or potassium cyanide may be shipped in sift-proof weather-resistant metal covered hopper cars, covered motor vehicles, portable tanks or non-specification bins. Bins must be approved by the Associate Administrator.

* * * * *

(4) Table 1 and Table 2—IB Codes and IP Special IBC Packing Provisions. These provisions apply only to transportation in IBCs. When no IBC code is assigned in the § 172.101 Table for a specific proper shipping name, or

in § 173.225(e) for Type F organic peroxides, an IBC may not be used unless authorized by the Associate Administrator. The letter "Z" shown in the marking code for composite IBCs must be replaced with a capital code letter designation found in § 178.702(a)(2) of this subchapter to specify the material used for the outer packaging. Tables 1 and 2 follow:

TABLE 1.—IB CODES (IBC CODES)

IBC code	Authorized IBCs
IB1	*Authorized IBCs:* Metal (31A, 31B and 31N). *Additional Requirement:* Only liquids with a vapor pressure less than or equal to 110 kPa at 50 °C (1.1 bar at 122 °F), or 130 kPa at 55 °C (1.3 bar at 131 °F) are authorized.
IB2	*Authorized IBCs:* Metal (31A, 31B and 31N); Rigid plastics (31H1 and 31H2); Composite (31HZ1). *Additional Requirement:* Only liquids with a vapor pressure less than or equal to 110 kPa at 50 °C (1.1 bar at 122 °F), or 130kPa at 55 °C (1.3 bar at 131 °F) are authorized.
IB3	*Authorized IBCs:* Metal (31A, 31B and 31N); Rigid plastics (31H1 and 31H2); Composite (31HZ1 and 31HA2, 31HB2, 31HN2, 31HD2 and 31HH2). *Additional Requirement:* Only liquids with a vapor pressure less than or equal to 110 kPa at 50 °C (1.1 bar at 122 °F), or 130 kPa at 55 °C (1.3 bar at 131 °F) are authorized, except for UN2672 (also see Special Provision IP8 in Table 3 for UN2672).
IB4	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N).
IB5	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 21HZ1 and 31HZ1).
IB6	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 11HZ2, 21HZ1, 21HZ2, 31HZ1 and 31HZ2). *Additional Requirement:* Composite IBCs 11HZ2 and 21HZ2 may not be used when the hazardous materials being transported may become liquid during transport.
IB7	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 11HZ2, 21HZ1, 21HZ2, 31HZ1 and 31HZ2); Wooden (11C, 11D and 11F). *Additional Requirement:* Liners of wooden IBCs must be sift-proof.
IB8	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 11HZ2, 21HZ1, 21HZ2, 31HZ1 and 31HZ2); Fiberboard (11G); Wooden (11C, 11D and 11F); Flexible (13H1, 13H2, 13H3, 13H4, 13H5, 13L1, 13L2, 13L3, 13L4, 13M1 or 13M2).
IB9	IBCs are only authorized if approved by the Associate Administrator.

TABLE 2.—IP CODES

IP1	IBCs must be packed in closed freight containers or a closed transport vehicle.
IP2	When IBCs other than metal or rigid plastics IBCs are used, they must be offered for transportation in a closed freight container or a closed transport vehicle.
IP3	Flexible IBCs must be sift-proof and water-resistant or must be fitted with a sift-proof and water-resistant liner.
IP4	Flexible, fiberboard or wooden IBCs must be sift-proof and water-resistant or be fitted with a sift-proof and water-resistant liner.
IP5	IBCs must have a device to allow venting. The inlet to the venting device must be located in the vapor space of the IBC under maximum filling conditions.
IP6	Non-specification bulk bins are authorized.
IP7	For UN identification numbers 1327, 1363, 1364, 1365, 1386, 1841, 2211, 2217, 2793 and 3314, IBCs are not required to meet the IBC performance tests specified in part 178, subpart N of this subchapter.
IP8	Ammonia solutions may be transported in rigid or composite plastic IBCs (31H1, 31H2 and 31HZ1) that have successfully passed, without leakage or permanent deformation, the hydrostatic test specified in § 178.814 of this subchapter at a test pressure that is not less than 1.5 times the vapor pressure of the contents at 55 °C (131 °F).
IP13	Transportation by vessel in IBCs is prohibited.
IP14	Air shall be eliminated from the vapor space by nitrogen or other means.
IP20	Dry sodium cyanide or potassium cyanide is also permitted in siftproof, water-resistant, fiberboard IBCs when transported in closed freight containers or transport vehicles.

* * * * *

(7) *"T" codes.* (i) These provisions apply to the transportation of hazardous materials in UN portable tanks. Portable tank instructions specify the requirements applicable to a portable tank when used for the transportation of a specific hazardous material. These requirements must be met in addition to the design and construction specifications in part 178 of this subchapter. Portable tank instructions T1 through T22 specify the applicable minimum test pressure, the minimum shell thickness (in reference steel), bottom opening requirements and pressure relief requirements. Liquefied compressed gases are assigned to portable tank instruction T50. Refrigerated liquefied gases that are authorized to be transported in portable tanks are specified in tank instruction T75.

(ii) The following table specifies the portable tank requirements applicable to "T" Codes T1 through T22. Column 1 specifies the "T" Code. Column 2 specifies the minimum test pressure, in bar (1 bar = 14.5 psig), at which the periodic hydrostatic testing required by § 180.605 of this subchapter must be conducted. Column 3 specifies the section reference for minimum shell thickness or, alternatively, the minimum shell thickness value. Column 4 specifies the applicability of § 178.275(g)(3) of this subchapter for the pressure relief devices. When the word "Normal" is indicated, § 178.275(g)(3) of this subchapter does not apply. Column 5 references the applicable requirements for bottom openings in part 178 of this subchapter or references "Prohibited" which means bottom openings are prohibited. The table follows:

TABLE OF PORTABLE TANK T CODES T1–T22

[Portable tank codes T1–T22 apply to liquid and solid hazardous materials of Classes 3 through 9 which are transported in portable tanks.]

Portable tank instruction (1)	Minimum test pressure (bar) (2)	Minimum shell thickness (in mm-reference steel) (*See* § 178.274(d)) (3)	Pressure-relief requirements (*See* § 178.275(g)) (4)	Bottom opening requirements (*See* § 178.275(d)) (5)
T1	1.5	§ 178.274(d)(2)	Normal	§ 178.275(d)(2)
T2	1.5	§ 178.274(d)(2)	Normal	§ 178.275(d)(3)
T3	2.65	§ 178.274(d)(2)	Normal	§ 178.275(d)(2)
T4	2.65	§ 178.274(d)(2)	Normal	§ 178.275(d)(3)
T5	2.65	§ 178.274(d)(2)	§ 178.275(g)(3)	Prohibited
T6	4	§ 178.274(d)(2)	Normal	§ 178.275(d)(2)
T7	4	§ 178.274(d)(2)	Normal	§ 178.275(d)(3)
T8	4	§ 178.274(d)(2)	Normal	Prohibited
T9	4	6 mm	Normal	Prohibited
T10	4	6 mm	§ 178.275(g)(3)	Prohibited
T11	6	§ 178.274(d)(2)	Normal	§ 178.275(d)(3)
T12	6	§ 178.274(d)(2)	§ 178.275(g)(3)	§ 178.275(d)(3)
T13	6	6 mm	Normal	Prohibited
T14	6	6 mm	§ 178.275(g)(3)	Prohibited
T15	10	§ 178.274(d)(2)	Normal	§ 178.275(d)(3)
T16	10	§ 178.274(d)(2)	§ 178.275(g)(3)	§ 178.275(d)(3)
T17	10	6 mm	Normal	§ 178.275(d)(3)
T18	10	6 mm	§ 178.275(g)(3)	§ 178.275(d)(3)
T19	10	6 mm	§ 178.275(g)(3)	Prohibited
T20	10	8 mm	§ 178.275(g)(3)	Prohibited
T21	10	10 mm	Normal	Prohibited
T22	10	10 mm	§ 178.275(g)(3)	Prohibited

(iii) *T50.* When portable tank instruction T50 is referenced in Column (7) of the § 172.101 Table, the applicable liquefied compressed gases are authorized to be transported in portable tanks in accordance with the requirements of § 173.313 of this subchapter.

(iv) *T75.* When portable tank instruction T75 is referenced in Column (7) of the § 172.101 Table, the applicable refrigerated liquefied gases are authorized to be transported in portable tanks in accordance with the requirements of § 178.277 of this subchapter.

(v) *UN and IM portable tank codes/special provisions.* When a specific portable tank instruction is specified by a "T" Code in Column (7) of the § 172.101 Table for a specific hazardous material, a specification portable tank conforming to an alternative tank instruction may be used if:

(A) The alternative portable tank has a higher or equivalent test pressure (for example, 4 bar when 2.65 bar is specified);

(B) The alternative portable tank has greater or equivalent wall thickness (for example, 10 mm when 6 mm is specified);

(C) The alternative portable tank has a pressure relief device as specified in the "T" Code. If a frangible disc is required in series with the reclosing pressure relief device for the specified portable tank, the alternative portable tank must be fitted with a frangible disc in series with the reclosing pressure relief device; and

(D) With regard to bottom openings—

(1) When two effective means are specified, the alternative portable tank is fitted with bottom openings having two or three effective means of closure or no bottom openings; or

(2) When three effective means are specified, the portable tank has no bottom openings or three effective means of closure; or

(3) When no bottom openings are authorized, the alternative portable tank must not have bottom openings.

(vi) Except when an organic peroxide is authorized under § 173.225(g), if a hazardous material is not assigned a portable tank "T" Code or TP9 is referenced in Column (7) of the § 172.101 Table, the hazardous material may not be transported in a portable tank unless approved by the Associate Administrator.

(8) "*TP*" *codes.* (i) These provisions apply to the transportation of hazardous materials in UN Specification portable tanks. Portable tank special provisions are assigned to certain hazardous materials to specify requirements that are in addition to those provided by the portable tank instructions or the requirements in part 178 of this subchapter. Portable tank special provisions are designated with the abbreviation TP (tank provision) and are assigned to specific hazardous materials in Column (7) of the § 172.101 Table.

(ii) The following is a list of the portable tank special provisions:

* * * * *

Code/Special Provisions

* * * * *

TP3 The maximum degree of filling (in %) for solids transported above their melting points and for elevated temperature liquids shall be determined by the following:

$$\left(\text{Degree of filling} = 95\frac{dr}{df}\right).$$

Where:

d_f and d_r are the mean densities of the liquid at the mean temperature of the liquid during filling and the maximum mean bulk temperature during transport respectively.

* * * * *

TP6 The tank must be equipped with pressure release devices which prevent a tank from bursting under fire engulfment conditions (the conditions prescribed in CGA pamphlet S–1.2 (see § 171.7 of this subchapter) or alternative conditions approved by the Associate Administrator may be used to consider the fire engulfment condition), taking into account the properties of the hazardous material to be transported.

* * * * *

TP32 Portable tanks may be used subject to the following conditions:

(a) Each portable tank constructed of metal must be fitted with a pressure-relief device consisting of a reclosing spring loaded type, a frangible disc or a fusible element. The set to discharge for the spring loaded pressure relief device and the burst pressure for the frangible disc, as applicable, must not be greater than 2.65 bar for portable tanks with minimum test pressures greater than 4 bar;

(b) The suitability for transport in tanks must be demonstrated using test 8 (d) in Test Series 8 (see UN Manual of Tests and Criteria, Part 1, Sub-section 18.7) (IBR, see § 171.7 of this subchapter) or an alternative means approved by the Associate Administrator.

* * * * *

12. In § 172.202, paragraph (a)(5)(i) is revised to read as follows:

§ 172.202 Description of hazardous material on shipping papers.

(a) * * *

(5) * * *

(i) For Class I materials, the quantity must be the net explosive mass. For an explosive that is an article, such as Cartridges, small arms, the quantity must be the net mass of the article.

* * * * *

13. In § 172.203, paragraphs (f), (m)(2) and (o)(3) are revised and a new paragraph (i)(3) is added to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(f) *Transportation by air.* A statement indicating that the shipment is within the limitations prescribed for either passenger and cargo aircraft or cargo aircraft only must be entered on the shipping paper.

* * * * *

(i) * * *

(3) For a hazardous material consigned under an "n.o.s." entry not included in the segregation groups listed in section 3.1.4 of the IMDG Code but belonging, in the opinion of the consignor, to one of these groups, the appropriate segregation group must be shown in association with the basic description. When no segregation group is applicable, there is no requirement to indicate that condition.

(m) * * *

(2) For materials that are poisonous by inhalation (see § 171.8 of this subchapter), the words "Poison-Inhalation Hazard" or "Toxic-Inhalation Hazard" and the words "Zone A", "Zone B", "Zone C", or "Zone D", for gases or "Zone A" or "Zone B" for liquids, as appropriate, must be entered on the shipping description. The word "Poison" or "Toxic" or the phrase "Poison-Inhalation Hazard" or "Toxic Inhalation Hazard" need not be repeated if it otherwise appears in the shipping description.

* * * * *

(o) * * *

(3) The word "SAMPLE" must be included in association with the basic description when a sample of a Division 4.1 (self-reactive) material (*see* § 173.224(c)(3) of this subchapter) or Division 5.2 (organic peroxide) material (*see* § 173.225(b)(2) of this subchapter) is offered for transportation.

14. In § 172.204, paragraph (c)(3) is revised to read as follows:

§ 172.204 Shipper's certification.

* * * * *

(c) * * *

(3) *Additional certification requirements.* Effective October 1, 2006, each person who offers a hazardous material for transportation by air must add to the certification required in this section the following statement:

"I declare that all of the applicable air transport requirements have been met." Each person who offers any package or overpack of hazardous materials for transport by air must ensure that:

(a) The articles or substances are not prohibited for transport by air (see the § 172.101 Table);

(b) The articles or substances are properly classed, marked and labeled and otherwise in a condition for transport as required by this subchapter;

(c) The articles or substances are packaged in accordance with all the applicable air transport requirements, including appropriate types of packaging that conform to the packing requirements and the "A" Special Provisions in § 172.102; inner packaging and maximum quantity per package limits; the compatibility requirements (*see*, for example, § 173.24 of this subchapter); and requirements for closure for both inner and outer packagings, absorbent materials, and pressure differential in § 173.27 of this subchapter. Other requirements may also apply. For example, single packagings may be prohibited, inner packaging may need to be packed in intermediate packagings, and certain materials may be required to be transported in packagings meeting a more stringent performance level.

* * * * *

15. A new § 172.317 is added to read as follows:

§ 172.317 Keep away from heat handling mark.

(a) *General.* For transportation by aircraft, each package containing self-reactive substances of Division 4.1 or organic peroxides of Division 5.2 must be marked with the KEEP AWAY FROM HEAT handling mark specified in this section.

(b) *Location and design.* The marking must be a rectangle measuring at least 105 mm (4.1 inches) in height by 74 mm (2.9 inches) in width. Markings with not less than half this dimension are permissible where the dimensions of the package can only bear a smaller mark.

(c) *KEEP AWAY FROM HEAT handling mark.* The KEEP AWAY FROM HEAT handling mark must conform to the following:

(1) Except for size, the KEEP AWAY FROM HEAT handling mark must appear as follows:

(2) The symbol, letters and border must be black and the background white, except for the starburst which must be red.

(3) The KEEP AWAY FROM HEAT handling marking required by paragraph (a) of this section must be durable, legible and displayed on a background of contrasting color.

§ 172.321 [Removed]

16. Section 172.321 is removed.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

17. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701; 49 CFR 1.45, 1.53.

18. In § 173.3, paragraph (c) introductory text is revised to read as follows:

§ 173.3 Packaging and exceptions.

* * * * *

(c) *Salvage drums.* Packages of hazardous materials that are damaged, defective, found to be not conforming to the requirements of this subchapter after having been placed in transportation, or found leaking, and hazardous materials that have spilled or leaked may be placed in a metal or plastic removable head salvage drum that is compatible with the lading and shipped for repackaging or disposal under the following conditions:

* * * * *

19. In § 173.24, paragraphs (g) and (i) are revised to read as follows:

§ 173.24 General requirements for packagings and packages.

* * * * *

(g) *Venting.* Venting of packagings, to reduce internal pressure which may develop by the evolution of gas from the contents, is permitted only when—

(1) Transportation by aircraft is not involved;

(2) Except as otherwise provided in this subchapter, the evolved gases are not poisonous, likely to create a flammable mixture with air or be an asphyxiant under normal conditions of transportation;

(3) The packaging is designed so as to preclude an unintentional release of hazardous materials from the receptacle;

(4) For bulk packagings, other than IBCs, venting is authorized for the specific hazardous material by a special provision in the § 172.101 table or by the applicable bulk packaging specification in part 178 of this subchapter; and

(5) Intermediate bulk packagings (IBCs) may be vented when required to reduce internal pressure that may develop by the evolution of gas subject to the requirements of paragraph (g)(1) through (g)(3) of this section. The IBC must be of a type that has successfully passed (with the vent in place) the applicable design qualification tests with no release of hazardous material.

* * * * *

(i) *Air transportation.* Packages offered or intended for transportation by aircraft are subject to requirements additional to those of other modes of transport (*e.g.*, quantity limitations, requirements for absorbent material, pressure differential requirements appropriate closure procedures, and specific packaging requirements) and must conform to the general requirements for transportation by aircraft in § 173.27.

20. In § 173.25, paragraphs (a)(2) and (a)(4) are revised to read as follows:

§ 173.25 Authorized packagings and overpacks.

(a) * * *

* * * * *

(2) The overpack is marked with the proper shipping and identification number, when applicable, and is labeled as required by this subchapter for each hazardous material contained therein, unless marking and labels representative of each hazardous material in the overpack are visible.

* * * * *

(4) The overpack is marked with the word "OVERPACK." Alternatively, until October 1, 2007, the overpack is marked with a statement indicating that the "inside (inner) packages comply with prescribed specifications" when specification packagings are required, unless specification markings on the inside packages are visible.

* * * * *

21. In § 173.27, paragraph (i) is revised to read as follows:

§ 173.27 General requirements for transportation by aircraft.

* * * * *

(i) Effective October 1, 2006, each person who offers a hazardous material for transportation by aircraft must include the certification statement specified in § 172.204(c)(3).

22. In § 173.28, paragraph (c)(2) is revised to read as follows:

§ 173.28 Reuse, reconditioning and remanufacture of packagings.

* * * * *

(c) * * *

(1) * * *

(2) For the purpose of this subchapter, reconditioning of a non-bulk packaging other than a metal drum includes:

* * * * *

23. In § 173.115, a new paragraph (k) is added to read as follows:

§ 173.115 Class 2, Division 2.1, 2.2 and 2.3—Definitions.

* * * * *

(k) The following applies to aerosols (*see* § 171.8 of this subchapter):

(1) An aerosols must be assigned to Division 2.1 if the contents include 85% by mass or more flammable components and the chemical heat of combustion is 30 kJ/g or more;

(2) An aerosol must be assigned to Division 2.2 if the contents contain 1% by mass or less flammable components and the heat of combustion is less than 20 kJ/g.

(3) Aerosols not meeting the provisions of (a) or (b) above must be classed in accordance with the appropriate tests of the UN Manual of Tests and Criteria (IBR, *see* § 171.7 of this subchapter).

(4) Division 2.3 gases may not be transported in an aerosol container.

(5) When the contents are classified as Division 6.1 or Class 8, PG III, the aerosol must be assigned a subsidiary hazard of Division 6.1 or Class 8.

(6) Substances of Division 6.1 or Class 8 Packing Group I and Packing Group II may not be transported in an aerosol container.

(7) Flammable components are Class 3 flammable liquids, Class 4.1 flammable solids, or Division 2.2 flammable gases. The chemical heat of combustion must be determined in accordance with the UN Manual of Tests and Criteria (IBR, *see* § 171.7 of this subchapter).

24. In § 173.128, paragraph (d)(1) is revised to read as follows:

§ 173.128 Class 5, Division 5.2—Definitions and types.

* * * * *

(d) *Approvals.* (1) An organic peroxide must be approved, in writing, by the Associate Administrator, before being offered for transportation or transported, including assignment of a generic type and shipping description, except for—

(i) An organic peroxide which is identified by technical name in the Organic Peroxides Table in § 173.225(c);

(ii) A mixture of organic peroxides prepared according to § 173.225(b); or

(iii) An organic peroxide which may be shipped as a sample under the provisions of § 173.225(b).

* * * * *

25. In 173.132, paragraph (b)(1) is revised to read as follows:

173.132 Class 6, Division 6.1—Definitions.

* * * * *

(b) * * *

(1) LD_{50} (median lethal dose) for acute oral toxicity is the statistically derived single dose of a substance that can be expected to cause death within 14 days in 50% of young adult albino rats when administered by the oral route. The LD_{50} value is expressed in terms of mass of test substance per mass of test animal (mg/kg).

* * * * *

26. In § 173.136, paragraph (d) is added to read as follows:

§ 173.136 Class 8—Definitions.

* * * * *

(d) Steel or aluminum corrosion test data produced no later than September 30, 2005, using the procedures of § 173.137(c)(2), in effect on September 30, 2004 (*see* 49 CFR 173.137 revised as of October 1, 2003), for appropriate steel or aluminum types may be used for classification and assignment of packing group for Class 8 materials corrosive to steel or aluminum.

27. In § 173.137, paragraph (c)(2) is revised to read as follows:

§ 173.137 Class 8—Assignment of packing group.

* * * * *

(c) * * *

* * * * *

(2) That do not cause full thickness destruction of intact skin tissue but exhibit a corrosion on steel or aluminum surfaces exceeding 6.25 mm (0.25 inch) a year at a test temperature of 55 °C (130 °F). The corrosion must be determined in accordance with the UN Manual of Tests and Criteria (IBR, *see* § 171.7 of this subchapter).

28. In § 173.150, paragraph (a), the introductory text of paragraph (b), paragraph (b)(2) and paragraph (c) are revised to read as follows:

§ 173.150 Exceptions for Class 3 (flammable) and combustible liquids.

(a) *General.* Exceptions for hazardous materials shipments in the following paragraphs are permitted only if this section is referenced for the specific hazardous material in the §§ 172.101 Table of this subchapter.

(b) *Limited quantities.* Limited quantities of flammable liquids and combustible liquids are excepted from labeling requirements, unless the material also meets the definition of Division 6.1 or is offered for transportation or transported by aircraft, and the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. In addition, shipments of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of subpart B of this part and may not exceed 30 kg (66 pounds) gross weight. The following combination packagings are authorized:

* * * * *

(2) For flammable liquids in Packing Group II, inner packagings not over 1.0 L (0.3 gallons) net capacity each, unless the material has a subsidiary hazard of Division 6.1, Packing Group II, in which case the inner packagings may not exceed 100 mL (3.38 ounces) net capacity each, packed in a strong outer packaging.

* * * * *

(c) *Consumer commodities.* Except for a material that has a subsidiary hazard of Division 6.1, Packing Group II, a limited quantity which conforms to the provisions of paragraph (b) of this section and is a "consumer commodity" as defined in 171.8 of this subchapter, may be renamed "Consumer commodity" and reclassed as ORM–D material. In addition to the exceptions provided by paragraph (b) of this section, shipments of ORM–D materials are not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or are offered for transportation and transported by aircraft, and are eligible for the exceptions provided in § 173.156.

* * * * *

29. In 173.151, paragraphs (b) and (c), and the introductory text of paragraph (d) are revised to read as follows:

§ 173.151 Exceptions for Class 4.

* * * * *

(b) *Limited quantities of Division 4.1.* Limited quantities of flammable solids

(Division 4.1) in Packing Group II or III are excepted from labeling requirements, unless the material also meets the definition of Division 6.1 or is offered for transportation or transported by aircraft, and the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. In addition, shipments of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of subpart B of this part and may not exceed 30 kg (66 pounds) gross weight. The following combination packagings are authorized:

(1) For flammable solids in Packing Group II, inner packagings not over 1.0 kg (2.2 pounds) net capacity each, unless the material has a subsidiary hazard of Division 6.1, Packing Group II, in which case the inner packagings may not exceed 0.5 kg (1.1 pounds) net capacity each, packed in a strong outer packaging.

(2) For flammable solids in Packing Group III, inner packagings not over 5.0 kg (11 pounds) net capacity each, packed in a strong outer packaging.

(c) *Consumer commodities.* Except for a material that has a subsidiary hazard of Division 6.1, Packing Group II, a limited quantity which conforms to the provisions of paragraph (b) of this section, and charcoal briquettes in packagings not exceeding 30 kg (66 pounds) gross weight, may be renamed "Consumer commodity" and reclassed as ORM–D material if the material is a "consumer commodity" as defined in 171.8 of this subchapter. In addition to the exceptions provided by paragraph (b) of this section, shipments of ORM–D materials are not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or is offered for transportation and transported by aircraft, and are eligible for the exceptions provided in § 173.156.

(d) *Limited quantities of Division 4.3.* Limited quantities of dangerous when wet (Division 4.3) solids in Packing Group II or III are excepted from labeling requirements, unless the material also meets the definition of Division 6.1 or is offered for transportation or transported by aircraft, and the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. In addition, shipments of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of subpart B of this part and may not exceed 30 kg (66 pounds) gross weight. The following combination packagings are authorized:

* * * * *

30. In § 173.152, the introductory text of paragraph (b), paragraph (b)(1), and paragraph (c) are revised to read as follows:

§ 173.152 Exceptions for Division 5.1 (oxidizers) and Division 5.2 (organic peroxides).

* * * * *

(b) *Limited quantities.* Limited quantities of oxidizers (Division 5.1) in Packing Group II and III and organic peroxides are excepted from labeling requirements, unless the material also meets the definition of Division 6.1 or is offered for transportation or transported by aircraft, and the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. In addition, shipments of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of subpart B of this part and may not exceed 30 kg (66 pounds) gross weight. The following combination packagings are authorized:

(1) For oxidizers in Packing Group II, inner packagings not over 1.0 L (0.3 gallon) net capacity each for liquids or not over 1.0 kg (2.2 pounds) net capacity each for solids, unless the material has a subsidiary hazard of Division 6.1, Packing Group II, in which case the inner packagings may not exceed 100 mL (3.38 ounces) for liquids or 0.5 kg (1.1 pounds) for solids, packed in a strong outer packaging.

* * * * *

(c) *Consumer commodities.* Except for a material that has a subsidiary hazard of Division 6.1, Packing Group II, a limited quantity which conforms to the provisions of paragraph (b) of this section, and is a "consumer commodity" as defined in § 171.8 of this subchapter, may be renamed "Consumer commodity" and reclassed as ORM–D. In addition to the exceptions provided by paragraph (b) of this section, shipments of ORM–D materials are not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or are offered for transportation and transported by aircraft, and are eligible for the exceptions provided in § 173.156.

31. In § 173.153, paragraph (b), and paragraph (c)(1) are revised to read as follows:

§ 173.153 Exceptions for Division 6.1 (poisonous materials).

* * * * *

(b) *Limited quantities.* The exceptions in this paragraph do not apply to poison-by-inhalation materials. Limited quantities of poisonous materials (Division 6.1) in Packing Group II and III are excepted from the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. In addition, shipments of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of subpart B of this part and may not exceed 30 kg (66 pounds) gross weight. The following combination packagings are authorized:

(1) For poisonous materials in Packing Group II, inner packagings not over 100 mL (3.38 ounces) each for liquids or 0.5 kg (1.1 pounds) each for solids, packed in a strong outer packaging.

(2) For poisonous materials in Packing Group III, inner packagings not over 4 L (1.0 gallon) each for liquids or 5.0 kg (11 pounds) each for solids, packed in a strong outer packaging.

(c) * * *

(1) A limited quantity of poisonous material in Packing Group III which conforms to the provisions of paragraph (b) of this section, and is a "consumer commodity" as defined in § 171.8 of this subchapter, may be renamed "Consumer commodity" and reclassed as ORM–D.

* * * * *

32. In § 173.154, the introductory text of paragraph (b), paragraph (b)(1), and paragraph (c) are revised to read as follows:

§ 173.154 Exceptions for Class 8 (corrosive materials).

* * * * *

(b) *Limited quantities.* Limited quantities of corrosive materials (Class 8) in Packing Group II and III are excepted from labeling requirements, unless the material also meets the definition of Division 6.1 or is offered for transportation or transported by aircraft, and the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. In addition, shipments of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of subpart B of this part and may not exceed 30 kg (66 pounds)

gross weight. The following combination packagings are authorized:

(1) For corrosive materials in Packing Group II, inner packagings not over 1.0 L (0.3 gallon) net capacity each for liquids or not over 1.0 kg (2.2 pounds) net capacity each for solids, unless the material has a subsidiary hazard of Division 6.1, Packing Group II in which case the inner packagings may not exceed 100 mL (3.38 ounces) for liquids or 0.5 kg (1.1 pounds) for solids, packed in a strong outer packaging.

* * * * *

(c) *Consumer commodities.* Except for a material that has a subsidiary hazard of Division 6.1, Packing Group II, a limited quantity which conforms to the provisions of paragraph (b) of this section, and is a "consumer commodity" as defined in § 171.8 of this subchapter, may be renamed "Consumer commodity" and reclassed as ORM–D. In addition to the exceptions provided by paragraph (b) of this section, shipments of ORM–D materials are not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or are offered for transportation and transported by aircraft, and are eligible for the exceptions provided in § 173.156.

* * * * *

33. In Section 173.185, paragraphs (c)(3) and (e)(6) are revised to read as follows:

§ 173.185 Lithium batteries and cells.

* * * * *

(c) * * *

(3) Each cell or battery is of the type proven to be non-dangerous by testing in accordance with Tests in the UN Manual of Tests and Criteria (IBR; *see* § 171.7 of this subchapter). Such testing must be carried out on each type of cell or battery prior to the initial transport of that type. A cell or battery and equipment containing a cell or battery which was first transported prior to [INSERT EFFECTIVE DATE OF RULE] and is of a type proven to meet the criteria of Class 9 by testing in accordance with the tests in the UN Manual of Tests and Criteria, Third Revised Edition, 1999 is not required to be retested;

* * * * *

(e) * * *

(6) Each cell or battery is of the type proven to meet the lithium battery requirements in the UN Manual of Tests and Criteria (IBR; *see* § 171.7 of this subchapter). A cell or battery and equipment containing a cell or battery which was first transported prior to [INSERT EFFECTIVE DATE OF RULE] and is of a type proven to meet the criteria of Class 9 by testing in accordance with the tests in the UN Manual of Tests and Criteria, Third Revised Edition, 1999 is not required to be retested;

* * * * *

34. In § 173.186, paragraph (e) is revised to read as follows:

§ 173.186 Matches.

* * * * *

(e) Packagings. Strike-anywhere matches must be tightly packed in securely closed chipboard, fiberboard, wooden, or metal inner packagings to prevent accidental ignition under conditions normally incident to transportation. Each inner packaging may contain no more than 700 strike-anywhere matches and must be packed in outer steel drums (1A2), aluminum drums (1B2), steel jerricans (3A2), wooden (4C1, 4C2), plywood (4D), reconstituted wood (4F) or fiberboard (4G) boxes, plywood (1D) or fiber (1G) drums. Gross weight of fiberboard boxes (4G) must not exceed 30 kg (66 pounds). Gross weight of other outer packagings must not exceed 45 kg (100 pounds).

35. In § 173.187, a new paragraph (f) is added to read as follows:

§ 173.187 Pyrophoric solids, metals or alloys, n.o.s.

* * * * *

(f) In specification cylinders, as prescribed for any compressed gas, except for Specification 8 and 3HT.

36. In § 173.211, paragraph (c) is revised to read as follows:

§ 173.211 Non-bulk packagings for solid hazardous materials in Packing Group I.

* * * * *

(c) Except for transportation by passenger aircraft, the following single packagings are authorized:

Steel drum: 1A1 or 1A2
Aluminum drum: 1B1 or 1B2
Metal drum other than steel or aluminum: 1N1 or 1N2
Plastic drum: 1H1 or 1H2
Fiber drum: 1G
Steel jerrican: 3A1 or 3A2
Plastic jerrican: 3H1 or 3H2
Aluminum jerrican: 3B1 or 3B2
Steel box with liner: 4A
Aluminum box with liner: 4B
Natural wood box, sift proof: 4C2
Plastic receptacle in steel, aluminum, plywood, fiber or plastic drum: 6HA1, 6HB1, 6HD1, 6HG1 or 6HH1
Glass, porcelain or stoneware in steel, aluminum, plywood or fiber drum: 6PA1, 6PB1, 6PD1 or 6PG1
Glass, porcelain or stoneware in steel, aluminum, wooden or fiberboard box: 6PA2, 6PB2, 6PC or 6PG2
Glass, porcelain or stoneware in expanded or solid plastic packaging: 6PH1 or 6PH2
Cylinders, as prescribed for any compressed gas, except for Specification 8 and 3HT

37. In § 173.212, paragraph (c) is revised to read as follows:

§ 173.212 Non-bulk packagings for solid hazardous materials in Packing Group III.

* * * * *

(c) Except for transportation by passenger aircraft, the following single packagings are authorized:

Steel drum: 1A1 or 1A2
Aluminum drum: 1B1 or 1B2
Plywood drum: 1D
Plastic drum: 1H1 or 1H2
Fiber drum: 1G
Metal drum other than steel or aluminum: 1N1 or 1N2
Wooden barrel: 2C1 or 2C2
Steel jerrican: 3A1 or 3A2
Plastic jerrican: 3H1 or 3H2
Aluminum jerrican: 3B1 or 3B2
Steel box: 4A
Steel box with liner: 4A
Aluminum box: 4B
Aluminum box with liner: 4B
Natural wood box: 4C1
Natural wood box, sift proof: 4C2
Plywood box: 4D
Reconstituted wood box: 4F
Fiberboard box: 4G
Expanded plastic box: 4H1
Solid plastic box: 4H2
Bag, woven plastic: 5H1, 5H2 or 5H3
Bag, plastic film: 5H4
Bag, textile: 5L1, 5L2 or 5L3
Bag, paper, multiwall, water resistant: 5M2
Plastic receptacle in steel, aluminum, plywood, fiber or plastic drum: 6HA1, 6HB1, 6HD1, 6HG1 or 6HH1
Plastic receptacle in steel aluminum, wood, plywood or fiberboard box: 6HA2, 6HB2, 6HC, 6HD2 or 6HG2
Glass, porcelain or stoneware in steel, aluminum, plywood or fiber drum: 6PA1, 6PB1, 6PD1 or 6PG1
Glass, porcelain or stoneware in steel, aluminum, wooden or fiberboard box: 6PA2, 6PB1, 6PC or 6PG2
Glass, porcelain or stoneware in expanded or solid plastic packaging: 6PH1 or 6PH2
Cylinders, as prescribed for any compressed gas, except for Specification 8 and 3HT

38. In § 173.213, paragraph (c) is revised to read as follows:

§ 173.213 Non-bulk packagings for solid hazardous materials in Packing Group III.

* * * * *

(c) The following single packagings are authorized:

Steel drum: 1A1 or 1A2
Aluminum drum: 1B1 or 1B2
Plywood drum: 1D
Plastic drum: 1H1 or 1H2
Fiber drum: 1G
Metal drum other than steel or aluminum: 1N1 or 1N2
Wooden barrel: 2C1 or 2C2
Steel jerrican: 3A1 or 3A2
Plastic jerrican: 3H1 or 3H2
Aluminum jerrican: 3B1 or 3B2
Steel box: 4A
Steel box with liner: 4A
Aluminum box: 4B
Aluminum box with liner: 4B
Natural wood box: 4C1
Natural wood box, sift proof: 4C2
Plywood box: 4D
Reconstituted wood box: 4F
Fiberboard box: 4G
Expanded plastic box: 4H1
Solid plastic box: 4H2
Bag, woven plastic: 5H1, 5H2 or 5H3
Bag, plastic film: 5H4
Bag, textile: 5L1, 5L2 or 5L3
Bag, paper, multiwall, water resistant: 5M2
Plastic receptacle in steel, aluminum, plywood, fiber or plastic drum: 6HA1, 6HB1, 6HD1, 6HG1 or 6HH1
Plastic receptacle in steel aluminum, wood, plywood or fiberboard box: 6HA2, 6HB2, 6HC, 6HD2 or 6HG2
Glass, porcelain or stoneware in steel, aluminum, plywood or fiber drum: 6PA1, 6PB1, 6PD1 or 6PG1
Glass, porcelain or stoneware in steel, aluminum, wooden or fiberboard box: 6PA2, 6PB1, 6PC or 6PG2
Glass, porcelain or stoneware in expanded or solid plastic packaging: 6PH1 or 6PH2
Cylinders, as prescribed for any compressed gas, except for Specification 8 and 3HT

39. Section 173.219 is revised to read as follows:

§ 173.219 Life-saving appliances.

(a) A life-saving appliance, self-inflating or non-self-inflating, containing small quantities of hazardous materials that are required as part of the life-saving appliance must conform to the requirements of this section. Packagings must conform to the general packaging requirements of subpart B of this part but need not conform to the requirements of part 178 of this subchapter. The appliances must be packed, so that they cannot be accidentally activated and, except for life vests, the hazardous materials must be in inner packagings packed so as to prevent movement. The hazardous materials must be an integral part of the appliance and in quantities that do not exceed those appropriate for the actual appliance when in use.

(b) Life saving appliances may contain:

(1) Division 2.2 compressed gases, including oxygen. However, oxygen generators are not permitted;

(2) Signal devices (Class 1), which may include smoke and illumination signal flares;

(3) Electric storage batteries and lithium batteries (Life saving appliances containing lithium batteries must be transported in accordance with § 173.185.);

(4) First aid or repair kits conforming to the applicable material and quantity limitations of § 173.161 of this subchapter;

(5) Strike-anywhere matches;

(6) For self-inflating life saving appliances only, cartridges power device of Division 1.4S, for purposes of the self-inflating mechanism provided that the quantity of explosives per appliance does not exceed 3.2 g; or

(7) Limited quantities of other hazardous materials.

(c) Hazardous materials in life saving appliances must be packaged as follows:

(1) Division 2.2 compressed gases must be packaged in cylinders in accordance with the requirements of this subchapter;

(2) Signal devices (Class 1) must be in packagings that prevent them from being inadvertently activated;

(3) Strike-anywhere matches must be cushioned to prevent movement or friction in a metal or composition receptacle with a screw-type closure in a manner that prevents them from being inadvertently activated;

(4) Limited quantities of other hazardous materials must be packaged in accordance with the requirements of this subchapter; and

(5) For other than transportation by aircraft, life saving appliances containing no hazardous materials other than carbon dioxide cylinders with a capacity not exceeding 100 cm^3 are not subject to the provisions of this subchapter provided they are overpacked in rigid outer packagings with a maximum gross mass of 40 kg.

40. In § 173.220, paragraph (b)(2) is revised to read as follows:

§ 173.220 Internal combustion engines, self-propelled vehicles, mechanical equipment containing internal combustion engines, and battery powered vehicles or equipment.

* * * * *

(b) * * *

(2) *Flammable liquefied or compressed gas fuel.* (i) For transportation by motor vehicle, rail car or vessel, fuel tanks and fuel systems containing flammable liquefied or compressed gas fuel must be securely closed. For transportation by vessel, the requirements of §§ 176.78(k) and 176.905 of this subchapter apply.

(ii) For transportation by aircraft:

(A) Flammable gas-powered vehicles, machines, equipment or cylinders containing the flammable gas must be completely emptied of flammable gas. Lines from vessels to gas regulators, and gas regulators themselves, must also be drained of all traces of flammable gas. To ensure that these conditions are met, gas shut-off valves must be left open and connections of lines to gas regulators must be left disconnected upon delivery of the vehicle to the operator. Shut-off valves must be closed and lines reconnected at gas regulators before loading the vehicle aboard the aircraft; or alternatively

(B) Flammable gas powered vehicles, machines or equipment, which have cylinders (fuel tanks) that are equipped with electrically operated valves, may be transported under the following conditions:

(1) The valves must be in the closed position and in the case of electrically operated valves, power to those valves must be disconnected;

(2) After closing the valves, the vehicle, equipment or machinery must be operated until it stops from lack of fuel before being loaded aboard the aircraft;

(3) In no part of the system between the pressure receptacle and the shut off valve shall the pressure exceed more than 5% of the maximum allowable working pressure of the system; and

(4) There must not be any residual liquefied gas in the system, including the fuel tank.

41. In § 173.224, paragraph (b) (4) is revised to read as follows:

§ 173.224 Packaging and control and emergency temperatures for self-reactive materials.

* * * * *

(b) * * *

(4) *Packing method.* Column 4 specifies the highest packing method which is authorized for the self-reactive material. A packing method corresponding to a smaller package size may be used, but a packing method corresponding to a larger package size may not be used. The Table of Packing Methods in § 173.225(d) defines the packing methods. Bulk packagings for Type F self-reactive substances are authorized by § 173.225(f) for IBCs and § 173.225(h) for bulk packagings other than IBCs. Additional bulk packagings

are authorized if approved by the Associate Administrator.

* * * * *

42. Section 173.225 is revised to read as follows:

§ 173.225 Packaging requirements and other provisions for organic peroxides.

(a) *General.* When the § 172.101 table specifies that an organic peroxide must be packaged under this section, the organic peroxide must be packaged and offered for transportation in accordance with the provisions of this section. Each packaging must conform to the general requirements of subpart B of part 173 and to the applicable requirements of part 178 of this subchapter. Non-bulk packagings must meet Packing Group II performance levels. To avoid unnecessary confinement, metallic non-bulk packagings meeting Packing Group I are not authorized. No used material, other than production residues or regrind from the same production process, may be used in plastic packagings. Organic peroxides that require temperature control are subject to the provisions of § 173.21(f). When an IBC or bulk packaging is authorized and meets the requirements of paragraph (f) or (h) of this section, respectively, lower control temperatures than those specified for non-bulk packaging may be required. An organic peroxide not identified in paragraph (c), (e), or (g) of this section by technical name or formulation of identified organic peroxides must conform to the provisions of paragraph (c) of § 173.128.

(b) *New organic peroxides, formulations and samples.* (1) Except as provided for samples in paragraph (b)(2) of this section, no person may offer for transportation an organic peroxide that is not identified by technical name in the Organic Peroxides Table, Organic Peroxide IBC Table, or the Organic Peroxide Portable Tank Table of this section, or a formulation of one or more organic peroxides that are identified by technical name in one of those tables, unless the organic peroxide is assigned a generic type and shipping description and is approved by the Associate Administrator under the provisions of § 173.128(d) of this subchapter.

(2) *Samples.* Samples of new organic peroxides or new formulations of organic peroxides identified in the Organic Peroxides Table in paragraph (c) of this section, for which complete test data are not available, and that are to be transported for further testing or product evaluation, may be assigned an appropriate shipping description for organic peroxide Type C, packaged and offered for transportation, under the following conditions:

(i) Data available to the person offering the material for transportation must indicate that the sample would pose a level of hazard no greater than that of an organic peroxide Type B and that the control temperature, if any, is sufficiently low to prevent any dangerous decomposition and sufficiently high to prevent any dangerous phase separation;

(ii) The sample must be packaged in accordance with packing method OP2, for a liquid or solid, respectively;

(iii) Packages of the organic peroxide may be offered for transportation and transported in a quantity not to exceed 10 kg (22 pounds) per transport vehicle; and

(iv) One of the following shipping descriptions must be assigned:

(A) Organic peroxide Type C, liquid, 5.2, UN 3103;

(B) Organic peroxide Type C, solid, 5.2, UN 3104;

(C) Organic peroxide Type C, liquid, temperature controlled, 5.2, UN 3113; or

(D) Organic peroxide Type C, solid, temperature controlled, 5.2, UN 3114.

(3) *Mixtures.* Mixtures of organic peroxides individually identified in the Organic Peroxides Table in paragraph (c) of this section may be classified as the same type of organic peroxide as that of the most dangerous component and be transported under the conditions for transportation given for this type. If the stable components form a thermally less stable mixture, the SADT of the mixture must be determined and the new control and emergency temperature derived under the provisions of § 173.21(f).

(c) *Organic peroxides table.* The following Organic Peroxides Table specifies by technical name those organic peroxides that are authorized for transportation and not subject to the approval provisions of § 173.128 of this part. An organic peroxide identified by technical name in the following table is authorized for transportation only if it conforms to all applicable provisions of the table. The column headings of the Organic Peroxides Table are as follows:

(1) *Technical name.* The first column specifies the technical name.

(2) *ID number.* The second column specifies the identification (ID) number which is used to identify the proper shipping name in the § 172.101 table. The word "EXEMPT" appearing in the column denotes that the material is not regulated as an organic peroxide.

(3) *Concentration of organic peroxide.* The third column specifies concentration (mass percent) limitations, if any, in mixtures or solutions for the organic peroxide. Limitations are given as minimums, maximums, or a range, as appropriate. A range includes the lower and upper limits (*i.e.*, "53–100" means from, and including, 53 % to, and including 100 %). See introductory paragraph of § 172.203(k) of this subchapter for additional description requirements for an organic peroxide that may qualify for more than one generic listing, depending on its concentration.

(4) *Concentration of diluents.* The fourth column specifies the type and concentration (mass percent) of diluent or inert solid, when required. Other types and concentrations of diluents may be used if approved by the Associate Administrator.

(i) The required mass percent of "Diluent type A" is specified in column 4a. A diluent type A is an organic liquid that does not detrimentally affect the thermal stability or increase the hazard of the organic peroxide and with a boiling point not less than 150 ° C at atmospheric pressure. Type A diluents may be used for desensitizing all organic peroxides.

(ii) The required mass percent of "Diluent type B" is specified in column 4b. A diluent type B is an organic liquid which is compatible with the organic peroxide and which has a boiling point, at atmospheric pressure, of less than 150 °C (302 °F) but at least 60 °C (140 °F), and a flash point greater than 5 °C (41 °F). Type B diluents may be used for desensitizing all organic peroxides, when specified in the organic peroxide tables, provided that the boiling point is at least 60 °C (140 °F) above the SADT of the peroxide in a 50 kg (110 lbs) package. A type A diluent may be used to replace a type B diluent in equal concentration.

(iii) The required mass percent of "Inert solid" is specified in column 4c. An inert solid is a solid that does not detrimentally affect the thermal stability or hazard of the organic peroxide.

(5) *Concentration of water.* Column 5 specifies, in mass percent, the minimum amount of water, if any, which must be in formulation.

(6) *Packing method.* Column 6 specifies the highest packing method (largest packaging capacity) authorized for the organic peroxide. Lower numbered packing methods (smaller packaging capacities) are also authorized. For example, if OP3 is specified, then OP2 and OP1 are also authorized. The Table of Packing Methods in paragraph (d) of this section defines the non-bulk packing methods.

(7) *Temperatures.* Column 7a specifies the control temperature. Column 7b specifies the emergency temperature. Temperatures are specified

only when temperature controls are required. (*See* § 173.21(f)).

(8) *Notes.* Column 8 specifies other applicable provisions, as set forth in notes following the table.

ORGANIC PEROXIDE TABLE

Technical name	ID number	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Notes
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
Acetyl acetone peroxide	UN3105	≤42	≥48			≥8	OP7			2
Acetyl acetone peroxide [as a paste]	UN3106	≤32					OP7			21
Acetyl cyclohexanesulfonyl peroxide	UN3112	≤82				≥12	OP4	−10	0	
Acetyl cyclohexanesulfonyl peroxide	UN3115	≤32		≥68			OP7	−10	0	
tert-Amyl hydroperoxide	UN3107	≤88	≥6			≥6	OP8			
tert-Amyl peroxyacetate	UN3105	≤62	≥38				OP7			
tert-Amyl peroxybenzoate	UN3103	≤100					OP5			
tert-Amyl peroxy-2-ethylhexanoate	UN3115	≤100					OP7	+20	+25	
tert-Amyl peroxy-2-ethylhexyl carbonate.	UN3105	≤100					OP7			
tert-Amyl peroxy isopropyl carbonate	UN3103	≤77	≥23				OP5			
tert-Amyl peroxyneodecanoate	UN3115	≤77		≥23			OP7	0	+10	
tert-Amyl peroxypivalate	UN3113	≤77		≥23			OP5	+10	+15	
tert-Amyl peroxy-3,5,5-trimethylhexanoate.	UN3101	≤100					OP5			
tert-Butyl cumyl peroxide	UN3107	>42–100					OP8			1
tert-Butyl cumyl peroxide	UN3108	≤52			≥48		OP8			1
n-Butyl-4,4-di-(tert-butylperoxy)valerate	UN3103	>52–100					OP5			
n-Butyl-4,4-di-(tert-butylperoxy)valerate	UN3108	≤52			≥48		OP8			
tert-Butyl hydroperoxide	UN3103	>79–90				≥10	OP5			13
tert-Butyl hydroperoxide	UN3105	≤80	≥20				OP7			4, 13
tert-Butyl hydroperoxide	UN3107	≤79				>14	OP8			13, 16
tert-Butyl hydroperoxide	UN3109	≤72				≥28	OP8			13
tert-Butyl hydroperoxide [and] Di-tert-butylperoxide.	UN3103	<82+>9				≥7	OP5			13
tert-Butyl monoperoxymaleate	UN3102	>52–100					OP5			
tert-Butyl monoperoxymaleate	UN3103	≤52	≥48				OP6			
tert-Butyl monoperoxymaleate	UN3108	≤52			≥48		OP8			
tert-Butyl monoperoxymaleate [as a paste].	UN3108	≤52					OP8			
tert-Butyl peroxyacetate	UN3101	>52–77	≥23				OP5			
tert-Butyl peroxyacetate	UN3103	>32–52	≥48				OP6			
tert-Butyl peroxyacetate	UN3109	≤32		≥68			OP8			
tert-Butyl peroxybenzoate	UN3103	>77–100					OP5			
tert-Butyl peroxybenzoate	UN3105	>52–77	≥23				OP7			1
tert-Butyl peroxybenzoate	UN3106	≤52			≤48		OP7			
tert-Butyl peroxybutyl fumarate	UN3105	≤52	≥48				OP7			
tert-Butyl peroxycrotonate	UN3105	≤77	≥23				OP7			
tert-Butyl peroxydiethylacetate	UN3113	≤100					OP5	+20	+25	
tert-Butyl peroxy-2-ethylhexanoate	UN3113	>52–100					OP6	+20	+25	
tert-Butyl peroxy-2-ethylhexanoate	UN3117	>32–52		≥48			OP8	+30	+35	
tert-Butyl peroxy-2-ethylhexanoate	UN3118	≤52			≥48		OP8	+20	+25	
tert-Butyl peroxy-2-ethylhexanoate	UN3119	≤32		≥68			OP8	+40	+45	
tert-Butyl peroxy-2-ethylhexanoate [and] 2,2-di-(tert-Butylperoxy)butane.	UN3106	≤12+≤14	≥14		≥60		OP7			
tert-Butyl peroxy-2-ethylhexanoate [and] 2,2-di-(tert-Butylperoxy)butane.	UN3115	≤31+≤36		≥33			OP7	+35	+40	
tert-Butyl peroxy-2-ethylhexylcarbonate	UN3105	≤100					OP7			
tert-Butyl peroxyisobutyrate	UN3111	>52–77		≥23			OP5	+15	+20	
tert-Butyl peroxyisobutyrate	UN3115	≤52		≥48			OP7	+15	+20	
tert-Butylperoxy isopropylcarbonate	UN3103	≤77	≥23				OP5			
1-(2-tert-Butylperoxy isopropyl)-3-isopropenylbenzene.	UN3105	≤77	≥23				OP7			
1-(2-tert-Butylperoxy isopropyl)-3-isopropenylbenzene.	UN3108	≤42			≥58		OP8			
tert-Butyl peroxy-2-methylbenzoate	UN3103	≤100					OP5			
tert-Butyl peroxyneodecanoate	UN3115	>77–100					OP7	−5	+5	
tert-Butyl peroxyneodecanoate	UN3115	≤77		≥23			OP7	0	+10	
tert-Butyl peroxyneodecanoate [as a stable dispersion in water].	UN3119	≤52					OP8	0	+10	
tert-Butyl peroxyneodecanoate [as a stable dispersion in water (frozen)].	UN3118	≤42					OP8	0	+10	
tert-Butyl peroxyneodecanoate	UN3119	≤32	≥68				OP8	0	+10	

ORGANIC PEROXIDE TABLE—Continued

Technical name	ID number	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Notes
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
tert-Butyl peroxyneoheptanoate	UN3115	≤77	≥23				OP7	0	+10	
tert-Butyl peroxyneoheptanoate [as a stable dispersion in water].	UN3117	≤42					OP8	0	+10	
tert-Butyl peroxypivalate	UN3113	>67–77	≥23				OP5	0	+10	
tert-Butyl peroxypivalate	UN3115	≤67		≥33			OP7	0	+10	29
tert-Butyl peroxypivalate	UN3115	>27–67		≥33			OP7	0	+10	
tert-Butyl peroxypivalate	UN3119	≤27		≥73			OP8	+30	+35	
tert-Butylperoxy stearylcarbonate	UN3106	≤100					OP7			
tert-Butyl peroxy-3,5,5-trimethylhexanoate.	UN3105	>32–100					OP7			
tert-Butyl peroxy-3,5,5-trimethylhexanoate.	UN3109	≤32		≥68			OP8			
3-Chloroperoxybenzoic acid	UN3102	>57–86			≥14		OP1			
3-Chloroperoxybenzoic acid	UN3106	≤57			≥3	≥40	OP7			
3-Chloroperoxybenzoic acid	UN3106	≤77			≥6	≥17	OP7			
Cumyl hydroperoxide	UN3107	>90–98	≤10				OP8			13
Cumyl hydroperoxide	UN3109	≤90	≥10				OP8			13, 15
Cumyl peroxyneodecanoate	UN3115	≤77		≥23			OP7	−10	0	
Cumyl peroxyneodecanoate [as a stable dispersion in water].	UN3119	≤52					OP8	−10	0	
Cumyl peroxyneoheptanoate	UN3115	≤77	≥23				OP7	−10	0	
Cumyl peroxypivalate	UN3115	≤77		≥23			OP7	−5	+5	
Cyclohexanone peroxide(s)	UN3104	≤91				≥9	OP6			13
Cyclohexanone peroxide(s)	UN3105	≤72	≥28				OP7			5
Cyclohexanone peroxide(s) [as a paste].	UN3106	≤72					OP7			5, 21
Cyclohexanone peroxide(s)	Exempt	≤32			≥68		Exempt			
Diacetone alcohol peroxides	UN3115	≤57		≥26		≥8	OP7	+40	+45	5
Diacetyl peroxide	UN3115	≤27		≥73			OP7	+20	+25	8,13
Di-tert-amyl peroxide	UN3107	≤100					OP8			
1,1-Di-(tert-amylperoxy)cyclohexane	UN3103	≤82	≥18				OP6			
Dibenzoyl peroxide	UN3102	>51–100			≤48		OP2			3
Dibenzoyl peroxide	UN3102	>77–94				≥6	OP4			3
Dibenzoyl peroxide	UN3104	≤77				≥23	OP6			
Dibenzoyl peroxide	UN3106	≤62			≥28	≥10	OP7			
Dibenzoyl peroxide [as a paste]	UN3106	>52–62					OP7			21
Dibenzoyl peroxide	UN3106	>35–52			≥48		OP7			
Dibenzoyl peroxide	UN3107	>36–42	≥18			≤40	OP8			
Dibenzoyl peroxide [as a paste]	UN3108	≤56.5				≥15	OP8			
Dibenzoyl peroxide [as a paste]	UN3108	≤52					OP8			21
Dibenzoyl peroxide [as a stable dispersion in water].	UN3109	≤42					OP8			
Dibenzoyl peroxide	Exempt	≤35			≥65		Exempt			
Di-(4-tert-butylcyclohexyl)peroxydicarbonate.	UN3114	≤100					OP6	+30	+35	
Di-(4-tert-butylcyclohexyl)peroxydicarbonate [as a stable dispersion in water].	UN3119	≤42					OP8	+30	+35	
Di-tert-butyl peroxide	UN3107	>52–100					OP8			
Di-tert-butyl peroxide	UN3109	≤52		≥48			OP8			24
Di-tert-butyl peroxyazelate	UN3105	≤52	≥48				OP7			
2,2-Di-(tert-butylperoxy)butane	UN3103	≤52	≥48				OP6			
1,6-Di-(tert-butylperoxycarbonyloxy)hexane.	UN3103	≤72	≥28				OP5			
1,1-Di-(tert-butylperoxy)cyclohexane	UN3101	>80–100					OP5			
1,1-Di-(tert-butylperoxy)cyclohexane	UN3103	>52–80	≥20				OP5			
1,1-Di-(tert-butylperoxy)cyclohexane	UN3105	≤52	≥48				OP7			29
1,1-Di-(tert-butylperoxy)cyclohexane	UN3105	>42–52	≥48				OP7			
1,1-Di-(tert-butylperoxy)cyclohexane	UN3106	≤42	≥13		≥45		OP7			
1,1-Di-(tert-butylperoxy)cyclohexane	UN3107	≤27	≥25				OP8			22
1,1-Di-(tert-butylperoxy)cyclohexane	UN3109	≤42	≥58				OP8			
1,1-Di-(tert-butylperoxy)cyclohexane	UN3109	≤25	≥25	≥50			OP8			29
1,1-Di-(tert-butylperoxy)cyclohexane	UN3109	≤13	≥13	≥74			OP8			
Di-n-butyl peroxydicarbonate	UN3115	>27–52		≥48			OP7	−15	−5	
Di-n-butyl peroxydicarbonate	UN3117	≤27		≥73			OP8	−10	0	
Di-n-butyl peroxydicarbonate [as a stable dispersion in water (frozen)].	UN3118	≤42					OP8	−15	−5	

ORGANIC PEROXIDE TABLE—Continued

Technical name	ID number	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Notes
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
Di-sec-butyl peroxydicarbonate	UN3113	>52–100	.....	.....	.....	.....	OP4	−20	−10	6
Di-sec-butyl peroxydicarbonate	UN3115	≤52	.....	≥48 ..	.....	.....	OP7	−15	−5 ...	
Di-(2-tert-butylperoxyisopropyl)benzene(s).	UN3106	>42–100	.....	.....	≤57 ..	.....	OP7	.....	.....	1
Di-(2-tert-butylperoxyisopropyl)benzene(s).	Exempt ..	≤42	.....	.....	≥58 ..	.....	Exempt ..	.....	.....	
Di-(tert-butylperoxy)phthalate	UN3105	>42–52	≥48 ..	.....	.....	.....	OP7	.....	.....	
Di-(tert-butylperoxy)phthalate [as a paste].	UN3106	≤52	.....	.....	.....	.....	OP7	.....	.....	21
Di-(tert-butylperoxy)phthalate	UN3107	≤42	≥58 ..	.....	.....	.....	OP8	.....	.....	
2,2-Di-(tert-butylperoxy)propane	UN3105	≤52	≥48 ..	.....	.....	.....	OP7	.....	.....	
2,2-Di-(tert-butylperoxy)propane	UN3106	≤42	≥13 ..	.....	≥45 ..	.....	OP7	.....	.....	
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3101	>90–100	.....	.....	.....	.....	OP5	.....	.....	
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3103	>57–90	≥10 ..	.....	.....	.....	OP5	.....	.....	
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3103	≤77	.....	≥23 ..	.....	.....	OP5	.....	.....	
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3110	≤57	.....	.....	≥43 ..	.....	OP8	.....	.....	
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3107	≤57	≥43 ..	.....	.....	.....	OP8	.....	.....	
1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane.	UN3107	≤32	≥26 ..	≥42 ..	.....	.....	OP8	.....	.....	
Dicetyl peroxydicarbonate	UN3116	≤100	.....	.....	.....	.....	OP7	+30	+35 ..	
Dicetyl peroxydicarbonate [as a stable dispersion in water].	UN3119	≤42	.....	.....	.....	.....	OP8	+30	+35 ..	
Di-4-chlorobenzoyl peroxide	UN3102	≤77	.....	.....	.....	≥23	OP5	.....	.....	
Di-4-chlorobenzoyl peroxide [as a paste].	UN3106	≤52	.....	.....	.....	.....	OP7	.....	.....	21
Di-4-chlorobenzoyl peroxide	Exempt ..	≤32	.....	.....	≥68 ..	.....	Exempt ..	.....	.....	
Dicumyl peroxide	UN3110	>52–100	.....	.....	≤48 ..	.....	OP8	.....	.....	11
Dicumyl peroxide	Exempt ..	≤52	.....	.....	≥48 ..	.....	Exempt ..	.....	.....	
Dicyclohexyl peroxydicarbonate	UN3112	>91–100	.....	.....	.....	.....	OP3	+10	+15 ..	
Dicyclohexyl peroxydicarbonate	UN3114	≤91	.....	.....	.....	≥9	OP5	+10	+15 ..	
Dicyclohexyl peroxydicarbonate [as a stable dispersion in water].	UN3119	≤42	.....	.....	.....	.....	OP8	+15	+20 ..	
Didecanoyl peroxide	UN3114	≤100	.....	.....	.....	.....	OP6	+30	+35 ..	
2,2-Di-(4,4-di(tert-butylperoxy)cyclohexyl)propane.	UN3106	≤42	.....	.....	≥58 ..	.....	OP7	.....	.....	
2,2-Di-(4,4-di(tert-butylperoxy)cyclohexyl)propane.	UN3107	≤25	.....	≥75 ..	.....	.....	OP8	.....	.....	29
2,2-Di-(4,4-di(tert-butylperoxy)cyclohexyl)propane.	UN3107	≤22	.....	≥78 ..	.....	.....	OP8	.....	.....	
Di-2,4-dichlorobenzoyl peroxide	UN3102	≤77	.....	.....	.....	≥23	OP5	.....	.....	
Di-2,4-dichlorobenzoyl peroxide [as a paste with silicone oil].	UN3106	≤52	.....	.....	.....	.....	OP7	.....	.....	
Di-(2-ethoxyethyl) peroxydicarbonate	UN3115	≤52	.....	≥48 ..	.....	.....	OP7	−10	0	
Di-(2-ethylhexyl) peroxydicarbonate	UN3113	>77–100	.....	.....	.....	.....	OP5	−20	−10	
Di-(2-ethylhexyl) peroxydicarbonate	UN3115	≤77	.....	≥23 ..	.....	.....	OP7	−15	−5 ...	
Di-(2-ethylhexyl) peroxydicarbonate [as a stable dispersion in water].	UN3117	≤62	.....	.....	.....	.....	OP8	−15	−5 ...	
Di-(2-ethylhexyl) peroxydicarbonate [as a stable dispersion in water].	UN3119	≤52	.....	.....	.....	.....	OP8	−15	−5 ...	
Di-(2-ethylhexyl) peroxydicarbonate [as a stable dispersion in water (frozen)].	UN3120	≤52	.....	.....	.....	.....	OP8	−15	−5 ...	
2,2-Dihydroperoxypropane	UN3102	≤27	.....	.....	≥73 ..	.....	OP5	.....	.....	
Di-(1-hydroxycyclohexyl)peroxide	UN3106	≤100	.....	.....	.....	.....	OP7	.....	.....	
Diisobutyryl peroxide	UN3111	>32–52	.....	≥48 ..	.....	.....	OP5	−20	−10	
Diisobutyryl peroxide	UN3115	≤32	.....	≥68 ..	.....	.....	OP7	−20	−10	
Diisopropylbenzene dihydroperoxide	UN3106	≤82	≥5	.....	.....	≥5	OP7	.....	.....	17
Diisopropyl peroxydicarbonate	UN3112	>52–100	.....	.....	.....	.....	OP2	−15	−5 ...	
Diisopropyl peroxydicarbonate	UN3115	≤52	.....	≥48 ..	.....	.....	OP7	−20	−10	
Diisopropyl peroxydicarbonate	UN3115	≤28	≥72 ..	.....	.....	.....	OP7	−15	−5 ...	
Dilauroyl peroxide	UN3106	≤100	.....	.....	.....	.....	OP7	.....	.....	

ORGANIC PEROXIDE TABLE—Continued

Technical name	ID number	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Notes
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
Dilauroyl peroxide [as a stable dispersion in water].	UN3109	≤42					OP8			
Di-(3-methoxybutyl) peroxydicarbonate	UN3115	≤52		≥48			OP7	−5	+5	
Di-(2-methylbenzoyl)peroxide	UN3112	≤87				≥13	OP5	+30	+35	
Di-(4-methylbenzoyl)peroxide [as a paste with silicone oil].	UN3106	≤52					OP7			
Di-(3-methylbenzoyl) peroxide + Benzoyl (3-methylbenzoyl) peroxide + Dibenzoyl peroxide.	UN3115	≤20+≤18+≤4		≥58			OP7	+30	+40	
2,5-Dimethyl-2,5-di-(benzoylperoxy)hexane.	UN3102	>82–100					OP5			
2,5-Dimethyl-2,5-di-(benzoylperoxy)hexane.	UN3106	≤82			≥18		OP7			
2,5-Dimethyl-2,5-di-(benzoylperoxy)hexane.	UN3104	≤82				≥18	OP5			
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexane.	UN3105	>52–100					OP7			
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexane.	UN3108	≤77			≥23		OP8			
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexane.	UN3109	≤52	≥48				OP8			
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexane [as a paste].	UN3108	≤47					OP8			
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexyne-3.	UN3101	>86–100					OP5			
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexyne-3.	UN3103	>52–86	≥14				OP5			
2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexyne-3.	UN3106	≤52			≥48		OP7			
2,5-Dimethyl-2,5-di-(2-ethylhexanoylperoxy)hexane.	UN3113	≤100					OP5	+20	+25	
2,5-Dimethyl-2,5-dihydroperoxyhexane	UN3104	≤82				≥18	OP6			
2,5-Dimethyl-2,5-di-(3,5,5-trimethylhexanoylperoxy)hexane.	UN3105	≤77	≥23				OP7			
1,1-Dimethyl-3-hydroxybutylperoxyneoheptanoate.	UN3117	≤52	≥48				OP8	0	+10	
Dimyristyl peroxydicarbonate	UN3116	≤100					OP7	+20	+25	
Dimyristyl peroxydicarbonate [as a stable dispersion in water].	UN3119	≤42					OP8	+20	+25	
Di-(2-neodecanoylperoxyisopropyl)benzene.	UN3115	≤52	≥48				OP7	−10	0	
Di-n-nonanoyl peroxide	UN3116	≤100					OP7	0	+10	
Di-n-octanoyl peroxide	UN3114	≤100					OP5	+10	+15	
Di-(2-phenoxyethyl)peroxydicarbonate	UN3102	>85–100					OP5			
Di-(2-phenoxyethyl)peroxydicarbonate	UN3106	≤85				≥15	OP7			
Dipropionyl peroxide	UN3117	≤27		≥73			OP8	+15	+20	
Di-n-propyl peroxydicarbonate	UN3113	≤100					OP3	−25	−15	
Di-n-propyl peroxydicarbonate	UN3113	≤77		≥23			OP5	−20	−10	
Disuccinic acid peroxide	UN3102	>72–100					OP4			18
Disuccinic acid peroxide	UN3116	≤72				≥28	OP7	+10	+15	
Di-(3,5,5-trimethylhexanoyl)peroxide	UN3115	>38–82	≥18				OP7	0	+10	
Di-(3,5,5-trimethylhexanoyl)peroxide [as a stable dispersion in water].	UN3119	≤52					OP8	+10	+15	
Di-(3,5,5-trimethylhexanoyl)peroxide	UN3119	≤38	≥62				OP8	+20	+25	
Ethyl 3,3-di-(tert-amylperoxy)butyrate	UN3105	≤67	≥33				OP7			
Ethyl 3,3-di-(tert-butylperoxy)butyrate	UN3103	>77–100					OP5			
Ethyl 3,3-di-(tert-butylperoxy)butyrate	UN3105	≤77	≥23				OP7			
Ethyl 3,3-di-(tert-butylperoxy)butyrate	UN3106	≤52			≥48		OP7			
1-(2-ethylhexanoylperoxy)-1,3-Dimethylbutyl peroxypivalate.	UN3115	≤52	≥45	≥10			OP7	−20	−10	
tert-Hexyl peroxyneodecanoate	UN3115	≤71	≥29				OP7	0	+10	
tert-Hexyl peroxypivalate	UN3115	≤72		≥28			OP7	+10	+15	
Isopropylcumyl hydroperoxide	UN3109	≤72	≥28				OP8			13
p-Menthyl hydroperoxide	UN3105	> 72–100					OP7			13
p-Menthyl hydroperoxide	UN3109	≤72	≥28				OP8			

ORGANIC PEROXIDE TABLE—Continued

Technical name	ID number	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Notes
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
Methylcyclohexanone peroxide(s)	UN3115	≤67		≥33			OP7	+35	+40	
Methyl ethyl ketone peroxide(s)	UN3101	≤52	≥48				OP5			5, 13, 29
Methyl ethyl ketone peroxide(s)	UN3105	≤45	≥55				OP7			5, 29
Methyl ethyl ketone peroxide(s)	UN3107	≤40	≥60				OP8			5, 29
Methyl isobutyl ketone peroxide(s)	UN3105	≤62	≥19				OP7			5, 23
Organic peroxide, liquid, sample	UN3103						OP2			12
Organic peroxide, liquid, sample, temperature controlled.	UN3113						OP2			12
Organic peroxide, solid, sample	UN3104						OP2			12
Organic peroxide, solid, sample, temperature controlled.	UN3114						OP2			12
Peroxyacetic acid, type D, stabilized	UN3105	≤43					OP7			13, 20
Peroxyacetic acid, type E, stabilized	UN3107	≤43					OP8			13, 20
Peroxyacetic acid, type F, stabilized	UN3109	≤43					OP8			13, 20, 28
Peroxyacetic acid or peracetic acid [with not more than 7% hydrogen peroxide].	UN3107	≤36				≥15	OP8			13, 20, 28, 29
Peroxyacetic acid or peracetic acid [with not more than 20% hydrogen peroxide].	Exempt	≤6				≥60	Exempt			28, 29
Peroxyacetic acid or peracetic acid [with not more than 26% hydrogen peroxide].	UN3109	≤17					OP8			13, 20, 28, 29
Peroxylauric acid	UN3118	≤100					OP8	+35	+40	
Pinanyl hydroperoxide	UN3105	>56–100					OP7			13
Pinanyl hydroperoxide	UN3109	≤56	≥44				OP8			
Polyether poly-tert-butylperoxycarbonate.	UN3107	≤52		≥23			OP8			
Tetrahydronaphthyl hydroperoxide	UN3106	≤100					OP7			
1,1,3,3-Tetramethylbutyl hydroperoxide	UN3105	≤100					OP7			
1,1,3,3-Tetramethylbutyl peroxy-2-ethylhexanoate.	UN3115	≤100					OP7	+15	+20	
1,1,3,3-Tetramethylbutyl peroxyneodecanoate.	UN3115	≤72		≥28			OP7	-5	+5	
1,1,3,3-Tetramethylbutyl peroxyneodecanoate [as a stable dispersion in water].	UN3119	≤52					OP8	−5	+5	
1,1,3,3-tertramethylbutyl peroxypivalate	UN3315	≤77	≥23				OP7	0	+10	
3,6,9-Triethyl-3,6,9-trimethyl-1,4,7-triperoxonane.	UN3105	≤42	≥58				OP7			26

Notes:

1. For domestic shipments, OP8 is authorized.
2. Available oxygen must be <4.7%.
3. For concentrations <80% OP5 is allowed. For concentrations of at least 80% but <85%, OP4 is allowed. For concentrations of at least 85%, maximum package size is OP2.
4. The diluent may be replaced by di-tert-butyl peroxide.
5. Available oxygen must be ≤9%.
6. For domestic shipments, OP5 is authorized.
7. [Reserved]
8. Only non-metallic packagings are authorized.
9. [Reserved]
10. [Reserved]
11. [Reserved]
12. Samples may only be offered for transportation under the provisions of paragraph (c)(2) of this section.
13. "Corrosive" subsidiary risk label is required.
14. [Reserved]
15. No "Corrosive" subsidiary risk label is required for concentrations below 80%.
16. With 6% di-tert-butyl peroxide.
17. With ≥8% 1-isopropylhydroperoxy-4-isopropylhydroxybenzene.
18. Addition of water to this organic peroxide will decrease its thermal stability.
19. [Reserved]
20. Mixtures with hydrogen peroxide, water and acid(s).
21. With diluent type A, with or without water.
22. With ≥36% diluent type A by mass, and in addition ethylbenzene.
23. With ≥19% diluent type A by mass, and in addition methyl isobutyl ketone.
24. Diluent type B with boiling point >100 C.
25. No "Corrosive" subsidiary risk label is required for concentrations below 56%.
26. Available oxygen must be ≤7.6%.
27. Formulations derived from distillation of peroxyacetic acid originating from peroxyacetic acid in a concentration of not more than 41% with water, total active oxygen less than or equal to 9.5% (peroxyacetic acid plus hydrogen peroxide).
28. For the purposes of this section, the names "Peroxyacetic acid" and "Peracetic acid" are synonymous.
29. For international transportation, shipments of this material must be accompanied by a Competent Authority approval from the Associate Administrator.

(d) *Packing Method Table.* Packagings for organic peroxides and self-reactive substances are listed in the Maximum

Quantity per Packing Method Table. The packing methods are designated OP1 to OP8. The quantities specified for each packing method represent the maximum that is authorized.

(1) The following types of packagings are authorized:

(i) Drums: 1A1, 1A2, 1B1, 1B2, 1D, 1G, 1H1, 1H2;

(ii) Jerricans: 3A1, 3A2, 3B1, 3B2, 3H1, 3H2;

(iii) Boxes: 4C1, 4C2, 4D, 4F, 4G, 4H1, 4H2, 4A, 4B; or

(iv) Composite packagings with a plastic inner receptacle: 6HA1, 6HA2, 6HB1, 6HB2, 6HC, 6HD1, 6HD2, 6HG1, 6HG2, 6HH1, 6HH2.

(2) Metal packaging (including inner packagings of combination packagings and outer packagings of combination or composite packagings) are used only for packing methods OP7 and OP8.

(3) In combination packagings, glass receptacles are used only as inner packagings with a maximum content of 0.5 kg for solids or 0.5 L for liquids.

(4) The maximum quantity per packaging or package for Packing Methods OP1–OP8 must be as follows:

MAXIMUM QUANTITY PER PACKAGING/PACKAGE FOR PACKING METHODS OP1 TO OP8

Maximum Quantity	Packing Method							
	OP1	OP2	OP3	OP4 [1]	OP5	OP6	OP7	OP8
Solids and combination packagings (liquid and solid) (kg)	0.5	0.5/10	5	5	25	50	50	[2] 400
Liquids (L)	0.5	.....	5	.....	30	60	60	[3] 225

[1] If two values are given, the first applies to the maximum net mass per inner packaging and the second to the maximum net mass of the complete package.
[2] 60 kg for jerricans/200 kg for boxes and, for solids, 400 kg in combination packagings with outer packagings comprising boxes (4C1, 4C2, 4D, 4F, 4G, 4H1, and 4H2) and with inner packagings of plastics or fiber with a maximum net mass of 25 kg.
[3] 60 L for jerricans.

(e) *Organic Peroxide IBC Table.* The following Organic Peroxide IBC Table specifies, by technical name, those organic peroxides that are authorized for transportation in certain IBCs and not subject to the approval provisions of § 173.128 of this part. Additional requirements for authorized IBCs are found in paragraph (f) of this section.

ORGANIC PEROXIDE IBC TABLE

UN No.	Organic peroxide	Type of IBC	Maximum quantity (litres)	Control temperature	Emergency temperature
3109	ORGANIC PEROXIDE, TYPE F, LIQUID				
	tert-Butyl hydroperoxide, not more than 72% with water	31A	1250		
	tert-Butyl peroxyacetate, not more than 32% in diluent type A	31A	1250		
		31HA1	1000		
	tert-Butyl peroxy-3,5,5-trimethylhexanoate, not more than 32% in diluent type A	31A	1250		
		31HA1	1000		
	Cumyl hydroperoxide, not more than 90% in diluent type A	31HA1	1250		
	Dibenzoyl peroxide, not more than 42% as a stable dispersion	31H1	1000		
	Di-tert-butyl peroxide, not more than 52% in diluent type B	31A	1250		
		31HA1	1000		
	1,1-Di-(tert-butylperoxy) cyclohexane, not more than 42% in diluent type A	31H1	1000		
	Dicumyl peroxide, less than or equal to 100%	31A	1250		
		31HA1	1000		
	Dilauroyl peroxide, not more than 42%, stable dispersion, in water	31HA1	1000		
	Isopropyl cumyl hydroperoxide, not more than 72% in diluent type A	31HA1	1250		
	p-Menthyl hydroperoxide, not more than 72% in diluent type A	31HA1	1250		
	Peroxyacetic acid, stabilized, not more than 17%	31H1	1500		
		31HA1	1500		
		31A	1500		
	Peroxyacetic acid, with not more than 26% hydrogen peroxide	31A	1500		
		31HA1	1500		
	Peroxyacetic acid, type F, stabilized	31A	1500		
		31HA1	1500		
3110	ORGANIC PEROXIDE TYPE F, SOLID				
	Dicumyl peroxide, less than or equal to 100%	31A 31H1 31HA1	2000		
3119	ORGANIC PEROXIDE, TYPE F, LIQUID, TEMPERATURE CONTROLLED				
	tert-Butyl peroxy-2-ethylhexanoate, not more than 32% in diluent type B	31HA1	1000	+30 °C	+35 °C
		31A	1250		
	tert-Butyl peroxyneodecanoate, not more than 32% in diluent type A	31A	1250	0 °C	+10 °C
	tert-Butyl peroxyneodecanoate, not more than 42% stable dispersion, in water	31A	1250	−5 °C	+5 °C

ORGANIC PEROXIDE IBC TABLE—Continued

UN No.	Organic peroxide	Type of IBC	Maximum quantity (litres)	Control temperature	Emergency temperature
	tert-Butyl peroxypivalate, not more than 27% in diluent type B	31HA1	1000	+10 °C	+15 °C
		31A	1250		
	Cumyl peroxyneodecanoate, not more than 52%, stable dispersion, in water	31A	1250	−15 °C	−5 °C
	Dicyclohexylperoxydicarbonate, not more than 42% as a stable dispersion, in water	31A	1250	+10 °C	+15 °C
	Di-(4-tert-butylcyclohexyl) peroxydicarbonate, not more than 42%, stable dispersion, in water.	31HA1	1000	+30 °C	+35 °C
	Dicetyl peroxydicarbonate, not more than 42%, stable dispersion, in water	31HA1	1000	+30 °C	+35 °C
	Di-(2-ethylhexyl) peroxydicarbonate, not more than 52%, stable dispersion, in water	31A	1250	−20 °C	−10 °C
	Dimyristyl peroxydicarbonate, not more than 42%, stable dispersion, in water	31HA1	1000	+15 °C	+20 °C
	Di-(3,5,5-trimethylhexanoyl) peroxide, not more than 38% in diluent type A	31HA1	1000	+10 °C	+15 °C
		31A	1250		
	Di-(3,5,5-trimethylhexanoyl) peroxide, not more than 52%, stable dispersion, in water	31A	1250	+10 °C	+15 °C
	1,1,3,3-Tetramethylbutyl peroxyneodecanoate, not more than 52%, stable dispersion, in water.	31A	1250	−5 °C	+5 °C

(f) *IBCs.* IBCs are authorized subject to the conditions and limitations of this section if the IBC type is authorized according to paragraph (e) of this section, as applicable, and the IBC conforms to the requirements in subpart O of part 178 of this subchapter at the Packing Group II performance level. The additional requirements in paragraphs (h)(5)(i) and (h)(5)(ii) of this section also apply. Type F organic peroxides or self-reactive substances are not authorized for transportation in IBCs other than those specified, unless approved by the Associate Administrator.

(i) IBCs shall be provided with a device to allow venting during transportation. The inlet to the pressure relief device shall be sited in the vapor space of the IBC under maximum filling conditions during transportation.

(ii) To prevent explosive rupture of metal IBCs or composite IBCs with a complete metal casing, the emergency-relief devices shall be designed to vent all the decomposition products and vapors evolved during self-accelerating decomposition or during a period of not less than one hour of complete fire-engulfment as calculated by the formula in paragraph (h)(3)(v) of this section. The control and emergency temperatures specified in the Organic Peroxide IBC Table are based on a non-insulated IBC.

(g) Organic Peroxide Portable Tank Table. The following Organic Peroxide Portable Tank Table provides certain portable tank requirements and identifies, by technical name, those organic peroxides that are authorized for transportation in the bulk packagings listed in paragraph (h). Organic peroxides listed in this table, provided they meet the specific packaging requirements found in paragraph (h), are not subject to the approval provisions of § 173.128 of this part.

ORGANIC PEROXIDE PORTABLE TANK TABLE

UN No.	Hazardous material	Minimum test pressure (bar)	Minimum shell thickness (mm-reference steel) See . . .	Bottom opening requirements See . . .	Pressure-relief requirements See . . .	Filling limits	Control temperature	Emergency temperature
3109	ORGANIC PEROXIDE, TYPE F, LIQUID							
	tert-Butyl more hydroperoxide, not more than 72% with water. *Provided that steps have been taken to achieve the safety equivalence of 65% tert-Butyl hydroperoxide and 35% water.	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59°F (15°C).		
	Cumyl hydro-peroxide, not more than 90% in diluent type A.	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59°F (15°C).		
	Di-tert-butyl peroxide, not more than 32% in diluent type A.	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59°F (15°C).		
	Dicumyl peroxide, less than or equal to 100% in diluent type B.	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59°F (15°C).		
	Isopropyl cumyl hydro-peroxide, not more than 72% in diluent type A.	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59°F (15°C).		
	p-Menthyl hydro-peroxide, not more than 72% in diluent type A.	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59°F (15°C).		
	Pinanyl hydro-peroxide, not more than 56% in diluent type A.	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59°F (15°C).		
3110	ORGANIC PEROXIDE, TYPE F, SOLID							
	Dicumyl peroxide less than or equal to 100% with inert solids *Maximum quantity per portable tank 2,000 kg.	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59°F (15°C).		
3119	ORGANIC PEROXIDE, TYPE F, LIQUID, TEMPERATURE CONTROLLED							
	tert-Butyl peroxyacetate, not more than 32% in diluent type B.	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59°F (15°C).	+30°C	+35°C
	tert-Butyl peroxy-2-ethylhexanoate, not more than 32% in diluent type B.	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59°F (15°C).	+15°C	+20°C
	tert-Butyl peroxypivalate, not more than 27% in diluent type B.	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59°F (15°C).	+5°C	+10°C
	tert-Butyl peroxy-3,5,5-trimethyl-hexanoate, not more than 32% in diluent type B.	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59°F (15°C).	+35°C	+40°C
	Di-(3,5,5-trimethyl-hexanoyl) peroxide, not more than 38% in diluent type A.	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59°F (15°C).	+0°C	+5°C
	Peroxyacetic acid, distilled, stabilized, not more than 41%.	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59°F (15°C).	+30°C	+35°C

(h) *Bulk packagings other than IBCs.* The following bulk packagings are authorized, subject to the conditions and limitations of this section, if the organic peroxide is listed in the Organic Peroxide Portable Tank Table and bulk packagings are authorized and the bulk packaging conforms to the requirements of this subchapter:

(1) *Rail cars.* Class DOT 103, 104, 105, 109, 111, 112, 114, 115, or 120 fusion-weld tank car tanks are authorized. DOT 103W, 111A60F1 and 111A60W1 tank car tanks must have bottom outlets effectively sealed from inside. Gauging devices are required on DOT 103W tank car tanks. Riveted tank car tanks are not authorized.

(2) *Cargo tanks.* Specification MC 307, MC 310, MC 311, MC 312, DOT 407, and DOT 412 cargo tank motor vehicles with a tank design pressure of at least 172 kPa (25 psig) are authorized.

(3) *Portable tanks.* The following requirements apply to portable tanks intended for the transport of Type F organic peroxides or Type F self-reactive substances. DOT 51, 57, IM 101 portable tanks, and UN portable tanks that conform to the requirements of paragraph (g) of this section. Type F organic peroxide or self-reactive substance formulations other than those indicated in the Organic Peroxide Portable Tank Table may be transported in portable tanks if approved by the Associate Administrator. The following conditions also apply:

(i) The portable tank must be designed for a test pressure of at least 0.4 MPa (4 bar).

(ii) The portable tank must be fitted with temperature-sensing devices.

(iii) The portable tank must be fitted with pressure relief devices and emergency-relief devices. Vacuum-relief devices may also be used. Pressure relief devices must operate at pressures determined according to both the properties of the hazardous material and the construction characteristics of the portable tank. Fusible elements are not allowed in the shell.

(iv) The pressure relief devices must consist of reclosing devices fitted to prevent significant build-up within the portable tank of the decomposition products and vapors released at a temperature of 50 °C (122 °F). The capacity and start-to-discharge pressure of the relief devices must be in accordance with the applicable requirements of this subchapter specified for the portable tank. The pressure relief devices must not allow liquid to escape in the event the portable tank is overturned in a loaded condition.

(v)(A) The emergency-relief devices may be of the reclosing or frangible types, or a combination of the two, designed to vent all the decomposition products and vapors evolved during a period of not less than one hour of complete fire engulfment as calculated by the following formula:

$$q = 70961\ F\ A^{0.82}$$

Where:
q = heat absorption (W)
A = wetted area (m^2)
F = insulation factor (−)

(B) Insulation factor (F) in the formula in paragraph (h)(3)(v)(A) of this section equals 1 for non-insulated vessels and for insulated vessels F is calculated using the following formula:

$$F = \frac{U\left(923 - T_{PO}\right)}{47032}$$

Where:

U = K/L = heat transfer coefficient of the insulation (W·m^{-2}); K^{-1}); where K = heat conductivity of insulation layer ($W \cdot m^{-1}$);K^{-1}), and L = thickness of insulation layer (m).

T_{PO} = temperature of material at relieving conditions (K).

(vi) The start-to-discharge pressure of emergency-relief devices must be higher than that specified for the pressure relief devices in paragraph (h)(3)(iv) of this section. The emergency-relief devices must be sized and designed in such a way that the maximum pressure in the shell never exceeds the test pressure of the portable tank.

Note to Paragraph (h)(3)(vi): An example of a method to determine the size of emergency-relief devices is given in Appendix 5 of the UN Manual of Tests and Criteria (IBR, see § 171.7 of this subchapter). A second example of a test method for venting sizing is given in the American Institute of Chemical Engineers Process Safety Progress Journal, June 2002 issue (Vol. 21, No. 2).

(vii) For insulated portable tanks, the capacity and setting of emergency-relief devices must be determined assuming a loss of insulation from 1% of the surface area.

(viii) Vacuum-relief devices and reclosing devices on portable tanks used for flammable hazardous materials must be provided with flame arresters. Any reduction of the relief capacity caused by the flame arrester must be taken into account and the appropriate relief capacity must be provided.

(ix) Service equipment such as devices and external piping must be designed and constructed so that no hazardous material remains in them after filling the portable tank.

(x) Portable tanks may be either insulated or protected by a sun-shield. If the SADT of the hazardous material in the portable tank is 55 °C (131 °F) or less, the portable tank must be completely insulated. The outer surface must be finished in white or bright metal.

(xi) The degree of filling must not exceed 90% at 15 °C (59 °F).

(xii) DOT 57 metal portable tanks are authorized only for tert-butyl cumyl peroxide, di-(2-tert-butylperoxyisopropyl-benzene(s)), dicumyl peroxide and mixtures of two or more of these peroxides. DOT 57 portable tanks must conform to the venting requirements of paragraph (f) of this section. These portable tanks are not subject to the requirements of paragraphs (h)(3)(ii) and (h)(3)(iv) of this section. These portable tanks are not subject to any other requirements of paragraph (h) of this section.

(4) For tertiary butyl hydroperoxide (TBHP), each tank car, cargo tank or portable tank must contain 7.6 cm (3.0 inches) low density polyethylene (PE) saddles having a melt index of at least 0.2 grams per 10 minutes (for example see, ASTM D1238, condition E) as part of the lading, with a ratio of PE to TBHP over a range of 0.008 to 0.012 by mass. Alternatively, plastic or metal containers equipped with fusible plugs having a melting point between 69 °C (156 °F) and 71 °C (160 °F) and filled with a sufficient quantity of water to dilute the TBHP to 65% or less by mass may be used. The PE saddles must be visually inspected after each trip and, at a minimum, once every 12 months, and replaced when discoloration, fracture, severe deformation, or other indication of change is noted.

43. Section 173.226 is revised to read as follows:

§ 173.226 Materials poisonous by inhalation, Division 6.1, Packing Group I, Hazard Zone A.

Division 6.1, Packing Group I, Zone A poisonous by inhalation (see § 173.133) must be packed in non-bulk packagings in accordance with the following paragraphs:

(a) In seamless specification cylinders conforming to the requirements of § 173.40.

(b) In 1A1, 1B1, 1H1, 1N1, or 6HA1 drums further packed in a 1A2 or 1H2 drum. Both inner and outer drums must conform to the performance test requirements of subpart M of part 178 of this subchapter at the Packing Group I performance level. The outer drums may be tested either as a package

intended to contain inner packagings (combination package) or as a single packaging intended to contain solids or liquids at a mass corresponding to the mass of the assembled packaging system. All outer drums, even those tested to contain inner packaging or as single packagings for solids, must withstand a hydrostatic test pressure of 100 kPa (15 psig). The outer drum must have a minimum thickness of 1.35 mm (0.053 inch) for a 1A2 outer drum or 6.3 mm (0.248 inch) for a 1H2 outer drum. In addition, the inner drum must—

(1) Be capable of satisfactorily withstanding the hydrostatic pressure test in § 178.605 of this subchapter at a test pressure of 300 kPa (45 psig);

(2) Satisfactorily withstand the leakproofness test in § 178.604 of this subchapter using an internal air pressure of at least twice the vapor pressure at 55 °C (131 °F) of the material to be packaged;

(3) Have screw-type closures that are—

(i) Closed and tightened to a torque prescribed by the closure manufacturer, using a properly calibrated device that is capable of measuring torque;

(ii) Physically held in place by any means capable of preventing back-off or loosening of the closure by impact or vibration during transportation; and

(iii) Provided with a cap seal that is properly applied in accordance with the cap seal manufacturer's recommendations and is capable of withstanding an internal pressure of at least 100 kPa (15 psig).

(4) Have a minimum thickness as follows:

(i) For a 1A1 or 1N1 drum, 1.3 mm (0.051 inch);

(ii) For a 1B1 drum, 3.9 mm (0.154 inch);

(iii) For a 1H1 drum, 3.16 mm (0.124 inch); and

(iv) For a 6HA1 drum, the plastic inner container shall be 1.58 mm (0.0622 inch) and the outer steel drum shall be 0.96 mm (0.0378 inch).

(5) Be isolated from the outer drum by a shock-mitigating, non-reactive material, which completely surrounds the inner packaging on all sides.

(c) In combination packagings, consisting of an inner packaging system and an outer packaging, as follows:

(1) Outer packagings:

Steel drum: 1A2
Aluminum drum: 1B2
Metal drum, other than steel or aluminum: 1N2
Plywood drum: 1D
Fiber drum: 1G
Plastic drum: 1H2
Steel box: 4A
Aluminum box: 4B
Natural wood box: 4C1 or 4C2
Plywood box: 4D
Reconstituted wood box: 4F
Fiberboard box: 4G
Expanded plastic box: 4H2
Solid plastic box: 4H2

(2) Inner packaging system. The inner packaging system consists of two packagings:

(i) an impact-resistant receptacle of glass, earthenware, plastic or metal securely cushioned with a non-reactive, absorbent material, and

(A) Capacity of each inner receptacle may not exceed 4 L (1 gallon).

(B) An inner receptacle that has a closure must have a closure which is physically held in place by any means capable of preventing back-off or loosening of the closure by impact or vibration during transportation.

(ii) Packed within a leak-tight packaging of metal or plastic.

(iii) This combination packaging in turn is packed within the outer packaging.

(A) The total amount of liquid contained in the outer packaging may not exceed 16 L (4 gallons).

(iv) the inner packaging system must conform to the performance test requirements of subpart M of part 178 of this subchapter, at the Packaging Group I performance level when subjected to the following tests:

(A) 178.603—Drop Test

(B) 178.604—Leakproofness Test

(C) 178.605—Hydrostatic Pressure Test

(v) The inner packaging system must meet the above tests without the benefit of the outer packaging.

(vi) The leakproofness and hydrostatic pressure test may be conducted on either the inner receptacle or the outer packaging of the inner packaging system.

(vii) In addition to the requirements in 173.226(b), the outer package must conform to the performance test requirements of subpart M of part 178 of this subchapter, at the Packaging Group I performance level as applicable for the type of package being used.

(d) If approved by the Associate Administrator, 1A1, 1B1, 1H1, 1N1, 6HA1 or 6HH1 drums described in paragraph (b) of this section may be used without being further packed in a 1A2 or 1H2 drum if the shipper loads the material, palletizes the drums, blocks and braces the drums within the transport vehicle and seals the transport vehicle used. Drums may not be stacked (double decked) within the transport vehicle. Shipments must be from one origin to one destination only without any intermediate pickup or delivery.

(e) Prior to reuse, all authorized inner drums must be leakproofness tested and marked in accordance with 173.28 using a minimum test pressure as indicated in paragraph (b)(2) of this section.

44. Section 173.227 is revised to read as follows:

§ 173.227 Materials poisonous by inhalation. Division 6.1, Packing Group I, Hazard Zone B.

(a) In packagings as authorized in § 173.226 and seamless and welded specification cylinders conforming to the requirements of § 173.40.

(b) 1A1, 1B1, 1N1 or 1H1 drum or 6HA1 composite further packed in a 1A2 or 1H2 drum. Both the inner and outer drums must conform to the performance test requirements of subpart M of part 178 of this subchapter at the Packing Group I performance level. The outer drum must have a minimum thickness of 1.35 mm (0.053 inches) for a 1A2 outer drum or 6.30 mm (0.248 inches) for a 1H2 outer drum. Outer 1A2 and 1H2 drums must withstand a hydrostatic test pressure of 100 kPa (15 psig). Capacity of the inner drum may not exceed 220 liters. In addition, the inner drum must conform to all of the following requirements:

(1) Satisfactorily withstand the leakproofness test in § 178.604 of this subchapter using an internal air pressure of at least two times the vapor pressure at 55 °C (131 °F) of the material to be packaged.

(2) Have screw closures that are—

(i) Closed and tightened to a torque prescribed by the closure manufacturer, using a properly calibrated device that is capable of measuring torque;

(ii) Physically held in place by any means capable of preventing back-off or loosening of the closure by impact or vibration during transportation; and

(iii) Provided with a cap seal that is properly applied in accordance with the cap seal manufacturer's recommendations and is capable of withstanding an internal pressure of at least 100 kPa (15 psig).

(3) Have a minimum thickness as follows:

(i) For a 1A1 drum, 0.69 mm (0.027 inch);

(ii) For a 1B1 drum, 2.79 mm (0.110 inch);

(iii) For a 1H1 drum, 1.14 mm (0.045 inch); or

(iv) For a 6HA1 drum, the plastic inner container shall be 1.58 mm (0.0625 inch), the outer steel drum shall be 0.70 mm (0.027 inch).

(4) Be isolated from the outer drum by a shock-mitigating, non-reactive material which completely surrounds the inner packaging on all sides.

(5) Prior to reuse, all authorized inner drums must be leakproofness tested and marked in accordance with 173.28 using a minimum test pressure as indicated in paragraph (b)(1) of this section.

(c) 1A1, 1B1, 1H1, 1N1, 6HA1 or 6HH1 drums described in paragraph (b) of this section may be used without being further packed in a 1A2 or 1H2 drum if the shipper loads the material, blocks and braces the drums within the transport vehicle and seals the transport vehicle used. Drums may not be stacked (double decked) within the transport vehicle. Shipments must be from one origin to one destination only without any intermediate pickup or delivery.

45. In § 173.249, paragraph (c) is revised to read as follows:

§ 173.249 Bromine.

* * * * *

(c) UN portable tanks conforming to tank code T22 (see § 172.102 of this subchapter) or specification IM 101 portable tanks conforming with paragraphs (d) through (f) of this section. The total quantity in one tank may not be less than 88% nor more than 92% of the volume of the tank.

* * * * *

46. In § 173.306, paragraphs (i) and (j) are removed and a new paragraph (i) is added to read as follows:

§ 173.306 Limited quantities of compressed gases.

* * * * *

(i) *Aerosols with a capacity of less than 50 ml.* Aerosols, as defined in § 171.8 of this subchapter, with a capacity not exceeding 50 ml and with a pressure not exceeding 970 kPa (141 psig) at 55 °C (131 °F), containing no hazardous materials other than a Division 2.2 gas, are not subject to the requirements of this subchapter.

* * * * *

§ 173.307 [Amended]

47. In § 173.307, paragraph (a)(5) is removed.

48. Section 173.313 is added to read as follows:

§ 173.313 UN Portable Tank Table for Liquefied Compressed Gases.

The UN Portable Tank Table for Liquefied Compressed Gases is referenced in § 172.102(c)(7)(iii) of this subchapter for portable tanks that are used to transport liquefied compressed gases. The table applies to each liquefied compressed gas that is identified with Special Provision T50 in Column (7) of the § 172.101 Table. In addition to providing the UN identification number and proper shipping name, the table provides maximum allowable working pressures, bottom opening requirements, pressure relief device requirements, and degree of filling requirements for liquefied compressed gas permitted for transportation in a T50 portable tank. In the minimum test pressure column, "small" means a portable tank with a diameter of 1.5 meters or less when measured at the widest part of the shell, "sunshield" means a portable tank with a shield covering at least the upper third of the shell, "bare" means no sunshield or insulation is provided, and "insulated" means a complete cladding of sufficient thickness of insulating material necessary to provide a minimum conductance of not more than 0.67 w/m²/k. In the pressure relief requirements column, the word "Normal" denotes that a frangible disc as specified in § 178.276(e)(3) of this subchapter is not required.

UN PORTABLE TANK TABLE FOR LIQUEFIED COMPRESSED GASES

UN No.	Non-refrigerated liquefied compressed gases	Minimum design pressure (MAWP) (bar) Small; Bare; Sunshield; Insulated	Openings below liquid level	Pressure relief requirements (*See* § 178.276(e))	Maximum filling density (kg/l)
1005	Ammonia, anhydrous	29.0, 25.7, 22.0, 19.7	Allowed	§ 178.276(e)(3)	0.53
1009	Bromotrifluoromethane *or* Refrigerant gas R 13B1.	38.0, 34.0, 30.0, 27.5	Allowed	Normal	1.13
1010	Butadienes, stabilized	7.5, 7.0, 7.0, 7.0	Allowed	Normal	0.55
1011	Butane	7.0, 7.0, 7.0, 7.0	Allowed	Normal	0.51
1012	Butylene	8.0, 7.0, 7.0, 7.0	Allowed	Normal	0.53
1017	Chlorine	19.0, 17.0, 15.0, 13.5	Not Allowed	§ 178.276(e)(3)	1.25
1018	Chlorodifluoromethane *or* Refrigerant gas R 22.	26.0, 24.0, 21.0, 19.0	Allowed	Normal	1.03
1020	Chloropentafluoroethane *or* Refrigerant gas R 115.	23.0, 20.0, 18.0, 16.0	Allowed	Normal	1.06
1021	1-Chloro-1,2,2,2-tetrafluoroethane *or* Refrigerant gas R 124.	10.3, 9.8, 7.9, 7.0	Allowed	Normal	1.2
1027	Cyclopropane	18.0, 16.0, 14.5, 13.0	Allowed	Normal	0.53
1028	Dichlorodifluoromethane *or* Refrigerant gas R 12.	16.0, 15.0, 13.0, 11.5	Allowed	Normal	1.15
1029	Dichlorofluoromethane *or* Refrigerant gas R 21.	7.0, 7.0, 7.0, 7.0	Allowed	Normal	1.23
1030	1,1-Difluoroethane *or* Refrigerant gas R 152a.	16.0, 14.0, 12.4, 11.0	Allowed	Normal	0.79
1032	Dimethylamine, anhydrous	7.0, 7.0, 7.0, 7.0	Allowed	Normal	0.59
1033	Dimethyl ether	15.5, 13.8, 12.0, 10.6	Allowed	Normal	0.58
1036	Ethylamine	7.0, 7.0, 7.0, 7.0	Allowed	Normal	0.61
1037	Ethyl chloride	7.0, 7.0, 7.0, 7.0	Allowed	Normal	0.8
1040	Ethylene oxide *with nitrogen up to a total pressure of 1MPa (10 bar) at 50 °C.*	Only authorized in 10 bar insulated portable tanks—.	Not Allowed	§ 178.276(e)(3)	0.78
1041	Ethylene oxide and carbon dioxide mixture *with more than 9% but not more than 87% ethylene oxide.*	*See* MAWP definition in § 178.276(a).	Allowed	Normal	*See* § 173.32(f)
1055	Isobutylene	8.1, 7.0, 7.0. 7.0	Allowed	Normal	0.52
1060	Methyl acetylene and propadiene mixture, stabilized.	28.0, 24.5, 22.0, 20.0	Allowed	Normal	0.43
1061	Methylamine, anhydrous	10.8, 9.6, 7.8, 7.0	Allowed	Normal	0.58

UN PORTABLE TANK TABLE FOR LIQUEFIED COMPRESSED GASES—Continued

UN No.	Non-refrigerated liquefied compressed gases	Minimum design pressure (MAWP) (bar) Small; Bare; Sunshield; Insulated	Openings below liquid level	Pressure relief requirements (*See* § 178.276(e))	Maximum filling density (kg/l)
1062	Methyl bromide	7.0, 7.0, 7.0, 7.0	Not Allowed	§ 178.276(e)(3)	1.51
1063	Methyl chloride *or* Refrigerant gas R 40.	14.5, 12.7, 11.3, 10.0	Allowed	Normal	0.81
1064	Methyl mercaptan	7.0, 7.0, 7.0, 7.0	Not Allowed	§ 178.276(e)(3)	0.78
1067	Dinitrogen tetroxide	7.0, 7.0, 7.0, 7.0	Not Allowed	§ 178.276(e)(3)	1.3
1075	Petroleum gas, liquefied	*See* MAWP definition in § 178.276(a).	Allowed	Normal	*See* § 173.32(f)
1077	Propylene	28.0, 24.5, 22.0, 20.0	Allowed	Normal	0.43
1078	Refrigerant gas, n.o.s	*See* MAWP definition in § 178.276(a).	Allowed	Normal	*See* § 173.32(f)
1079	Sulphur dioxide	11.6, 10.3, 8.5, 7.6	Not Allowed	§ 178.276(e)(3)	1.23
1082	Trifluorochloroethylene, stabilized *or* Refrigerant gas R 1113.	17.0, 15.0, 13.1, 11.6	Not Allowed	§ 178.276(e)(3)	1.13
1083	Trimethylamine, anhydrous	7.0, 7.0, 7.0, 7.0	Allowed	Normal	0.56
1085	Vinyl bromide, stabilized	7.0, 7.0, 7.0, 7.0	Allowed	Normal	1.37
1086	Vinyl chloride, stabilized	10.6, 9.3, 8.0, 7.0	Allowed	Normal	0.81
1087	Vinyl methyl ether, stabilized	7.0, 7.0, 7.0, 7.0	Allowed	Normal	0.67
1581	Chloropicrin and methyl bromide mixture.	7.0, 7.0, 7.0, 7.0	Not Allowed	§ 178.276(e)(3)	1.51
1582	Chloropicrin and methyl chloride mixture.	19.2, 16.9, 15.1, 13.1	Not Allowed	§ 178.276(e)(3)	0.81
1858	Hexafluoropropylene compressed *or* Refrigerant gas R 1216.	19.2, 16.9, 15.1, 13.1	Allowed	Normal	1.11
1912	Methyl chloride and methylene cloride mixture.	15.2, 13.0, 11.6, 10.1	Allowed	Normal	0.811954
NA 1954.	Insecticide gases, *flammable*, n.o.s..	*See* MAWP definition in § 178.276(a).	Allowed	Normal	§ 173.32(f)
1958	1, 2–Dichloro-1, 1, 2,2-tetrafluoroethane *or* Refrigerant.	7.0, 7.0, 7.0, 7.0	Allowed	Normal	1.3
1965	Hydrocarbon gas, mixture liquefied, n.o.s.	*See* MAWP definition in § 178.276(a).	Allowed	Normal	*See* § 173.32(f)
1969	Isobutane	8.5, 7.5, 7.0, 7.0	Allowed	Normal	0.49
1973	Chlorodifluoromethane and chloropentafluoroethane mixture *with fixed boiling point, with approximately 49% chlorodifluoromethane or* Refrigerant gas R 502.	28.3, 25.3, 22.8, 20.3	Allowed	Normal	1.05
1974	Chlorodifluorobromomethane *or* Refrigerant gas R 12B1.	7.4, 7.0, 7.0, 7.0	Allowed	Normal	1.61
1976	Octafluorocyclobutane *or* Refrigerant gas RC 318.	8.8, 7.8, 7.0, 7.0	Allowed	Normal	1.34
1978	Propane	22.5, 20.4, 18.0, 16.5	Allowed	Normal	0.42
1983	1–Chloro-2, 2, 2-trifluoroethane *or* Refrigerant gas R 133a.	7.0, 7.0, 7.0, 7.0	Allowed	Normal	1.18
2035	1, 1, 1–Trifluoroethane compressed *or* Refrigerant gas R 143a.	31.0, 27.5, 24.2, 21.8	Allowed	Normal	0.76
2424	Octafluoropropane *or* Refrigerant gas R 218.	23.1, 20.8, 18.6, 16.6	Allowed	Normal	1.07
2517	1–Chloro-1, 1-difluoroethane *or* Refrigerant gas R 142b.	8.9, 7.8, 7.0, 7.0	Allowed	Normal	0.99
2602	Dichlorodifluoromethane and difluoroethane azeotropic mixture *with approximately 74% dichlorodifluoromethane or* Refrigerant gas R 500.	20.0, 18.0, 16.0, 14.5	Allowed	Normal	1.01
3057	Trifluoroacetyl chloride	14.6, 12.9, 11.3, 9.9	Not Allowed	§ 178.276(e)(3)	1.17
3070	Ethylene oxide and dichlorodifluoromethane mixture *with not more than 12.5% ethylene oxide.*	14.0, 12.0, 11.0, 9.0	Allowed	§ 178.276(e)(3)	1.09
3153	Pefluoro (methyl vinyl ether)	14.3, 13.4, 11.2, 10.2	Allowed	Normal	1.14
3159	1,1,1, 2-Tetrafluoroethane *or* Refrigerant gas R 134a.	17.7, 15.7, 13.8, 12.1	Allowed	Normal	1.04
3161	Liquefied gas, flammable, n.o.s. ..	See MAWP definition in § 178.276(a).	Allowed	Normal	§ 173.32(f)
3163	Liquefied gas, n.o.s	See MAWP definition in § 178.276(a).	Allowed	Normal	§ 173.32(f)
3220	Pentafluoroethane *or* Refrigerant	34.4, 30.8, 27.5, 24.5	Allowed	Normal	0.95

UN PORTABLE TANK TABLE FOR LIQUEFIED COMPRESSED GASES—Continued

UN No.	Non-refrigerated liquefied compressed gases	Minimum design pressure (MAWP) (bar) Small; Bare; Sunshield; Insulated	Openings below liquid level	Pressure relief requirements (*See* § 178.276(e))	Maximum filling density (kg/l)
3252	Difluoromethane *or* Refrigerant gas R 32.	43.0, 39.0, 34.4, 30.5	Allowed	Normal	0.78
3296	Heptafluoropropane *or* Refrigerant gas R 227.	16.0, 14.0, 12.5, 11.0	Allowed	Normal	1.2
3297	Ethylene oxide and chlorotetrafluoroethane mixture, *with not more than 8.8% ethylene oxide.*	8.1, 7.0, 7.0, 7.0	Allowed	Normal	1.16
3298	Ethylene oxide and pentafluoroethane mixture, *with not more than 7.9% ethylene oxide.*	25.9, 23.4, 20.9, 18.6	Allowed	Normal	1.02
3299	Ethylene oxide and tetrafluoroethane mixture, *with not more than 5.6% ethylene oxide.*	16.7, 14.7, 12.9, 11.2	Allowed	Normal	1.03
3318	Ammonia solution, *relative density less than 0.880 at 15 °C in water, with more than 50% ammonia.*	*See* MAWP definition in 178.276(a).	Allowed	§ 178.276(e)(3)	173.32(f)
3337	Refrigerant gas R 404A	31.6, 28.3, 25.3, 22.5	Allowed	Normal	0.84
3338	Refrigerant gas R 407A	31.3, 28.1, 25.1, 22.4	Allowed	Normal	0.95
3339	Refrigerant gas R 4078	33.0, 29.6, 26.5, 23.6	Allowed	Normal	0.95
3340	Refrigerant gas R 407C	29.9, 26.8, 23.9, 21.3	Allowed	Normal	0.95

49. In § 173.315, paragraph (a) introductory text is revised to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tanks.

(a) Liquefied compressed gases that are transported in UN portable tanks must be loaded and offered for transportation in accordance with the UN Portable Tank Table for Liquefied Compressed Gases in § 173.313. A liquefied compressed gas offered for transportation in a cargo tank motor vehicle or a portable tank must be prepared in accordance with this section, §§ 173.32 and 173.33 and subpart E or subpart G of part 180 of this subchapter, as applicable. For cryogenic liquids, see § 173.318. For marking requirements, see §§ 172.326 and 172.328 of this subchapter. Except for UN portable tanks, a liquefied compressed gas must be loaded and offered for transportation in accordance with the following table:

* * * * *

50. In § 173.323, paragraph (b) is revised to read as follows:

§ 173.323 Ethylene oxide.

* * * * *

(b) Ethylene oxide must be packaged in one of the following:

(1) In hermetically sealed glass or metal inner packagings suitably cushioned in an outer package authorized by § 173.201(b). The maximum quantity permitted in any glass inner packaging is 100 g (3.5 ounces), and the maximum quantity permitted in any metal inner packaging is 340 g (12 ounces). After filling, each inner packaging shall be determined to be leak-tight by placing the inner packaging in a hot water bath at a temperature, and for a period of time, sufficient to ensure that an internal pressure equal to the vapour pressure of ethylene oxide at 55 °C is achieved. The total quantity in any outer packaging shall not exceed 2.5 kg. Each completed package must be capable of passing all Packing Group I performance tests.

(2) In specification cylinders, as authorized for any compressed gas except acetylene. Pressurizing valves and insulation are required for cylinders over 4 L (1 gallon) capacity. Eductor tubes must be provided for cylinders over 19 L (5 gallons) capacity. Cylinders must be seamless or welded steel (not brazed) with a nominal capacity of no more than 115 L (30 gallons) and may not be liquid full below 82 °C (180 °F). Before each refilling, each cylinder must be tested for leakage at no less than 103.4 kPa (15 psig) pressure. In addition, each cylinder must be equipped with a fusible type relief device with yield temperature of 69 °C to 77 °C (157 °F to 170 °F). The capacity of the relief device and the effectiveness of the insulation must be such that the charged cylinder will not explode when tested by the method described in CGA Pamphlet C–14 or other equivalent method.

(3) In 1A1 steel drums of no more than 231 L (61 gallons) and meeting Packing Group I performance standards. The drum must be lagged of all welded construction with the inner shell having a minimum thickness of 1.7 mm (0.068 inches) and the outer shell having a minimum thickness of 2.4 mm (0.095 inches). Drums must be capable of withstanding a hydrostatic test pressure of 690 kPa (100 psig). Lagging must be of sufficient thickness so that the drum, when filled with ethylene oxide and equipped with the required pressure relief device, will not rupture when exposed to fire. The drum may not be liquid full below 85 °C (185 °F), and must be marked "THIS END UP" on the top head. Before each refilling, each drum must be tested for leakage at no less than 103 kPa (15 psig) pressure. Each drum must be equipped with a fusible type relief device with yield temperature of 69 °C to 77 °C (157 °F to 170 °F), and the capacity of the relief device must be such that the filled drum is capable of passing, without rupture, the test method described in CGA Pamphlet C–14 or other equivalent method.

* * * * *

PART 175—CARRIAGE BY AIRCRAFT

51. The authority citation for part 175 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

52. In § 175.10, paragraphs (a)(4)(i), (a)(4)(iii), and (a)(18) are revised to read as follows:

§ 175.10 Exceptions.

(a) * * *

(4) * * *

(i) Non-radioactive medicinal and toilet articles (including aerosols) may be carried in checked or carry-on baggage. Release devices on aerosols must be protected by a cap or other suitable means to prevent inadvertent release;

* * * * *

(iii) Other aerosols in Division 2.2 with no subsidiary risk may be carried in checked baggage only. Release devices on aerosols must be protected by a cap or other suitable means to prevent inadvertent release;

* * * * *

(18) Compressed gas cylinders of Division 2.2 worn by passengers for the operation of mechanical limbs and spare cylinders of a similar size for the same purpose in sufficient quantities to ensure an adequate supply for the duration of the journey.

* * * * *

53. Section 175.85 is revised by adding new paragraph (j) to read as follows:

§ 175.85 Cargo location.

* * * * *

(j) A package bearing a KEEP AWAY FROM HEAT handling marking must be protected from direct sunshine and stored in a cool and ventilated place, away from sources of heat.

PART 176—CARRIAGE BY VESSEL

54. The authority citation for part 176 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

55. In § 176.2, the following revisions are made:

a. The definitions for "Explosive article", "Explosive substance" and "Magazine" are revised.

b. The term "Transport unit" is revised to read "Cargo transport unit".

c. In the definition "In containers or the like", the term "transport unit" is removed and the term "cargo transport unit" is added in its place.

The revisions and additions read as follows:

* * * * *

Cargo transport unit means a transport vehicle, a freight container or a portable tank. A *closed cargo transport unit* means a cargo transport unit in which the contents are totally enclosed by permanent structures. An *open cargo transport unit* means a cargo transport unit that is not a closed cargo transport unit. Cargo transport units with fabric sides or tops are not closed cargo transport units for the purposes of this part.

* * * * *

Explosive article means an article or device which contains one or more explosive substances. Individual explosive substances are identified in column 17 of the Dangerous Goods List in the IMDG Code.

* * * * *

Explosive substance means a solid or liquid material, or a mixture of materials, which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to its surroundings. Individual explosive substances are identified in column 17 of the Dangerous Goods List in the IMDG Code.

* * * * *

In containers or the like means in any clean, substantial, weatherproof box structure which can be secured to the vessel's structure, including a portable magazine or a closed cargo transport unit. Whenever this stowage is specified, stowage in deckhouses, mast lockers and oversized weatherproof packages (overpacks) is also acceptable.

* * * * *

Magazine means an enclosure designed to protect certain goods of Class 1 (explosive) materials from damage by other cargo and adverse weather conditions during loading, unloading, and when in transit; and to prevent unauthorized access. A magazine may be a fixed structure or compartment in the vessel, a closed freight container, a closed transport vehicle, or a portable magazine. Magazines may be positioned in any part of the ship conforming with the relevant provisions for Class 1 (explosive) materials contained in Subpart G of this part provided that magazines which are fixed structures are sited so that their doors, where fitted, are easily accessible.

* * * * *

56. Section 176.27 is revised to read as follows:

§ 176.27 Certificate.

(a) A carrier may not transport a hazardous material by vessel unless a certificate prepared in accordance with § 172.204 of this subchapter has been received.

(b) In the case of an import or export shipment of hazardous materials that will not be transported by rail, highway, or air, the shipper may certify on the bill of lading or other shipping paper that the hazardous material is properly classed, described, marked, packaged, and labeled according to part 172 of this subchapter or in accordance with the requirements of the IMDG Code (IBR, *see* § 171.7 of this subchapter). *See* § 171.12 of this subchapter.

(c)(1) A person responsible for packing or loading a freight container or transport vehicle with packages of hazardous materials for transportation by a manned vessel in ocean or coastwise service, must provide the vessel operator, at the time the shipment is offered for transportation by vessel, with a signed container packing certificate stating, at a minimum, that—

(i) The freight container or transport vehicle is serviceable for the materials loaded therein, contains no incompatible goods, and is properly marked, labeled or placarded, as applicable; and

(ii) When the freight container or transport vehicle contains packages, those packages have been inspected prior to loading, are properly marked, labeled or placarded, as applicable; are not damaged; and are properly secured.

(2) The certification may appear on a shipping paper or on a separate document as a statement, such as "It is declared that the packing of the container has been carried out in accordance with the applicable provisions [of 49 CFR], [of the IMDG Code], or [of 49 CFR and the IMDG Code]."

57. In § 176.63, paragraph (e) is revised to read as follows:

§ 176.63 Stowage locations.

* * * * *

(e) *Closed cargo transport unit,* for the purpose of stowage of Class 1 (explosive) materials on board a vessel, means a unit which fully encloses the contents by permanent structures and can be secured to the ship's structure, and includes a magazine. Cargo transport units with fabric sides or tops are not closed cargo transport units. Where this stowage is specified, stowage in small compartments such as deckhouses and mast lockers are acceptable alternatives. The floor of any closed cargo transport unit or compartment shall either be constructed of wood, close-boarded or so arranged that goods are stowed on sparred gratings, wooden pallets or dunnage. Provided that the necessary additional specifications are met, a closed cargo transport unit may be used for type "A" or "C" class 1 stowage or as a magazine."

* * * * *

58. In § 176.76, paragraphs (h) and (i) are revised to read as follows:

§ 176.76 Transport vehicles, freight containers, and portable tanks containing hazardous materials.

* * * * *

(h) A fumigated cargo transport unit may only be transported on board a vessel subject to the following conditions and limitations:

(1) The fumigated cargo transport unit may be placed on board a vessel only if at least 24 hours have elapsed since the unit was last fumigated;

(2) The fumigated cargo transport unit is accompanied by a document showing the date of fumigation and the type and amount of fumigant used;

(3) Prior to loading, the master is informed of the intended placement of the fumigated cargo transport unit on board the vessel and the information provided on the accompanying document;

(4) Equipment that is capable of detecting the fumigant and instructions for the equipment's use is provided on the vessel;

(5) The fumigated cargo transport unit must be stowed at least 5 m from any opening to accommodation spaces;

(6) Fumigated cargo transport units may only be transported on deck on vessels carrying more than 25 passengers; and

(7) Fumigants may not be added to cargo transport units while on board a vessel.

(i) A cargo transport unit packed or loaded with flammable gas or flammable liquid having a flashpoint below +23 °C transported on deck must be stowed "away from" possible sources of ignition. In the case of container ships, a distance equivalent to one container space athwartships away from possible sources of ignition applied in any direction will satisfy this requirement.

59. In § 176.83:

a. Paragraphs (a)(5), (d), (e), (f)(1), (f)(3), (g)(1), (g)(2), (g)(3) and (l) are revised;

b. The headings to paragraphs (g) and (f) and the title to Table 176.83(g) are revised; and

c. A new paragraph (m) is added.

The revisions and additions read as follows:

§ 176.83 Segregation.

* * * * *

(a) * * *

(5) Whenever hazardous materials are stowed together, whether or not in a cargo transport unit, the segregation of such hazardous materials from others must always be in accordance with the most restrictive requirements for any of the hazardous materials concerned.

* * * * *

(d) *Segregation in cargo transport units:* Two hazardous materials for which any segregation is required may not be stowed in the same cargo transport unit.

(e) *Segregation of hazardous materials stowed as breakbulk cargo from those packed in cargo transport units:* (1) Hazardous materials stowed as breakbulk cargo must be segregated from materials packed in open cargo transport units in accordance with paragraph (c) of this section.

(2) Hazardous materials stowed as breakbulk cargo must be segregated from materials packed in closed cargo transport units in accordance with paragraph (c) of this section, except that:

(i) Where "away from" is required, no segregation between packages and the closed cargo transport units is required; and

(ii) Where "separated from" is required, the segregation between the packages and the closed cargo transport units may be the same as for "away from".

(f) *Segregation of cargo transport units on board container vessels:* (1) Except for hatchless container ships, this paragraph applies to segregation of cargo transport units that are carried on board container vessels, or on other types of vessels, provided these cargo spaces are properly fitted for permanent stowage of containers during transport.

* * * * *

(3) *Segregation Table:* Table § 176.83(f) sets forth the general requirements for segregation between cargo transport units on board container vessels.

* * * * *

(g) *Segregation of cargo transport units on board trailerships and trainships:* (1) The requirements of this paragraph apply to the segregation of cargo transport units which are carried on board trailerships and trainships or in "roll-on/roll-off" cargo spaces.

(2) For trailerships and trainships which have spaces suitable for breakbulk cargo, containers, or any other method of stowage, the appropriate paragraph of this section applies to the relevant cargo space.

(3) *Segregation Table.* Table § 176.83(g) sets forth the general requirements for segregation between transport units on board trailerships and trainships.

TABLE 176.83(g).—SEGREGATION OF CARGO TRANSPORT UNITS ON BOARD TRAILERSHIPS AND TRAINSHIPS

* * * * *

(l) *Segregation of containers on board hatchless (open-top) container ships:* (1) This paragraph applies to the segregation of cargo transport units that are transported on board hatchless container ships provided that the cargo spaces are properly fitted to give permanent stowage of the cargo transport units during transport.

(2) For container ships that have both hatchless container spaces and other spaces suitable for breakbulk cargo, conventional container stowage, or any other method of stowage, the appropriate requirements of this section apply to the relevant cargo space.

(3) *Segregation Table:* Table § 176.83(l)(3) sets forth the general requirements for segregation of cargo transport units on board hatchless container ships.

(4) In Table § 176.83(l)(3), a container space means a distance of not less than 6 m (20 feet) fore and aft or not less than 2.5 m (8 feet) athwartship.

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TABLE 176.83(I) - SEGREGATION OF CARGO TRANSPORT UNITS ON BOARD HATCHLESS CONTAINER SHIPS

SEGREGATION REQUIREMENT	VERTICAL			HORIZONTAL							
	CLOSED VERSUS CLOSED	CLOSED VEPSUS OPEN	OPEN VERSUS OPEN		CLOSED VERSUS CLOSED		CLOSED VERSUS OPEN		OPEN VERSUS OPEN	
					ON DECK	UNDER DECK	ON DECK	UNDER DECK	ON DECK	UNDER DECK
"AWAY FROM" 1.	ONE ON TOP OF THE OTHER PERMITTED	OPEN ON TOP OF CLOSED PERMITTED OTHERWISE AS FOR "OPEN VERSUS OPEN"	NOT IN THE SAME VERTICAL LINE	FORE AND AFT	NO RESTRICTION	NO RESTRICTION	NO RESTRICTION	NO RESTRICTION	ONE CONTAINER SPACE	ONE CONTAINER SPACE OR ONE BULKHEAD
				ATHWART-SHIPS	NO RESTRICTION	NO RESTRICTION	NO RESTRICTION	NO RESTRICTION	ONE CONTAINER SPACE	ONE CONTAINER SPACE
"SEPARATED FROM" 2.	NOT IN THE SAME VERTICAL LINE	AS FOR "OPEN VERSUS OPEN"		FORE AND AFT	ONE CONTAINER SPACE	ONE CONTAINER SPACE OR ONE BULKHEAD	ONE CONTAINER SPACE	ONE CONTAINER SPACE OR ONE BULKHEAD	ONE CONTAINER SPACE AND NOT IN OR ABOVE SAME HOLD	ONE BULKHEAD
				ATHWART-SHIPS	ONE CONTAINER SPACE	ONE CONTAINER SPACE	TWO CONTAINER SPACES	TWO CONTAINER SPACES	TWO CONTAINER SPACES AND NOT IN OR ABOVE SAME HOLD	ONE BULKHEAD
"SEPARATED BY A COMPLETE COMPARTMENT OR HOLD FROM" 3.				FORE AND AFT	ONE CONTAINER SPACE AND NOT IN OR ABOVE SAME HOLD	ONE BULKHEAD	ONE CONTAINER SPACE AND NOT IN OR ABOVE SAME HOLD	ONE BULKHEAD	TWO CONTAINER SPACES AND NOT IN OR ABOVE SAME HOLD	TWO BULKHEADS
				ATHWART-SHIPS	TWO CONTAINER SPACES AND NOT IN OR ABOVE SAME HOLD	ONE BULKHEAD	TWO CONTAINER SPACES AND NOT IN OR ABOVE SAME HOLD	ONE BULKHEAD	THREE CONTAINER SPACES AND NOT IN OR ABOVE SAME HOLD	TWO BULKHEADS

"SEPARATED LONGITUDINALLY BY AN INTERVENING COMPLETE COMPARTMENT OR HOLD FROM"	PROHIBITED	FORE AND AFT	MINIMUM HORIZONTAL DISTANCE OF 24 M AND NOT IN OR ABOVE SAME HOLD	ONE BULKHEAD AND MINIMUM HORIZONTAL DISTANCE OF 24 M*	MINIMUM HORIZONTAL DISTANCE OF 24 M AND NOT IN OR ABOVE SAME HOLD	TWO BULKHEADS	MINIMUM HORIZONTAL DISTANCE OF 24 M AND NOT IN OR ABOVE SAME HOLD	TWO BULKHEADS
4.		ATHWART-SHIPS	PROHIBITED	PROHIBITED	PROHIBITED	PROHIBITED	PROHIBITED	PROHIBITED

* Containers not less than 6 m (20 feet) from intervening bulkhead.
Note: All bulkheads and decks must be resistant to fire and liquid.

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(m) *Provisions for segregation groups:* (1) For the purpose of segregation, materials having certain similar chemical properties have been grouped together in segregation groups. The segregation groups (such as "acids", "chlorates", "permanganates") and the entries allocated to each of these groups include the substances identified in section 3.1.4 of the IMDG Code. When column (10B) of the § 172.101 Table refers to a numbered stowage provision set forth in § 176.84(b) such as "Stow "away from" acids", that particular stowage/segregation requirement applies to all the materials allocated to the respective segregation group.

(2) Not all hazardous materials falling within a segregation group are listed by name in the regulations. These materials are shipped under "n.o.s." entries. Although these "n.o.s." entries are not listed themselves in the above groups, the shipper must decide whether allocation under a segregation group is appropriate. Mixtures, solutions or preparations containing hazardous materials falling within a segregation group and shipped under an "n.o.s." entry are also considered to fall within that segregation group.

(3) The segregation groups described above do not address materials which fall outside the classification criteria of the hazardous materials regulations although it is recognized that some non-hazardous materials have certain chemical properties similar to hazardous materials listed in the segregation groups. A shipper or the person responsible for packing the materials into a cargo transport unit who does have knowledge of the chemical properties of such non-hazardous materials may identify a relevant segregation group and apply the segregation requirements for that segregation group.

60. In § 176.84, paragraph (a) is revised, in paragraph (b), Table of provisions, eleven new entries are added in appropriate numerical order and in paragraph (c)(2), three notes in the Provisions for the stowage of Class 1 (explosive) materials table are revised to read as follows:

§ 176.84 Other requirements for stowage and segregation for cargo vessels and passenger vessels.

(a) *General.* When Column 10B of the § 172.101 Table refers to a numbered or alpha-numeric stowage provision for water shipments, the meaning and requirements of that provision are set forth in this section. Terms in quotation marks are defined in § 176.83. Other terms used in the table in this section such as "acids", "chlorates" and "permanganates" indicate different chemical groups referred to here as segregation groups. Materials falling within a segregation group are considered to have certain similar chemical properties and, although not exhaustive in nature, the materials belonging to each group include those substances identified in section 3.1.4 of the IMDG Code as set forth in § 176.83(m).

(b) * * *

Code	Provisions
*	* * * * *
133 ...	Stow "separated from" sulfur.
134 ...	Stow "separated from" UN2716.
135 ...	Stow "Separated from" mercury and mercury compounds.
136 ...	Stow "Separated from" carbon tetrachloride.
137 ...	For arsenic sulphides, Stow "separated from" acids.
138 ...	Stow "Separated from" peroxides.
139 ...	Stow "Separated from" mercury salts.
140 ...	Stow "Separated from" UN3052 and UN3461.
141 ...	Stow "away from" radioactive materials.
142 ...	Packages in cargo transport units must be stowed so as to allow for adequate air circulation throughout the cargo.
143 ...	Prohibited on any vessel carrying explosives (except explosives in Division 1.4, Compatibility group S).
*	* * * * *

* * * * *

(c) * * *

(2) * * *

Note	Provision
*	* * * * *
19E	"Away from" explosives containing chlorates or perchlorates.
*	* * * * *
22E	"Away from" ammonium compounds and explosives containing ammonium compounds or salts.
23E	"Separated from" Division 1.4 and "separated longitudinally by an intervening complete compartment or hold from" Division 1.1, 1.2, 1.3, 1.5, and 1.6 except from explosives of compatibility group J.
*	* * * * *

* * * * *

61. In § 176.116, paragraph (c) is revised and a new paragraph (f) is added to read as follows:

§ 176.116 General stowage conditions for Class 1 (explosive) materials.

* * * * *

(c) *Security:* All compartments, magazines, and cargo transport units containing Class 1 (explosive) materials must be locked or suitably secured in order to prevent unauthorized access.

* * * * *

(f) *Under deck stowage of Class 1 (explosive) materials allocated stowage categories 09 and 10:*

(1) These Class 1 (explosive) materials must not be stowed in the same compartment or hold with other cargo that is readily combustible (such as items packaged in straw).

(2) The position of stowage of these Class 1 (explosive) materials must be such as to maintain direct access to the hatchway by not overstowing with other cargo except for other Class 1 (explosive) materials.

(3) In all cases, all cargo within the compartment or hold, including Class 1 (explosive) materials stowed in cargo transport units, must be secured so as to eliminate the possibility of significant movement. Where an entire deck is used as a magazine, the stowage must be so arranged that the Class 1 (explosive) materials stowed therein must be removed from the ship before working any cargo in any decks above or below the space in the same hold.

§ 176.122 [Removed and Reserved]

62. Section 176.122 is removed and reserved.

§ 176.124 [Removed and Reserved]

63. Section 176.124 is removed and reserved.

64. Section 176.128 is revised to read as follows:

§ 176.128 Magazine stowage types "A", "C" and Special Stowage.

(a) The stowage arrangements of Class 1 (explosive) substances and certain articles are subject to varying levels of containment, (except for compatibility group S substances), when stowed below deck. The levels are dependent on the hazard presented and the nature of the particular explosives involved. Columns (10A) and (10B) of the Hazardous Materials Table specify the stowage applicable to each substance or article. The different levels of containment are defined below as "A", "C" and "Special".

(b) *Magazine stowage type "A".* Magazine stowage type A is required for those substances that must be kept clear of steelwork.

(c) *Magazine stowage type "C".* Magazine stowage type C is required for those substances in compatibility group A.

(d) *Special Stowage.* Special Stowage is required for Explosive substances,

n.o.s. in compatibility groups G or L, and for articles in compatibility groups G, H, L and K, which are particularly hazardous.

§ 176.132 [Removed and Reserved]

65. Section 176.132 is removed and reserved.

66. Section 176.133 is revised to read as follows:

§ 176.133 Magazine stowage Type C.

The construction requirements for magazine stowage type C are the same as for a closed cargo transport unit in § 176.63(e). In addition, the magazine must be located as near as practicable to the centerline of the vessel and must not be closer to the vessel's side than a distance equal to one-eighth of the vessel's beam or 2.4 m (8 feet), whichever is less.

67. Section 176.136 is revised to read as follows:

§ 176.136 Special stowage.

(a) Special stowage is required for certain articles presenting both explosive and chemical hazards, such as smoke or lachrymatory (compatibility group G or H), toxic (compatibility group K), or substances and articles which present a special risk (compatibility group L). Except as permitted in paragraph (c) of this section, Class 1 (explosive) materials requiring special stowage must be stowed on deck unless such stowage is impracticable and the COTP authorizes special stowage below deck. Where on deck stowage is recommended and an alternative stowage below deck is permitted by the COTP, the stowage must always be subject to special stowage.

(b) Class 1 (explosive) materials for which special stowage is required must be stowed as far away as practicable from living, accommodation, and working areas, and may not be overstowed. Closed cargo transport units in which such Class 1 (explosive) materials are stowed may not be located closer to the vessel's side than a distance equal to one-eighth of the vessel's beam or 2.4 m (8 feet), whichever is less.

(c) Class 1 (explosive) materials in compatibility groups G and H may be transported in steel magazines or in freight containers. If a freight container is used for this purpose, the floor of the freight container must be leakproof; for example, an all-metal container may be used and a fillet of cement or other material worked across the bottom of the door opening.

(d) Class 1 (explosive) materials stowed in one compartment may not be of more than one compatibility group, except the COTP may allow Class 1 (explosive) materials of compatibility groups G and H in separate steel magazines to be stowed in the same compartment, not less than 3 m (10 feet) apart.

(e) Class 1 (explosive) materials in compatibility groups K and L must be stowed in a steel magazine regardless of the stowage position in the vessel.

68. In § 176.138, paragraph (a) is revised to read as follows:

§ 176.138 Deck stowage.

(a) [Reserved]

* * * * *

69. In § 176.142, paragraph (a) is revised to read as follows:

§ 176.142 Hazardous materials of extreme flammability.

(a) Except as allowed by paragraph (b) of this section, certain hazardous materials of extreme flammability may not be transported in a vessel carrying Class 1 (explosive) materials. This prohibition applies to the following liquid hazardous materials:

Carbon disulfide	UN1131	Class 3
Diethylzinc	UN1366	Division 4.2
Dimethylzinc	UN1370	Division 4.2
Magnesium alkys	UN3053	Division 4.2
Methyl phosphonous di-chloride, *pyrophoric liquid*	NA2845	Division 6.1
Nickel carbonyl	UN1259	Division 6.1
Pyrophoric liquid, inorganic, n.o.s.	UN3194	Division 4.2
Pyrophoric liquid, organic, n.o.s.	UN2845	Division 4.2
Organometallic substance, liquid, pyrophoric.	UN3392	Division 4.2
Organometallic substance, liquid, pyrophoric, water-reactive.	UN3394	Division 4.2

* * * * *

70. In § 176.144, paragraphs (a), (b), (c) and (e) are revised to read as follows:

§ 176.144 Segregation of Class 1 (explosive) materials.

(a) Except as provided in § 176.145 of this subchapter, stowage of Class 1 (explosive) materials within the same compartment, magazine, or cargo transport unit is subject to provisions contained in table 176.144(a).

TABLE 176.144(A).—AUTHORIZED MIXED STOWAGE FOR EXPLOSIVES

[An "X" indicates that explosives in the two different compatibility groups reflected by the location of the "X" may not be stowed in the same compartment, magazine, or cargo transport unit]

Compatibility groups	A	B	C	D	E	F	G	H	J	K	L	N	S
A	.....	X	X	X	X	X	X	X	X	X	X	X	X
B	X	.....	X	X	X	X	X	X	X	X	X	X	
C	X	X	.....	.....	.....	X	1	X	X	X	X		
D	X	X	.....	.....	.....	X	1	X	X	X	X		
E	X	X	.....	.....	.....	X	1	X	X	X	X		
F	X	X	X	X	X	.....	X	X	X	X	X	X	
G	X	X	1	1	1	X	.....	X	X	X	X	X	
H	X	X	X	X	X	X	X	.....	X	X	X	X	
J	X	X	X	X	X	X	X	X	.....	X	X	X	
K	X	X	X	X	X	X	X	X	X	.....	X	X	
L	X	X	X	X	X	X	X	X	X	X	2	X	X
N	X	X	X	.....	.....	X	X	X	X	X	X		

TABLE 176.144(A).—AUTHORIZED MIXED STOWAGE FOR EXPLOSIVES—Continued

[An "X" indicates that explosives in the two different compatibility groups reflected by the location of the "X" may not be stowed in the same compartment, magazine, or cargo transport unit]

Compatibility groups	A	B	C	D	E	F	G	H	J	K	L	N	S
S	X	.....	.....	.....	.....	.....	.....	.....	.....	.....	X		

NOTES: 1. Explosive articles in compatibility group G, other than fireworks and those requiring special stowage, may be stowed with articles of compatibility groups C, D, and E, provided no explosive substances are carried in the same compartment, magazine or cargo transport unit.

2. Explosives in compatibility group L may only be stowed in the same compartment, magazine or cargo transport unit with identical explosives within compatibility group L.

3. Different types of articles of Division 1.6, compatibility group N, may only be transported together when it is proven that there is no additional risk of sympathetic detonation between the articles. Otherwise they must be treated as division 1.1.

4. When articles of compatibility group N are transported with articles or substances of compatibility groups C, D or E, the goods of compatibility group N must be treated as compatibility group D.

5. When articles of compatibility group N are transported together with articles or substances of compatibility group S, the entire load must be treated as compatibility group N.

6. Any combination of articles in compatibility groups C, D and E must be treated as compatibility group E. Any combination of substances in compatibility groups C and D must be treated as the most appropriate compatibility group shown in Table 2 of § 173.52 taking into account the predominant characteristics of the combined load. This overall classification code must be displayed on any label or placard on a unit load or cargo transport unit as prescribed in subpart E (Labeling) and subpart F (Placarding).

(b) Where Class 1 (explosive) materials of different compatibility groups are allowed to be stowed in the same compartment, magazine, or cargo transport unit, the stowage arrangements must conform to the most stringent requirements for the entire load.

(c) Where a mixed load of Class 1 (explosive) materials of different hazard divisions and/or stowage arrangements is carried within a compartment, magazine, or cargo transport unit, the entire load must be treated as belonging to the hazard division having the greatest hazard. (For example, if a load of Division 1.1 (explosive) materials is mixed with Division 1.3 (explosive) materials, the load is treated as a Division 1.1 (explosive) material as defined in § 173.50(b) of this subchapter and the stowage must conform to the most stringent requirements for the entire load).

* * * * *

(e) Segregation on deck: When Class 1 (explosive) materials in different compatibility groups are carried on deck, they must be stored not less than 6 m (20 feet) apart unless they are allowed under Table 176.144(a) to be stowed in the same compartment, magazine, or cargo transport unit.

* * * * *

71. In § 176.146, paragraph (d)(1) is revised to read as follows:

§ 176.146 Segregation from non-hazardous materials.

* * * * *

(d) In order to avoid contamination:

(1) An explosive substance or article which has a secondary POISON hazard label must be stowed "separated from" all foodstuffs, except when such materials are stowed in separate closed cargo transport units, the requirements for "away from" segregation apply.

* * * * *

§ 176.168 [Amended]

72. The undesignated center heading before § 176.168 is revised to read "CARGO TRANSPORT UNITS AND SHIPBORNE BARGES".

73. In § 176.170, a new paragraph (b) is added to read as follows:

§ 176.170 Transport of Class 1 (explosive) materials in freight containers.

* * * * *

(b) Freight containers loaded with Class 1 (explosive) materials, except for explosives in Division 1.4, must not be stowed in the outermost row of containers.

* * * * *

74. In § 176.174, paragraphs (a) and (b) are revised to read as follows:

§ 176.174 Transport of Class 1 (explosive) materials in shipborne barges.

(a) Fixed magazines may be built within a shipboard barge. Freight containers may be used as magazines within a barge.

(b) Shipborne barges may be used for the carriage of all types of Class 1 (explosive) materials. When carrying Class 1 (explosive) materials requiring special stowage, the following requirements apply:

(1) Class 1 (explosive) materials in compatibility group G or H must be stowed in freight containers.

(2) Class 1 (explosive) materials in compatibility group K or L must be stowed in steel magazines.

* * * * *

§ 176.600 [Amended]

75. In § 176.600, in paragraph (a), in the last sentence, the wording "closed transport units" is removed and the wording "closed cargo transport units" is added in its place.

PART 178—SPECIFICATIONS FOR PACKAGINGS

76. The authority citation for part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

77. In § 178.274, paragraph (f)(1)(v) is revised to read as follows:

§ 178.274 Specifications for UN portable tanks.

* * * * *

(f) * * *

(1) * * *

(v) The rated flow capacity of the spring loaded pressure relief devices, frangible disc or fusible elements in standard cubic meters of air per second (m^3/s). For spring loaded pressure relief device the rated flow capacity shall be determined according to ISO 4126–1 (IBR, *see* § 171.1 of this subchapter); and

* * * * *

78. In § 178.275, paragraph (i)(2) is revised to read as follows:

§ 178.275 Specification for UN Portable Tanks Intended for the transportation of liquid and solid hazardous materials.

* * * * *

(i) * * *

(2) The combined delivery capacity of the pressure relief system (taking into account the reduction of the flow when the portable tank is fitted with frangible-discs preceding spring-loaded pressure-relief devices or when the spring-loaded pressure-relief devices are provided with a device to prevent the passage of the flame), in condition of complete fire engulfment of the portable tank must be sufficient to limit the pressure in the shell to 20% above the start to discharge pressure limiting device (pressure relief device). The total required capacity of

the relief devices may be determined using the formula in paragraph (i)(2)(i)(A) of this section or the table in paragraph (i)(2)(iii) of this section.

* * * * *

79. In § 178.276, paragraphs (a)(4)(ii)(A), (d), and (e)(3) are revised to read as follows:

§ 178.276 Requirements for the design, construction, inspection and testing of portable tanks intended for the transportation of non-refrigerated liquefied compressed gases.

* * * * *

(a) * * *

(4) * * *

(ii) * * *

(A) Not less than the pressure specified for each liquefied compressed gas listed in the UN Portable Tank Table for Liquefied Compressed Gases in § 173.313; and

* * * * *

(d) *Bottom openings.* Bottom openings are prohibited on portable tanks when the UN Portable Tank Table for Liquefied Compressed Gases in § 173.313 of this subchapter indicates that bottom openings are not allowed. In this case, there may be no openings located below the liquid level of the shell when it is filled to its maximum permissible filling limit.

(e) * * *

(3) A portable tank intended for the transportation of certain liquefied compressed gases identified in the UN Portable Tank Table for Liquefied Compressed Gases in § 173.313 of this subchapter must have a pressure relief device which conforms to the requirements of this subchapter. Unless a portable tank, in dedicated service, is fitted with a relief device constructed of materials compatible with the hazardous material, the relief device must be comprised of a frangible disc preceded by a reclosing device. The space between the frangible disc and the device must be provided with a pressure gauge or a suitable tell-tale indicator. This arrangement must facilitate the detection of disc rupture, pinholing or leakage which could cause a malfunction of the pressure relief device. The frangible disc must rupture at a nominal pressure 10% above the start-to-discharge pressure of the relief device.

* * * * *

80. In § 178.602, paragraph (b) is revised to read as follows:

§ 178.602 Preparation of packagings and packages for testing.

* * * * *

(b) For the drop and stacking test, inner and single-unit receptacles other than bags must be filled to not less than 95% of maximum capacity (see § 171.8 of this subchapter) in the case of solids and not less than 98% of maximum in the case of liquids. Bags shall be filled to the maximum mass at which they may be used. The material to be transported in the packagings may be replaced by a non-hazardous material, except for chemical compatibility testing or where this would invalidate the results of the tests.

* * * * *

81. In § 178.603, paragraphs (c)(1) and (e)(2) are revised to read as follows:

§ 178.603 Drop test.

* * * * *

(c) *Special preparation of test samples for the drop test.*

(1) Testing of plastic drums, plastic jerricans, plastic boxes other than expanded polystyrene boxes, composite packagings (plastic material), and combination packagings with plastic inner packagings other than plastic bags intended to contain solids or articles must be carried out when the temperature of the test sample and its contents has been reduced to –18 °C (0 °F) or lower. Test liquids must be kept in the liquid state, if necessary, by the addition of anti-freeze. Water/anti-freeze solutions with a minimum specific gravity of 0.95 for testing at –18 °C (0 °F) or lower are considered acceptable test liquids. Test samples prepared in this way are not required to be conditioned in accordance with § 178.602(d).

* * * * *

(e) * * *

* * * * *

(2) For liquids in single packagings and for inner packagings of combination packagings, if the test is performed with water:

* * * * *

82. In § 178.810, paragraph (b)(3) is revised to read as follows:

§ 178.810 Drop test.

* * * * *

(b) *Special preparation for the drop test.*

* * * * *

(3) Rigid plastic IBCs and composite IBCs with plastic inner receptacles must be conditioned for testing by reducing the temperature of the packaging and its contents to –18 °C (0 °F) or lower. Test liquids must be kept in the liquid state, if necessary, by the addition of anti-freeze. Water/anti-freeze solutions with a minimum specific gravity of 0.95 for testing at –18 °C (0 °F) or lower are considered acceptable test liquids. IBCs conditioned in this way are not required to be conditioned in accordance with § 178.802.

* * * * *

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

83. The authority citation for part 180 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

84. In § 180.350, paragraph (c) is revised to read as follows:

§ 180.350 Applicability and definitions.

* * * * *

(c) Routine maintenance of IBCs is the routine performance on:

(1) Metal, rigid plastic or composite IBCs of operations such as:

(i) Cleaning;

(ii) Removal and reinstallation or replacement of body closures (including associated gaskets), or of service equipment conforming to the original manufacturer's specifications provided that the leaktightness of the IBC is verified; or

(iii) Restoration of structural equipment not directly performing a hazardous material containment or discharge pressure retention function so as to conform to the design type (for example, the straightening of legs or lifting attachments), provided the containment function of the IBC is not affected.

(2) Plastics or textile flexible IBCs of operations, such as:

(i) Cleaning; or

(ii) Replacement of non-integral components, such as non-integral liners and closure ties, with components conforming to the original manufacturer's specification; provided that these operations do not adversely affect the containment function of the flexible IBC or alter the design type.

85. In § 180.352, paragraph (d)(1)(iv) is revised and a new paragraph (d)(1)(v) is added to read as follow:

§ 180.352 Requirements for retest and inspection of IBCs.

* * * * *

(d) * * *

(1) * * *

(iv) Except for routine maintenance of metal, rigid plastics and composite IBCs performed by the owner of the IBC, whose State and name or authorized symbol is durably marked on the IBC, the party performing the routine maintenance shall durably mark the IBC near the manufacturer's UN design type marking to show the following:

(A) The County in which the routine maintenance was carried out; and

(B) The name or authorized symbol of the party performing the routine maintenance.

(v) Retests and inspections performed in accordance with paragraphs (d)(1)(i) and (ii) of this section may be used to satisfy the requirements for the 2.5 and five year periodic tests and inspections required by paragraph (b) of this section, as applicable.

* * * * *

Issued in Washington, DC on May 26, 2004, under authority delegated in 49 CFR part 106.

Frits Wybenga,

Deputy Associate Administrator for Hazardous Materials Safety.

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Federal Register

Tuesday,
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Part III

Securities and Exchange Commission

17 CFR Parts 232, 240, and 249
Removal From Listing and Registration of Securities Pursuant to Section 12(d) of the Securities Exchange Act of 1934; Proposed Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 232, 240, and 249

[Release No. 34–49858; File No. S7–25–04]

RIN 3235–AJ04

Removal From Listing and Registration of Securities Pursuant to Section 12(d) of the Securities Exchange Act of 1934

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Securities and Exchange Commission ("Commission") is proposing to streamline the procedures for removing from listing, and/or withdrawing from registration, securities under Section 12(b) of the Securities Exchange Act of 1934 ("Exchange Act"). Specifically, the Commission is proposing amendments to its rules and Form 25 so that the Commission would no longer issue an order to remove a security from listing and/or registration on a national securities exchange. Instead, all issuers and national securities exchanges seeking to delist and deregister a security in accordance with the rules of an exchange and the Commission would file a Form 25 with the Commission. The Commission is also proposing to require exchanges to file the revised Form 25 as notice to the Commission under Section 19(d) of the Exchange Act. In addition, the Commission is proposing to require mandatory electronic filing of the revised Form 25. Finally, the Commission is proposing to exempt options and security futures from Section 12(d) of the Exchange Act. The proposed amendments would reduce the regulatory burdens on exchanges and issuers, and make more information on delisting and deregistration publicly available on one central database for the convenience of investors and other members of the public.

DATES: Comments should be submitted on or before July 22, 2004.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/proposed.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number S7–25–04 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number S7–25–04. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/proposed.shtml*). Comments are also available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Sharon Lawson, Senior Special Counsel, at (202) 942–0182, Susie Cho, Special Counsel, at (202) 942–0748, Lisa Jones, Special Counsel, at (202) 942–0063, and Ian Patel, Attorney, at (202) 942–0089, Division of Market Regulation; and Robert Plesnarski, Deputy Chief Counsel, at (202) 942–2900, Division of Corporation Finance; at the Securities and Exchange Commission, 450 Fifth Street, NW., Washington DC 20549.

SUPPLEMENTARY INFORMATION: The Commission is proposing to amend Rule 101 of Regulation S–T, 17 CFR 232.101; and Rule 12d2–2, 17 CFR 240.12d2–2, Form 25, 17 CFR Part 249.25, and Rule 19d–1, 17 CFR 240.19d–1 under the Exchange Act.

I. Background

Section 12(a) of the Exchange Act [1] makes it unlawful for any member, broker, or dealer to effect any transaction in any security (other than an exempted security) on a national securities exchange unless the security is registered on that exchange in accordance with the provisions of the Exchange Act and the rules thereunder. Section 12(d) of the Exchange Act [2] provides that a security registered with a national securities exchange may be withdrawn or stricken from listing and registration on an exchange in accordance with the rules of the exchange, and upon such terms as the Commission may deem necessary, upon application by the issuer or the exchange to the Commission.[3]

Rule 12d2–2 [4] and Form 25 [5] under the Exchange Act set forth the conditions and procedures under which a security may be delisted from a national securities exchange and withdrawn from registration under Section 12(b) of the Exchange Act. First, the Rule requires an exchange to file an application on Form 25 with the Commission as notification of the removal from listing and registration of a security where the entire security class is matured, redeemed, retired, or extinguished by operation of law.[6]

[1] 15 U.S.C. 78*l*(a).

[2] 15 U.S.C. 78*l*(d).

[3] The Commission views a security's withdrawal to be the same as a security's termination of registration.

[4] 17 CFR 240.12d2–2. *See* Securities Exchange Act Release No. 98 (February 12, 1935) (adopting Rule JD2, the predecessor to Rule 12d2–2). Rule 12d2–2 was most recently amended in 1963. *See* Securities Exchange Act Release No. 7011 (February 5, 1963).

[5] 17 CFR 249.25. *See* Securities Exchange Act Release No. 4706 (April 16, 1952).

[6] 17 CFR 240.12d2–2(a)(1)–(a)(4). The Form 25 provides the Commission with the name of the security to be removed from listing and registration, the effective date, which must be at least 10 days from the date the Form is filed with the Commission, and the date and type of event predicating the delisting and deregistration.

Second, an exchange may strike a security from listing and registration under Rule 12d2–2, if: (1) trading in such security has been terminated pursuant to a rule of such exchange requiring such termination whenever the security is admitted to trading on another exchange; and (2) listing and registration of such security has become effective on such other exchange.[7]

Third, an exchange may file a written application with the Commission to delist and deregister securities that have fallen below the exchange's listing standards.[8] The Rule requires the Commission to grant the application unless the Commission, by written notice to the exchange, postpones the effective date for a period of not more than 60 days. The Commission may also order a hearing on the application to determine whether the exchange's application is in accordance with the exchange's rules or what terms the Commission should impose for the protection of investors. The Commission's Division of Market Regulation may approve delisting applications by delegated authority.[9] Any person aggrieved by an action made by delegated authority may seek Commission review of the action.[10] Thereafter, an aggrieved party may seek review in the U.S. Court of Appeals.[11]

Fourth, an issuer may file a written application under Rule 12d2–2 with the Commission to voluntarily withdraw its security from listing on an exchange and registration under Section 12(b) in accordance with the rules of such exchange. The Commission publishes the issuer's application in the **Federal Register** for comment, and any interested person may submit to the Commission in writing all facts bearing upon whether the application to withdraw the security from listing and registration has been made in accordance with the rules of the exchange and what terms should be imposed by the Commission for the protection of investors. Prior to issuing an order, the Commission may also order a hearing on the matter and can impose such terms as necessary for the protection of investors.[12] After expiration of the comment period, the Commission, pursuant to delegated authority, issues an order based on the application and any comments.[13] As is the process with all decisions of the Commission made pursuant to delegated authority, an aggrieved party may petition the Commission for review of the delisting order and, thereafter, may seek review of the order in the U.S. Court of Appeals.[14]

Finally, the Rule provides that within 30 days after the publication of any rule or regulation which substantially alters or adds to the obligations, or detracts from the rights, of an issuer of a security registered pursuant to application under Section 12(b) or (c) of the Exchange Act, or of its officers, directors, or security holders, or of persons soliciting or giving any proxy or consent or authorization with respect to such security, the issuer may file with the Commission a request that such registration shall expire.[15] The issuer shall accompany such request with a written explanation of the reasons why the publication of such rule or regulation leads the issuer to make such request. Such registration shall expire immediately upon receipt of such request or immediately before such rule or regulation becomes effective, whichever date is later.

II. Need for Proposed Changes to Rule 12d2–2 and Form 25

Rule 12d2–2 under the Exchange Act was adopted at a time when delisting from an exchange had broad ramifications for shareholders, because of the lack of alternative markets. Indeed, early on, many exchange delistings were only approved after a hearing before the Commission.[16]

Today, the delisting process has been delegated to the Commission's Division of Market Regulation, which approves delisting applications pursuant to its delegated authority.[17] While delisting can still have a major impact on an issuer and its shareholders, under the current market structure, delisting on one market does not necessarily mean that shareholders would be unable to trade an issuer's securities in another market environment.

In the past several years, the number of delisting applications has been significant, placing burdens on exchanges and issuers. In 2002, there were a total of 862 delistings, with the Commission receiving 474 Forms 25, 266 delisting applications from exchanges, and 62 voluntary delisting applications from issuers. In 2003, the Commission received a total of 799 delistings, which included 547 Forms 25, 190 delisting applications from exchanges, and 57 voluntary delisting applications from issuers. Although Rule 12d2–2 does not provide any procedures for persons to request a hearing on an exchange's delisting application or issuer's withdrawal application, the Commission has the discretion to order a hearing to determine whether the application to strike the security from listing and registration has been made in accordance with the rules of the exchange, or what terms should be imposed by the Commission for the protection of investors.[18] In addition, Rule 12d2–2(d) states that interested persons may submit written comments on an issuer's withdrawal application. However, the Commission rarely receives comments on issuer withdrawal applications. As noted above, the Commission, by delegated authority, approves the delisting applications that have been filed by exchanges and issuers.

In addition to paperwork burdens on exchanges and issuers, the delisting process is decentralized and confusing to members of the public who seek information on the registration and deregistration of a security. For instance, an issuer who seeks to register a class of its securities under Section 12(b) of the Exchange Act, generally files a Form 8–A [19] on the Commission's Electronic Data Gathering, Analysis, and

However, where the security is being delisted pursuant to Rule 12d2–2(a)(3), because the instruments representing the securities comprising the entire class have come to evidence, by operation of law or otherwise, other securities in substitution therefor, and a successor security is going to be admitted under the temporary exemption provided for by Rule 12a–5, 17 CFR 240.12a–5, the effective date of the Form 25 can only be on or after the date that the successor security has been removed from its exempt status. 17 CFR 240.12d2–2(a)(1)–(a)(4).

[7] 17 CFR 240.12d2–2(b).

[8] 17 CFR 240.12d2–2(c).

[9] 17 CFR 200.30–3(a)(1).

[10] 17 CFR 201.430(a).

[11] 15 U.S.C. 78y.

[12] 15 U.S.C. 78*l*; 17 CFR 240.12d2–2(d).

[13] 17 CFR 240. 12d2–2(d). *See supra* note.

[14] 15 U.S.C. 78y.

[15] 17 CFR 240.12d2–2(f).

[16] *See e.g.*, Securities Exchange Act Release No. 1032 (January 25, 1937); Securities Exchange Act Release No. 1549 (January 25, 1938); Securities Exchange Act Release No. 1563 (February 3, 1938); Securities Exchange Act Release No. 3446 (June 12, 1943); and Securities Exchange Act Release No. 3519 (December 10, 1943).

[17] *See e.g.*, Securities Exchange Act Release No. 48422 (August 29, 2003); Securities Exchange Act Release No. 48297 (August 7, 2003); and Securities Exchange Act Release No. 48291 (August 5, 2003).

[18] 15 U.S.C. 78*l*(d); 17 CFR 240.12d2–2(c) and (d).

[19] Form 8–A may be used for registration pursuant to Exchange Act Section 12(b) or 12(g) of any class of securities of any issuer which is required to file reports pursuant to Section 13 or 15(d) of the Exchange Act or pursuant to an order exempting the exchange on which the issuer has securities listed from registration as a national securities exchange. Small business issuers may use Form 10–SB to register a class of securities under Section 12(b) or 12(g). 17 CFR 249.210b. Form 10 is the general form used for registration pursuant to Section 12(b) or 12(g) by an issuer ineligible to use Form 8–A or 10–SB. 17 CFR 249.210. Foreign private issuers may use Form 20F to register a class of securities under Section 12(b) or 12(g). 17 CFR 249.220f.

Retrieval ("EDGAR") system.[20] At present, no further information about changes to a security's Section 12(b) registration status is required to be filed on EDGAR.[21] Thus, while a search of current issuers on EDGAR may show what looks like an effective Form 8-A registration statement indicating that a class of securities currently is registered under Section 12, the Commission may have issued an order approving the delisting and deregistration of the security. However, the delisting order, though publicly available, is not available on EDGAR.

The exchange delisting process differs from the procedures applicable to the delisting of securities from The Nasdaq Stock Market, Inc. ("Nasdaq"). Section 12(d) of the Exchange Act does not apply to the National Association of Securities Dealers, Inc. ("NASD"), because the NASD is not a registered national securities exchange. Instead, the NASD delists securities solely pursuant to its rules that have been approved under Section 19(b) of the Exchange Act.[22] After such a security has been delisted, the NASD files the notice of its determination to the Commission pursuant to Section 19(d) of the Exchange Act[23] and Rule 19d–1 under the Exchange Act.[24]

A delisting determination by the NASD is reviewable upon appeal to the Commission.[25] Under Rule 420(c) of the Commission's Rules of Practice, filing an application for review with the Commission shall not operate as a stay of the NASD's delisting determination, unless the Commission orders a stay pursuant to a motion of the applicant or on the Commission's own motion.[26] The Commission's review of the delisting determination proceeds under Section 19(f) of the Exchange Act.[27] In general, on review of the NASD's action, the Commission determines whether the specific grounds on which the action is based exist in fact, whether such action is in accordance with applicable NASD rules, and whether those rules are, and were applied, consistent with the purpose of the federal securities laws.[28] Moreover, the Commission has stated that the NASD's primary consideration in determining whether to remove a security must be the interests of prospective investors.[29] An issuer may voluntarily terminate its listing upon written notice to Nasdaq.[30] An issuer that has been delisted by the NASD may be able to, but is not required to, terminate its registration under Section 12(g) of the Exchange Act[31] by filing Form 15 with the Commission.[32] This filing also immediately suspends the issuer's duty to file reports under Sections 13[33] and 15(d)[34] of the Exchange Act.[35]

III. Discussion

The Commission proposes to amend Rule 12d2–2, Rule 19d–1, and Form 25 under the Exchange Act, and Rule 101[36] of Regulation S–T. Under the proposal, exchanges and issuers would follow the rules of the applicable national securities exchange regarding the delisting of securities, after which the exchange or issuer would file the Form 25 with the Commission to remove the security from listing and/or withdraw it from registration under Section 12(b) of the Exchange Act and Rule 12d2–2 thereunder.[37] In addition, the Commission is proposing to exempt standardized options and security futures from the delisting and withdrawal from registration procedures set forth in Section 12(d) of the Exchange Act and Rule 12d2–2. Finally, under the proposal, revised Form 25 would provide notice to the Commission under Section 19(d)(1) and Rule 19d-1 under the Exchange Act of a denial of access to services of the Exchange.[38]

The proposed amendments would, in general, reduce the regulatory burdens on exchanges and issuers that exist under the current regulatory process. The proposal would also make more information on delisting and deregistration publicly available on one central database, EDGAR, for the convenience of investors and other members of the public.[39] The changes being proposed for delisting exchange-listed securities, while not identical, would make the procedure similar to that in place today for delisting securities approved for inclusion on Nasdaq. The Commission believes that the proposal would make the delisting process for exchange-listed securities more transparent and efficient, and that the proposal's requirements are necessary for the protection of investors. The Commission also believes that the proposal would reduce uncertainty to issuers, exchanges, and the public as to the timing and status of a security because delisting and deregistration would be accomplished by the electronic filing of revised Form 25, instead of by Commission order.[40]

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[20] EDGAR is the electronic data gathering, analysis and retrieval system of the Commission that enables registered companies and other persons to file their securities documents with the Commission in an electronic format.

[21] The Commission notes that currently the filing of Form 25 on EDGAR is voluntary and not required. *See infra* note and accompanying text.

[22] 15 U.S.C. 78s(b).

[23] 15 U.S.C. 78s(d).

[24] 17 CFR 240.19d–1. Section 19(d) of the Act, 15 U.S.C. 78s(d), and Rule 19d–1 thereunder, 17 CFR 240.19d–1, provide that a self-regulatory organization ("SRO") shall file with the Commission a notice of, among other things, any final disciplinary actions, denials, bars, or limitations respecting membership, association, participation, or access to services.

[25] Under Section 19(d)(2), any action for which an SRO is required to file notice under Section 19(d)(1) is subject to review by the appropriate regulatory agency, on its own motion, or upon application by any person aggrieved thereby.

[26] 17 CFR 201.420(c).

[27] 15 U.S.C. 78s(f).

[28] *See e.g., Prairie Pacific Energy Corp.*, Securities Exchange Act Release No. 37919A (November 6, 1996).

[29] *See DBH Capital Group, Inc.*, Securities Exchange Act Release No. 37069 (April 5, 1996).

[30] *See* NASD Rule 4480(b).

[31] 15 U.S.C. 78*l*(g).

[32] Note, however, that upon removal from Nasdaq, an issuer is not required to file a Form 15. If, for example, it wishes to be quoted on the OTC Bulletin Board, it likely would remain registered under Section 12(g). NASD Rule 6510 requires an issuer to be "*required* to file reports pursuant to Sections 13 or 15(d) of the Exchange Act" as a condition to being eligible to be quoted on the OTC Bulletin Board. An issuer subject solely to reporting requirements under Section 15(d) may have its reporting requirement automatically suspended under Section 15(d), notwithstanding the issuer's continued voluntary filing of reports, and therefore not be eligible to be quoted on the OTC Bulletin Board. *See* 15 U.S.C. 78*o*(d). Therefore, upon removal from Nasdaq, there is no assurance that any public notice is made available through any filing with the Commission.

[33] 15 U.S.C. 78m.

[34] 15 U.S.C. 78*o*(d).

[35] The duty to file reports pursuant to Section 15(d) of the Exchange Act is automatically suspended for any fiscal year except the first fiscal year if, at the beginning of the fiscal year, the securities of each class to which the registration statement relates are held of record by less than three hundred persons. 15 U.S.C. 78*o*(d). Such suspension occurs automatically pursuant to the statute, and therefore is not dependent on the filing of a Form 15. However, pursuant to Rule 12h–3 under the Exchange Act, an issuer's duty to report under Section 15(d) may be immediately suspended by filing of a Form 15 if at that time (e.g., during the fiscal year the issuer has less than 300 security holders) the issuer meets the requirements of that rule. 17 CFR 240.12h–3.

[36] 17 CFR 232.101.

[37] *See infra* notes 67 through 77 and accompanying text for a discussion on the effectiveness of delisting and/or withdrawal of registration under Section 12(b) upon the filing of the revised Form 25.

[38] 15 U.S.C. 78s(d)(1); 17 CFR 240.19d–1.

[39] If, however, an issuer continues to be registered under Section 12(g) of the Exchange Act after no longer listing on an exchange, an issuer would not file a Form 15 and therefore a Form 15 would not be available on EDGAR.

[40] While the delisting will be effective 10 days after filing Form 25, the deregistration will occur 90 days after the filing of the Form, with limited exceptions to this as discussed below. *See infra* notes 67–77 and accompanying text.

A. Proposed Changes to Rule 12d2–2

1. Exchange-Initiated Delisting and/or Withdrawal From Section 12(b) Registration

An involuntary delisting is where the issuer falls below, or has violated, exchange listing standards, and is initiated by the exchange rather than the issuer. For an exchange-initiated delisting, current Rule 12d2–2 requires an exchange to file an application with the Commission to delist and deregister an issuer's security. The security is not delisted until the Commission issues an order granting the application.[41] The Commission is proposing to permit an exchange to delist and/or withdraw from registration a security, in accordance with its rules, by filing an application on Form 25. The delisting of the security would be effective 10 days after Form 25 is filed with the Commission. The withdrawal from registration would occur 90 days after the filing of the Form.[42]

Because the Commission is proposing that exchanges may delist and/or withdraw from Section 12(b) registration a security by filing a Form 25, rather than by Commission order, it is important for the exchange delisting and/or withdrawal process to be fair. Accordingly, the Commission is proposing that Rule 12d2–2 provide that the rules of the exchange[43] require the following: (1) Notice to the issuer of the exchange's decision to delist its securities; (2) an opportunity for appeal to the national securities exchange's board of directors, or to a committee designated by the board; and (3) public notice of the exchange's final determination to delist the security, via a press release and posting on the exchange's Web site no fewer than 10 days before the delisting becomes effective.[44] Proposed Rule 12d2–2 also provides that public notice must remain posted on an exchange's Web site until the delisting is effective. It is the Commission's understanding that, among the seven national securities exchanges that trade stocks,[45] only two have not set forth in their rules specific procedures regarding notice to the issuer of the exchange's decision to delist its securities.[46]

The first two proposed requirements for exchange rules are consistent with the requirements of Sections 6(b)(7) and 6(d)(2) of the Exchange Act.[47] Section 6(b)(7) requires that the rules of an exchange provide, among other things, a fair procedure for the prohibition or limitation by the exchange of any person with respect to access to services offered by the exchange.[48] Moreover, the Commission notes that exchanges are already required under Section 6(d)(2) to notify the issuer of, and give the issuer an opportunity to be heard upon, the specific grounds for delisting and withdrawal from registration and keep a record.[49] Further, such determination by the exchange must be supported by a statement setting forth the specific grounds on which the delisting and withdrawal from registration is based.[50] The exchanges' rules are currently required to comply with this Exchange Act provision. While the proposed amendments do not require exchanges to adopt new rules to comply with the requirements of the Exchange Act, to the extent that an exchange's rules do not currently comply with these statutory requirements, the exchange would have to amend its rules.

The proposed requirement that exchange rules[51] provide public notice of the exchange's final delisting determination at least 10 days before the delisting becomes effective is designed to better inform the public of delistings.[52] The proposed 10-day public notice requirement is based on the present requirements of Rule 12d2–2. As previously noted, Rule 12d2–2(a) currently requires that the Form 25 be effective not less than 10 days following the date on which the Form 25 is filed with the Commission.[53] In addition, Rule 12d2–2(c) states that a national securities exchange may file a delisting application, in accordance with its rules, on a date specified in the application that must be not less than 10 days after it is filed with the Commission.[54]

The Commission believes that 10 days is sufficient time for any interested parties, in response to the anticipated delisting, to take action as permitted under state and federal law. Further, during the 10-day period following the filing of Form 25, any interested person may, prior to the effectiveness of delisting, submit to the Commission in writing any comments it has on the delisting and/or deregistration, including whether the application has been made in accordance with the rules of the exchange, and what terms should be imposed by the Commission for the protection of investors. The Commission will continue to have the authority, pursuant to Section 12(d) of the Exchange Act, to impose any terms the Commission may deem necessary for the protection of investors, as well as, to postpone the effectiveness of the delisting and/or deregistration.[55] The 10-day notice would provide an opportunity for the Commission to impose such conditions or delay the delisting and/or deregistration prior to it becoming effective. Finally, any delisting determination by an exchange is reviewable upon appeal to the Commission.[56] Thus, any person aggrieved by the exchange's decision would be able to petition the Commission for review of such decision,[57] and then appeal the Commission's decision to the U.S. Court of Appeals.[58]

The Commission seeks comment on the proposed requirements for exchange delisting rules. Specifically, comment is

[41] *See supra* notes 8–11 and accompanying text.

[42] *See infra* notes 67 through 77 and accompanying text.

[43] Any change or addition to an exchange's rules must be filed with the Commission pursuant to Section 19(b) of the Exchange Act. 15 U.S.C. 78s(b).

[44] Proposed Rule 12d2–2(b). The Commission also notes that Rule 17a–1(b) would require the exchange to keep a copy of all documents made or received by it in the course of its business and in the conduct of its self-regulatory activity for a period of not less than five years. This would include retention of material in the course of a delisting. 17 CFR 240.17a–1.

[45] These national securities exchanges include: American Stock Exchange LLC ("Amex"); Boston Stock Exchange, Inc. ("BSE"); Chicago Stock Exchange, Inc. ("CHX"); National Stock Exchange, Inc. ("NSX"); Pacific Exchange Inc. ("PCX"); Philadelphia Stock Exchange, Inc. ("Phlx"); and New York Stock Exchange, Inc. ("NYSE").

[46] *See* Chapter XXVII, Section 1, of the BSE Rules; NSX By-laws, Article 4, Section 3.1, which only contain general statements on the ability of the BSE and NSX to delist securities listed on their respective markets. If the changes proposed herein are ultimately adopted, the BSE and NSX would have to submit rule proposals under Section 19(b) of the Act to conform their delisting rules to the notice requirements.

[47] 15 U.S.C. 78f(b)(7) and (d)(2).

[48] 15 U.S.C. 78f(b)(7).

[49] 15 U.S.C. 78f(d)(2).

[50] *Id.*

[51] The Commission would expect to delay the effectiveness of proposed Rule 12d2–2, if adopted, to give the exchanges adequate time to submit proposed rule changes, pursuant to Section 19(b) of the Exchange Act, to conform their delisting procedures, as necessary, to this and other proposed requirements.

[52] In addition, for issuer-initiated withdrawals from listing and registration, exchanges also would be required to provide public notice via posting on their Web sites, as discussed below. *See infra* note 61 and accompanying text.

[53] 17 CFR 240.12d2–2(a).

[54] 17 CFR 240.12d2–2(c).

[55] 15 U.S.C. 78*l*(d). *See also* proposed Rule 12d2–2(d)(3).

[56] *See supra* note . Under Rule 420(c) of the Commission's Rules of Practice, filing an application for review with the Commission shall not operate as a stay of the exchange's delisting determination, unless the Commission orders a stay pursuant to a motion of the applicant or on the Commission's own motion. 17 CFR 201.420(c). The Commission's review of the delisting determination proceeds under Section 19(f) of the Exchange Act. 15 U.S.C. 78s(f).

[57] 15 U.S.C. 78s(d).

[58] 15 U.S.C. 78y.

requested on whether the Commission should require exchanges to have any other provisions in their delisting procedures. For example, should exchange rules allow investors or the public an additional opportunity to comment on the proposed withdrawal of securities from listing and/or registration on the exchange before the withdrawal becomes effective upon filing the Form 25? The Commission also requests comment as to whether the filing of Form 25 with the Commission on EDGAR, together with the dissemination by press release and Web site posting, of an exchange-initiated delisting is sufficient public notice. In addition, the Commission requests comment on the proposed timeline for exchange-initiated delistings, and whether the 10-day notice prior to effectiveness of the delisting is sufficient for investors or other interested parties to pursue any remedies available to them.

Finally, the Commission requests comment on the proposal's impact on aggrieved parties' rights to a review of an exchange's delisting decision. In particular, the Commission requests comment on the impact on an aggrieved party of having to petition the Commission for review of an exchange's delisting decision, rather then petition the Commission for review of action made by delegated authority, before seeking review in the U.S. Court of Appeals.

2. Issuer Voluntary Withdrawal From Listing and Section 12(b) Registration

The Commission is also proposing to amend the requirements for issuers that wish to withdraw a security from listing and/or registration from a national securities exchange. Currently, Rule 12d2–2 requires an issuer to file an application with the Commission to withdraw its securities from listing and registration on an exchange. The Commission publishes the application for comment. The issuer delisting is not effective until the Commission issues an order. The Commission is proposing to permit an issuer to withdraw its securities from listing and/or registration by filing an application on Form 25. The delisting of the security would be effective 10 days after Form 25 is filed with the Commission. The withdrawal from registration would occur 90 days after the filing of the Form.[59]

In addition, the Commission is proposing to amend Rule 12d2–2 to require issuers to make the following representations on Form 25: (1) That the issuer has complied with the applicable exchange's rules for delisting and applicable state laws; (2) that the issuer has submitted written notification of its intent to withdraw its security from the exchange, including a statement setting forth a description of the security involved together with a statement of all material facts relating to the reasons for filing such application for withdrawal or striking from listing and registration; and (3) that the issuer has issued public notice of its intent to delist from the exchange, and/or withdraw from Section 12(b) registration, its security, via a press release and, if it has a publicly accessible Web site, posting such notice on that Web site.[60] The proposed amendments would require the issuer to publish such notice no fewer than 10 days before the issuer's application for delisting on Form 25 becomes effective. Any notification by an issuer on its Web site would be required to remain posted until the delisting on Form 25 has become effective.

The proposed amendments would require the issuer to submit its written notification to the exchange of its intention to withdraw its security from listing and registration no fewer than 10 days before the issuer files the Form 25 with the Commission. In addition, the exchange, upon notification by an issuer, would be required to post on its Web site the issuer's intent to withdraw its securities from listing and registration,[61] and to leave such notice posted on its Web site until the delisting is effective. The proposed public notification requirements for the issuer and exchange would replace the current requirement that the Commission publish notice of an issuer's proposed delisting and eliminate a formal comment process.

The first two proposed requirements for issuers voluntarily delisting and/or deregistering their securities are based upon existing requirements of Rule 12d2–2. Specifically, Rule 12d2–2(d) states that an issuer may file an application to withdraw its security from listing and registration on an exchange in accordance with the rules of such exchange.[62] In addition, current Rule 12d2–2(e) provides that an application by an issuer to withdraw from listing shall describe the security involved and state all material facts relating to the reasons for filing the delisting application.[63] The proposed requirement that an issuer publish notice of its determination to withdraw from listing and registration is designed to provide investors with timely information with respect to a pending delisting.

The Commission proposes that written notification to the exchange and public posting on an exchange Web site occur at least 10 days before an issuer files Form 25. Because delisting would not become effective until 10 days after filing of the Form 25, the effect of the proposed amendment is that public notice on an exchange Web site would be posted at least 20 days before an issuer voluntary delisting becomes effective. Public dissemination by the issuer would be required 10 days before the application for delisting on Form 25 becomes effective. The Commission believes that 20 days is sufficient time to allow exchanges to make the necessary system changes in preparation for removing the security from being quoted on the listed market in anticipation of the issuer filing the Form 25 to delist its securities.[64] In addition the Commission believes that the minimum 10 day issuer public notification period provides sufficient time for any interested parties, in response to the anticipated delisting, to submit to the Commission in writing any comments it has on the delisting and/or deregistration, sell their security, or take any other action as permitted under state and federal law. Further, as noted earlier with respect to exchange-initiated delistings, the Commission would continue to have the authority, pursuant to Section 12(d) of the Exchange Act, to impose any terms as the Commission may deem necessary for the protection of investors, as well as the ability to postpone the effectiveness of the delisting and/or the deregistration. The proposed public notice would provide an opportunity for the Commission to impose such conditions or delay the delisting and/or deregistration.[65]

The Commission requests comment on the proposed requirements for issuers that seek to voluntarily withdraw their securities from listing and registration. For example, should exchange rules allow investors or the public an additional opportunity to comment on the proposed withdrawal of securities from listing and registration

[59] *See infra* notes 77 through 92 and and accompanying text.

[60] Proposed Rule 12d2–2(c).

[61] Proposed Rule 12d2–2(c)(2).

[62] 17 CFR 240.12d2–2(d).

[63] 17 CFR 240.12d2–2(e).

[64] The Commission notes that the exchanges can monitor issuers' filings on EDGAR. In addition, if an exchange wishes to be informed directly of when the issuer files the revised From 25, it can adopt a rule requiring listed companies to give notice to the exchange upon filing of the revised Form 25.

[65] 15 U.S.C. 78*l*(d). *See also* proposed Rule 12d2–2(d)(3).

on the exchange before the withdrawal becomes effective 10 days after filing Form 25? The Commission also solicits comment on the elimination of the existing formal solicitation of comment process after publication of notice by the Commission of a proposed issuer delisting.[66]

The proposal would permit an issuer to voluntarily withdraw a security from listing on an exchange by filing a Form 25 on EDGAR, which would be effective 10 days after filing. Because the Commission would no longer issue an order, aggrieved parties would no longer be able to seek review in the U.S. Court of Appeals. The Commission requests comment on whether Rule 12d2–2 should permit aggrieved parties to petition the Commission for review of the delisting. The Commission also requests comment as to whether issuers should be required to disseminate publicly their intent to withdraw the security from listing and registration, and whether dissemination by press release and Web site posting is sufficient public notice. In this regard, the Commission is also requesting comment on whether such public dissemination by press release and/or posting on an issuer's publicly assessable Web site should be an SRO rule requirement adopted pursuant to Section 19(b) of the Act, rather than a requirement under proposed Rule 12d2–2. The Commission also requests comment on the proposed timeline for issuer-initiated delistings. Is the requirement of notice to the exchange 10 days before an issuer files the Form 25 sufficient? Further, is the minimum 10-day notice period to the public, which begins once the issuer has filed a Form 25, sufficient? Finally, comment is requested as to whether the Commission should impose any other additional conditions to ensure investor protection.

3. Effectiveness of Delisting and Withdrawal of Registration Under Section 12(b) Upon Filing the Form 25

As noted above, the Commission proposes that the application on Form 25 to delist a class of securities from a national securities exchange be effective 10 days after filing Form 25 with the Commission.[67] With respect to deregistration, the Commission proposes that the withdrawal from Section 12(b) registration be effective 90 days after filing Form 25 or such shorter period as the Commission may determine.[68] For purposes of Section 12(b) under the Exchange Act, a class of securities would no longer be considered listed on a national securities exchange 10 days after the filing of Form 25 with the Commission, even though the withdrawal of a security's registration under Section 12(b) is effective at a later time. Further, as discussed below, upon the filing of Form 25, an issuer's duty to file reports under Section 13(a) of the Exchange Act, which arises from the registration of a class of securities under Section 12(b), would be suspended upon the effective date of a delisting, even though the Section 12(b) withdrawal from registration would be effective at a later time. The Commission believes that this approach would give issuers and investors certainty as to the effective date of the delisting and withdrawal from registration under Section 12(b), and under the circumstances described below, would allow issuers to suspend reporting under Section 13(a) at the time of delisting. Issuers would, however, have to comply with all other Exchange Act requirements that arise from Section 12(b) registration until such registration is withdrawn.[69] The Commission solicits comments on this approach.

Notwithstanding the proposal to amend Rule 12d2–2 and Form 25 so that delisting on Form 25 is effective 10 days after filing Form 25 with the Commission, there are instances in which the Commission may find it necessary or appropriate for the protection of investors to delay the effectiveness of delisting and/or deregistration of a class of security. As such, the Commission is proposing to amend Rule 12d2–2(d) to provide that, the Commission may, by written notice to the exchange or issuer, postpone effectiveness of a deregistration to determine whether the Form 25 to deregister the class of securities has been or would be filed in accordance with the rules of the exchange, and whether any terms or conditions should be imposed by the Commission for the protection of investors.[70] This proposed provision retains the Commission's current authority under Section 12(d) of the Exchange Act to impose any terms as necessary for the protection of investors before the deregistration becomes effective.

The Commission is also proposing under Rule 12d2–2(d) that, if an action under Section 12 of the Exchange Act to suspend the effective date of, or revoke, the registration of a class of securities, commences against an issuer at any time while the securities are registered under Section 12(b), the securities would remain registered under Section 12 until the final determination of such proceeding, or until the Commission otherwise determines to suspend the effective date of, or revoke, the registration of a class of securities.[71] The Commission believes this provision would be important to preserve its ability to commence a proceeding pursuant to Section 12 of the Exchange Act, because such proceeding may only be brought with regard to a class of securities registered pursuant to Section 12 of the Exchange Act. The Commission further believes that the

[66] The Commission notes that it seldom receives comments on delisting applications. Thus far in 2004, the Commission has received 1 comment on the delisting application of GB Holdings, Inc., and 14 comments on the delisting application of The Ohio Art Company ("Ohio Art"). Ohio Art also submitted a letter to the Commission in response to questions from Commission staff on the application. *See* Securities Exchange Act Release No. 49553 (April 12, 2004) (order granting the application of GB Holdings, Inc. to withdraw its notes from listing and registration on the Amex); *see* Securities Exchange Act Release No. 49336 (February 27, 2004) (notice of application of The Ohio Art Company to withdraw its common stock from listing and registration on the Amex). In 2003, the Commission received one written comment on a delisting application filed with the Commission. *See* Securities Exchange Act Release No. 47248 (January 24, 2003) (order granting the application of HSBC Bank, PLC to withdraw its notes from listing on the NYSE). In 2002, the Commission received three written comments on delisting applications filed with the Commission. *See* Securities Exchange Act Release Nos. 46503 (September 16, 2002) (order granting the application of the PCX to strike from listing and registration the common stock of One Mile, Inc.), 46700 (October 21, 2002) (order granting the application of KBK Capital Corp. to withdraw its common stock from listing on the PCX), and 46699 (October 21, 2002) (order granting the application of KBK Capital Corp. to withdraw its common stock from listing on the Amex). In 2001, the Commission did not receive any written comments on a delisting application. Furthermore, the Commission has not in recent years, imposed any conditions on the delisting applications it approved.

[67] *See* proposed Rule 12d2–2(d)(1).

[68] It would be in the Commission's sole discretion to shorten the 90-day time period, as the Commission deems necessary and appropriate for the protection of investors.

[69] These continuing requirements include, for example, Sections 13(e), 14(a) and 14(d) of the Exchange Act (proxy and tender offer rules). 15 U.S.C. 78m(e), 78n(a), and 78n(d).

[70] For example, the Commission, pursuant to Section 19(d)(2), 15 U.S.C. 78s(d)(2), may, on its own motion, review an exchange's determination to delist the security and/or withdraw a class of securities from registration under Section 12(b), as a denial of access to exchange services.

[71] For example, under Section 12(j) of the Exchange Act, the Commission is authorized, by order, as it deems necessary or appropriate for the protection of investors to deny, to suspend the effective date of, to suspend for a period not exceeding twelve months, or to revoke the registration of a security, if the Commission finds, on the record after notice and opportunity for hearing, that the issuer of such security has failed to comply with any provision of this title, or the rules and regulations thereunder. 15 U.S.C. 78l(j).

proposed 90-day delay[72] prior to the withdrawal of registration of a class of securities under Section 12(b) would give the Commission sufficient time to initiate proceedings, as necessary, pursuant to Section 12 of the Exchange Act.

To preclude an issuer from using the 90-day delay period to circumvent its reporting obligations under Section 13(a) of the Exchange Act[73] and the rules and regulations thereunder, the Commission is proposing that, if, following the effective date of delisting a security, the Commission, an exchange, or an issuer delays the Form 25's effective date for the security's withdrawal from registration under Section 12(b), the issuer, within 60 days of such delay, would be required to file with the Commission any reports that would have been required under Section 13(a) had the Form 25 not been filed.[74] The issuer would also be required to file timely any subsequent reports required under Section 13(a) for the duration of the delay. The Commission believes that providing an issuer 60 days after any action to delay a security's withdrawal from registration would give issuers adequate time to become current in its reports as required by Section 13(a). This requirement also is designed to ensure that the filing of the Form 25 cannot be used by issuers to inappropriately suspend their reporting obligations for a temporary period of time. The Commission believes that the 60-day reporting requirement also would be beneficial to investors and the public in that, during the time that a security's withdrawal from registration is delayed, investors and the public would be able to continue to track an issuer's financial status without missing a fiscal quarter of reporting information.[75] The Commission requests comment, however, as to whether there should be specific instances in which an issuer or an exchange may withdraw Form 25 after it has been filed on EDGAR.

An issuer whose reporting responsibilities under Section 13(a) of the Exchange Act are suspended for a class of securities under proposed Rule 12d2–2(d)(5)[76] would, nevertheless, be required to file any reports that an issuer with such a class of securities registered under Section 12 of the Exchange Act would be required to file under Section 13(a) if such class of securities: (1) Is registered under Section 12(g) of the Exchange Act; or (2) would be registered, or would be required to be registered, under Section 12(g) but for the exemption from registration under Section 12(g) of the Exchange Act by Section 12(g)(2)(A)[77] of the Exchange Act.

Similarly, an issuer whose reporting responsibilities under Section 13(a) of the Exchange Act are suspended under proposed Rule 12d2–2(d)(5) would, nevertheless, be required to file any reports that would be required under Section 15(d) of the Exchange Act but for the fact that the reporting obligations are: (1) suspended for a class of securities under proposed Rule 12d2–2(d)(5); and (2) suspended, terminated, or otherwise absent under Section 12(g) of the Exchange Act. The reporting responsibilities of an issuer under Section 15(d) of the Exchange Act shall continue until the issuer is required to file reports under Section 13(a) or the issuer's reporting responsibilities under Section 15(d) are otherwise suspended.

The goal of the reporting framework contemplated above is designed to ensure that an issuer with reporting responsibilities under Section 13(a) of the Exchange Act that are suspended under proposed Rule 12d2–2(d)(5) would continue to file any reports under Section 13(a) or Section 15(d) that would be required if the class of securities delisted under proposed Rule 12d2–2 was no longer registered under Section 12(b) of the Exchange Act. The Commission seeks comment on whether the framework outlined above accomplishes this goal.

The Commission also seeks comment generally on the proposed provisions regarding the effectiveness of delisting and withdrawal of registration under Section 12(b).

4. Delisting and/or Withdrawal From Section 12(b) Registration Pursuant to Certain Corporate Actions

Proposed Rule 12d2–2 would retain the current requirement that an exchange file Form 25 to strike a security from listing and registration following certain corporate actions. As noted earlier, these circumstances are where the entire security class is matured, redeemed, retired, or extinguished by operation of law.[78] In addition, proposed Rule 12d2–2 would be modified to indicate that if a security is delisted pursuant to paragraph (a)(3) of Rule 12d2–2 and a national securities exchange intends to admit a successor security to trading, in accordance with Rule 12a–5 under the Exchange Act, the effective date of the Form 25, as set forth in proposed Rule 12d2–2(d)(1), shall not be earlier than the date the successor security is removed from its exempt status.[79] This is consistent with the current treatment of successor securities, in which the Form 25 for delisting and deregistering the original security can only be made effective after the successor security has been removed from its exempt status.[80] The Commission seeks comment on the proposal to retain the current requirement that an exchange file Form 25 to strike a security from listing and registration following certain corporate actions, including the proposal that the delisting shall not be effective until after the successor security is removed from its exempt status.

5. Deletions of Certain Provisions in Current Rule 12d2–2

Current Rule 12d2–2 provides that an exchange may strike a security from listing and registration if: (1) Trading in such security has been terminated pursuant to a rule of such exchange requiring such termination whenever the security is admitted to trading on another exchange; and (2) listing and registration of such security has become effective on such other exchange.[81] The Commission proposes to eliminate this provision from the amended Rule. The Commission believes that the provision may raise competitive concerns, as it could be construed as a limitation on an issuer's right to list its securities on multiple exchanges. The Commission seeks comment on the proposed

[72] We note that the proposed provision is similar to the procedures applicable to Section 12(g) registered securities as provided under Section 12(g)(4) of the Exchange Act. 15 U.S.C. 78l(g)(4) ("Registration of any class of security pursuant to this subsection shall be terminated in ninety days, or such shorter period as the Commission may determine * * *".).

[73] 15 U.S.C. 78m(a).

[74] Proposed Rule 12d2–2(d)(5).

[75] The 60-day time period is similar to the time period provided in Rule 12g–4(b) regarding the deregistration of a class of equity securities under Section 12(g) of the Exchange Act.

[76] For purposes of proposed Rule 12d2–2, the period of such suspension would include the 60 day grace period described under proposed Rule 12d2–2(d)(5).

[77] *See* Section 12(g)(2)(A) of the Exchange Act, which states that the provisions of Exchange Act Section 12(g)(1) shall not apply to "security listed and registered on a national securities exchange." 15 U.S.C. 78*l*(g)(2)(A). During the Section 13(a) reporting suspension contemplated by proposed Rule 12d2–2(d)(5), an issuer's class of securities would not be listed on a national securities exchange for purposes of Section 12 of the Exchange Act. The class of securities would, however, continue to be registered under Section 12(b) of the Exchange Act for the duration of the Section 13(a) reporting suspension or until the Commission otherwise determines.

[78] *See* 17 CFR 240.12d2–2(a)(1)–(4).

[79] *See supra* note 6; *see also* proposed Rule 12d2–2(d)(8).

[80] Exchanges generally do not file the Form 25 until the successor security has actually been removed from its exempt status. The Commission would expect the exchanges to continue this practice under the proposed rule language.

[81] 17 CFR 240.12d2–2(b).

elimination of paragraph (b) from Rule 12d2–2.

In addition, current Rule 12d2–2(f) provides that, within 30 days of the publication of any rule or regulation which substantially alters or adds to the obligations, or detracts from the rights, of an issuer of a security registered under Section 12(b) or (c) of the Exchange Act, or of its officers, directors, or security holders, or of persons soliciting or giving any proxy or consent or authorization with respect to such security, an issuer may file with the Commission a request that its registration expire. Such registration shall expire immediately upon receipt of such request or immediately before such rule or regulation becomes effective, whichever date is later.[82]

The Commission proposes to eliminate this paragraph, as it is an obscure provision that has rarely been utilized. Indeed, the Commission is aware of the paragraph being invoked only once since the adoption of the 1975 Exchange Act amendments.[83] The Commission is concerned that the provision could potentially conflict with its proposal because paragraph (f) would immediately deregister an issuer's securities upon filing a request with the Commission without following the proposed procedures and timeframes for delisting and/or withdrawal from registration. Such a result would not serve the public interest and would be unfair to public shareholders. The elimination of this provision would ensure that issuers would have to follow exchange rules to delist and/or deregister their securities.[84] The Commission also believes that the proposed Rule 12d2–2 would clarify that a security no longer required to be registered must still comply with the delisting provisions of Rule 12d2–2, because the rule would permit an issuer to file Form 25 to solely delist its securities.[85] The Commission asks for comment, however, as to its proposal to eliminate paragraph (f) from the Rule.

B. Proposed Changes to Form 25

Currently, Form 25 is only filed by an exchange as notification to the Commission of the removal of a security from listing and registration pursuant to paragraph (a) of Rule 12d2–2, which only deals with situations where the entire class of the security has been matured, redeemed, retired, or its rights extinguished by operation of law.[86] Exchanges may file Form 25 on EDGAR or may submit paper copies of the Form to the Commission.[87] In addition, exchange and issuer delisting applications filed with the Commission, pursuant to Rule 12d2–2(c) and (d), are currently submitted in paper only and cannot be filed on EDGAR. To simplify the delisting and deregistration process, the Commission proposes that Form 25 be amended so that its use can be expanded to include delistings initiated by either the issuer or an exchange. Accordingly, under the proposal, Form 25 would replace the paper application currently filed by either an exchange or issuer to delist and deregister securities under current Rule 12d2–2(c) and (d) of the Exchange Act, and eliminate the need for the Commission to issue an approval order to grant the exchange's or issuer's request to delist and deregister the security.

Rule 12d2–2, as amended, would require exchanges and issuers to follow the rules of the exchange regarding the delisting and deregistration of securities, after which the exchange or issuer would file the amended Form 25 to notify the Commission of the delisting and/or deregistration of a security under Section 12(d). The Commission is proposing to amend Form 25 to require the exchange or issuer to provide the Commission with the name of the issuer of the security, the name of the exchange where such security is listed and registered, the address of the issuer, and a description of the security. This is similar to information currently provided on the existing Form 25. Finally, on revised Form 25, the exchange or issuer would check a box to designate the rule provision of Rule 12d2–2 relied upon to strike the security from listing and/or registration under Section 12(d) of the Exchange Act.

The proposed instructions to Form 25 would provide that the Form *must* be filed on EDGAR. Further, as noted above, exchanges and issuers would be required to file Form 25, instead of filing in paper with the Commission, and the Commission would no longer issue approval orders for exchange and issuer delistings and deregistrations. The Commission believes that requiring exchange and issuers to file one form, the revised Form 25, on EDGAR would substantially reduce paperwork burdens for exchanges and issuers. Further, mandatory filing on EDGAR is designed to ensure that all current information on the registration status of an issuer is available on EDGAR. Because exchanges and issuers have access to EDGAR, the Commission believes it would not be burdensome for them to file electronically. Moreover, this change would be beneficial to the public by providing a complete representation of the issuer's registration status, which, as noted above, is not currently available on the EDGAR system.

To effectuate mandatory electronic filing of the revised Form 25, the Commission proposes to amend Regulation S–T.[88] Currently, Rule 101(b)(9) of Regulation S–T[89] permits, but does not require, electronic filing of Form 25 on EDGAR. The Commission is proposing to eliminate this provision, because it is proposing mandatory electronic filing of Form 25. Rule 101(c)(9) of Regulation S–T,[90] which specifies that Exchange Act filings submitted to the Commission's Division of Market Regulation, except for Form 25, shall not be submitted in electronic format, would remain unchanged. In addition, the Commission is proposing an amendment to Regulation S–T to add new paragraph (a)(1)(ix) to make the filing of Form 25 on EDGAR mandatory.[91] The Commission solicits comment as to whether filing of Form 25 on EDGAR should be mandatory.

Form 25 currently becomes effective at the opening of business on such date as specified by the exchange, which must be no fewer than 10 days following the date on which Form 25 is filed with the Commission. The Commission is

[82] 17 CFR 240.12d2–2(f).

[83] The Options Clearing Corporation used the provision to deregister securities in response to the Commission adopting new exemptions for standardized options under the Securities Act of 1933 and the Exchange Act. *See* Securities Exchange Act Release No. 47082 (December 23, 2002), 68 FR 188 (January 2, 2003). Form 25 was unavailable because it discusses delisting *and* deregistration: The OCC, however, only wished to deregister the options. The Commission is proposing to amend Form 25 to cover delisting and/or deregistration to avoid this problem in the future. Accordingly, the provision would no longer be necessary.

[84] Issuers should note that Section 12(a) of the Exchange Act requires the effective registration of a class of securities (other than an exempted security) on an exchange as a prerequisite to trading on such exchange. The provisions of this subsection shall not apply with respect to a security futures product traded on a national securities exchange.

[85] *See id.*, and *supra* note 83. *See also* proposed Rule 12d2–2(c).

[86] *See supra* note 6 and accompanying text.

[87] The proposal to permit the voluntary filing of Form 25 through EDGAR was adopted by the Commission as part of the Regulation S–T amendments. *See* Securities Exchange Act Release No. 45922 (May 14, 2002), 67 FR 36678 (May 24, 2002).

[88] 17 CFR 232.10 through 232.601. Regulation S–T is the general regulation governing EDGAR filing. In addition to Regulation S–T, filers must submit electronic documents in accordance with the EDGAR filing manual.

[89] 17 CFR 232.101(b)(9).

[90] 17 CFR 232.101(c)(9).

[91] Rule 101(a) of Regulation S–T specifies filings that are required to be submitted in electronic format. 17 CFR 232.101(a).

proposing that the delisting of a security be effective 10 days after the filing of revised Form 25 with the Commission, and removal from registration under Section 12(b) be effective 90 days after filing of the Form 25.[92]

Currently, Form 25 does not include general instructions as to its use and effectiveness. Therefore, the Commission is proposing to include general instructions to the revised Form 25 to provide further guidance to the exchanges and issuers on the use and effectiveness of the Form. The proposed general instructions reiterate many of the regulatory requirements proposed in the amended rule provisions that are discussed in this release, including, but not limited to, Rule 19d-1 notices, mandatory electronic filing on EDGAR, delayed effectiveness of a security's withdrawal of registration under Section 12(b), and suspension of duty to file reports under Section 13(a) immediately upon the filing of the Form 25. The proposed amendments to Form 25 also would instruct issuers to determine whether they have additional reporting requirements under Section 12(g) and reporting obligations pursuant to Section 15(d) of the Exchange Act upon filing of the Form. The Commission believes that the proposed instructions to the revised Form would help provide clarity and guidance to issuers, investors and the public about the rules' requirements, including the effective dates for delisting and deregistration upon filing the Form 25.

The Commission seeks comment on the proposed Form 25 effective date of ten days after the filing of the Form. In this regard, commenters should consider, as discussed above, that the Commission is proposing that exchanges and issuers provide public notice of the determination to delist and/or deregister the security at least 10 days before the effective date of delisting on Form 25. In addition, the Commission is proposing that an exchange post public notice on its Web site of an issuer's intent to delist and/or deregister a class of securities at least 20 days before the effective date of delisting on Form 25. The Commission also requests comment on the new proposed format and content of the Form 25, including the proposed general instructions. Specifically, commenters should consider whether there are any additional instructions that should be included in the Form.

[92] See discussion of proposed Rule 12d2–2(d) regarding the effectiveness of delisting and/or deregistration under Section 12(b) of the Exchange Act upon the filing of the proposed revised Form 25, *supra* notes 67–77 and accompanying text.

On March 16, 2004, the Commission adopted amendments to Form 8–K, including, among other items, a new Form 8–K item that would require an issuer to disclose the delisting of a class of its securities from an exchange.[93] If the Commission adopts the Form 25 amendments described in this release, the delisting of a company's securities from an exchange would trigger both a Form 25 filing requirement and Form 8–K filing requirement. The Commission seeks to eliminate any unnecessary duplication in required public disclosure about exchange-initiated delistings if it adopts the Form 25 amendments. Therefore, the Commission solicits comment on whether it should eliminate the Form 8–K disclosure requirement regarding exchange-initiated delistings if it adopts the amendments proposed in this release.[94]

In responding to this request for comment, please consider the fact that the Form 8–K amendments require an issuer to file a Form 8–K disclosing two separate events related to the delisting process at two different points in time. An issuer first would have to file a Form 8–K if it received notice from the national securities exchange or national securities association that maintains the principal listing for a class of the registrant's common equity to the effect that the issuer or a class of the issuer's securities does not satisfy a rule or standards of the exchange or association for continued listing. The issuer would have to file a second Form 8–K at the time a class of its securities actually has been delisted from or by the exchange or association.[95] Is there a benefit to requiring issuers to disclose both of these events in the same type of filing (*i.e.*, Form 8–K) rather than having the first event disclosed in a Form 8–K and the second event disclosed only in a Form 25?

[93] See Item 3.01 of Securities Act Release No. 8400 (March 16, 2004), 69 FR 15594 (March 25, 2004) (adopting amendments to Form 8–K).

[94] The Form 8–K item addresses both exchange-initiated delistings as well as delistings initiated by a national securities association. The proposals in this release would create a filing obligation under Form 25 at the time of delisting in the case of exchange-initiated delistings. This filing obligation would be in addition to the Form 8–K obligation. Because there is no form comparable to Form 25 in the case of a delisting initiated by a national securities association, for example, a delisting from the Nasdaq National Market, that portion of the Form 8–K item would be retained. Reports on Form 8–K regarding issuer-initiated delistings would not be affected by these proposals because the triggering event for Form 8–K is not concurrent with the delisting of the securities. *See id.*

[95] *See supra* note 93. With respect to voluntary delistings initiated by the issuer, only one Form 8–K would have to be filed at the time the issuer has taken definitive action to cause the listing or quotation of a class of its common equity to be withdrawn or terminated from the exchange or association.

C. Filing of Form 25 To Serve as Notice Pursuant to Section 19(d)

The Commission further proposes that revised Form 25 serve as notice from the exchange to the Commission under Section 19(d) of the Exchange Act,[96] and Rule 19d–1 thereunder.[97] Rule 19d–1 provides that an exchange shall file with the Commission a notice of, among other things, any final disciplinary actions, denials, bars, or limitations respecting membership, association, participation, or access to services.[98] Currently, the exchanges do not typically file Section 19(d) notices when they delist a security, because the actual delisting of the security does not occur until ordered by the Commission. Therefore, the Commission, not the exchange, takes the final action of delisting the security.

Because the Commission is proposing to cease issuing orders granting approval of exchanges' delisting applications, the exchanges would be required to file notices under Rule 19d-1 of any final delisting decisions of the exchange as denials of access to exchange services. To avoid imposing additional paperwork burdens on the exchanges, however, the Commission is proposing that the filing of revised Form 25 by an exchange constitute adequate notice pursuant to Section 19(d) of the Exchange Act.[99]

In connection with this proposal, the Commission is also proposing to amend Rule 19d–1 to add new paragraphs (j) and (k). Under new paragraph (j) to Rule 19d–1, any exchange for which the Commission is the appropriate regulatory agency that delists a security pursuant to Section 12(d) of the Exchange Act and Rule 12d2–2 would be required to file a notice with the Commission on revised Form 25 in accordance with new paragraph (k) of

[96] 15 U.S.C. 78s(d).

[97] 17 CFR 240.19d–1.

[98] These delisting decisions are reviewable by the Commission under Section 19(d)(2) of the Exchange Act because they have been considered by the Commission to be a denial of access to services offered by the SRO. 15 U.S.C. 78s(d)(2). *See e.g., Healthtech Int'l Inc.*, 70 S.E.C. 2337 (1999). If, in any proceeding to review an exchange's delisting decision, the Commission finds that the specific grounds on which such denial of access exist in fact, that the denial of access is in accordance with the rules of the exchange, and that such rules are, and were applied in a manner consistent with the Exchange Act, the Commission shall dismiss the proceeding. 15 U.S.C. 78s(f).

[99] The revised Form 25 would require the exchange to attach a copy of its delisting decision. In its delisting decision, the exchange must make findings as to the specific grounds on which such denial of access to exchange services is based. 15 U.S.C. 78s(f).

Rule 19d–1. New paragraph (k) of Rule 19d–1 would require the exchange to attach a copy of its delisting determination to revised Form 25 and file Form 25 with the attachment on EDGAR.

The Commission seeks comment on the appropriateness of considering the filing of the Form 25 with the attached exchange delisting decision as notice to the Commission pursuant to Section 19(d) of the Exchange Act.

D. Proposed Exemption of Options and Security Futures From Section 12(d)

Finally, the Commission proposes to exempt standardized options and security futures products from Section 12(d) of the Exchange Act and the requirements of Rule 12d2–2.[100] Standardized options and securities futures products are exempt from Sections 12(a) and 12(g) of the Exchange Act.[101] Nevertheless, the options exchanges have continued to file applications under Rule 12d2–2 to delist options, and the Commission has issued orders approving such delistings. Because the Commission has never applied the requirements of Section 12(d) and Rule 12d2–2 under the Exchange Act to security futures products and does not believe that the requirements for delisting securities being proposed today would provide investors in options with any protections, the Commission is proposing to explicitly exempt these products from the requirements of the Rule.

When Congress enacted the Commodity Futures Modernization Act of 2000 ("CFMA"),[102] it excluded security futures products traded on a national securities exchange from the requirement to register under Section 12(a) of the Exchange Act.[103] In addition, the Commission exempted by rule security futures products from Section 12(g), if traded on a national securities exchange and cleared by a clearing agency that is registered as a clearing agency under Section 17A of the Exchange Act or exempt from registration under Section 17A(b)(7).[104] Although the CFMA did not explicitly exempt security futures products from the requirements of Section 12(d) or Rule 12d2–2 under the Exchange Act, the Commission has not applied the requirements under those provisions to security futures exchanges and is today proposing to make clear that security futures products are not subject to those requirements.

Accordingly, the Commission is proposing new paragraph (e) to Rule 12d2–2 to exempt from Section 12(d) of the Exchange Act, and Rule 12d2–2 thereunder, standardized options, as defined in Rule 9b–1(a)(4) under the Exchange Act,[105] that are issued by a clearing agency registered under Section 17A of the Exchange Act[106] and traded on a national securities exchange registered pursuant to Section 6(a) of the Exchange Act.[107] Proposed new paragraph (e) to Rule 12d–2 would also exempt from Section 12(d)[108] and Rule 12d2–2 any security futures products that are traded on a national securities exchange. The Commission seeks comment on the proposed exemption of standardized options and security futures products from Section 12(d) of the Exchange Act and Rule 12d2–2 thereunder.

E. General Request for Comment

The Commission requests comment on the proposed amendments to Rule 12d2–2 Form 25, Rule 19d–1, and Regulation S–T, suggestions for additions to the proposal, and comment on other matters that might have an effect on the proposal contained in this release. In particular, the Commission requests comment on whether the proposal will enhance market efficiency without jeopardizing investor protection. Commenters may also wish to address whether there should be additional exchange or Commission requirements to ensure adequate investor protection in the delisting process.

IV. Paperwork Reduction Act

Rule 12d2–2 and Form 25, which the Commission is proposing to amend, contain "collection of information" requirements within the meaning of the Paperwork Reduction Act of 1995 ("PRA").[109] The title of the affected information collection is the Form 25, as required and under Rule 12d2–2 (OMB Control No. 3235–0080).

Compliance with the proposed amendments would be mandatory. The information required by the proposed amendments would not be kept confidential by the Commission. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number. The Commission has submitted the revisions to the collections of information to the Office of Management and Budget ("OMB") for review in accordance with 44 U.S.C. 3507(d) and 5 CFR 1320.11.

Form 25, as contemplated by the proposed amendments, would be used by both issuers and exchanges to delist a class of securities from a national securities exchange, and withdraw its registration under Section 12(b) of the Act. This form enables the Commission to receive organized information relating to a company planning to delist its class of securities from a national securities exchange and withdraw from registration under Section 12(b) of the Exchange Act. In addition, the amended Form 25 would serve as notice from the exchange to the Commission under Section 19(d) of the Exchange Act.

The Commission estimates that the current combined burden under Rule 12d2–2 is 851 burden hours per year. This estimate is based on exchange and issuer activity in 2003. In 2003, exchanges filed 544 Forms 25 per year at one burden hour per form. The exchanges filed 190 delisting applications at one burden hour per application; of those applications, 104 were filed to delist equity securities and 86 were filed to delist options. In 2003, 57 issuers voluntarily delisted their securities by filling out delisting applications, which, for issuers, take on average, two burden hours per application.

If adopted, the amended Rule 12d2–2 would require issuers that voluntarily delist their securities to file a Form 25, which takes one burden hour, rather than a voluntary delisting application, which, for issuers, takes two burden hours. The amended Rule would also exempt standardized options and security futures products from the Rule entirely. Assuming that 57 issuers voluntarily delist their securities, this change would reduce the total burden hours incurred by issuers from 114 hours to 57 hours. In addition, the Commission estimates that the proposed exemption for standardized options and security futures products would lower the total burden hours incurred by exchanges from 190 hours to 104 hours.[110] As a result of this reduction,

[100] In conjunction with this release, the Commission is issuing an order to exempt temporarily standardized options and security futures from Rule 12d2–2 under the Exchange Act. *See* Securities Exchange Act Release No. 49859 (June 15, 2004). *See also* proposed Rule 12d2–2(e).

[101] *See infra* note 104.

[102] Pub. L. No. 106–554, 114 Stat. 2763.

[103] 15 U.S.C. 78*l*(a).

[104] *See* Securities Act Release No. 8171 (December 23, 2002), 68 FR 188 (January 2, 2003).

[105] 17 CFR 240.9b–1(a)(4).

[106] 15 U.S.C. 78q–1.

[107] 15 U.S.C. 78f(a).

[108] 15 U.S.C. 78*l*(d).

[109] 44 U.S.C. 3501 *et. seq.*

[110] No data is available with respect to how many exchanges currently use EDGAR to file Form 25. However, the Commission believes that requiring

Continued

the combined estimated burden under a revised Rule 12d2–2 would be 705 hours.

The Commission is soliciting comment on the expected PRA effects of the proposed rule amendments. In particular, the Commission solicits comment on the accuracy of our revised burden hour estimates expected to result from the proposed amendments. The Commission further requests comment on whether the proposed changes to the collection of information are necessary for the proper performance of the Commission's functions, including whether the information garnered will have practical utility. In addition, the Commission solicits comment on whether there are ways to enhance the quality, utility, and clarity of the information to be collected. The Commission further solicits comment on whether there are ways to minimize the burden of information collection on those who respond, including through the use of automated collection techniques or other forms of information technology. Finally, the Commission solicits comment on whether the proposed amendments will have any effects on any other collection of information not previously identified in this section.

Comments on the collection of information requirements and expected effects, should be submitted to the Office of Management and Budget, Attention: Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Washington, DC 20503. Commenters should also send a copy of the comments to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609, with reference to File No. S7–25–04. Requests for materials submitted to OMB by the Commission with regard to these collections of information should be in writing, refer to File No. S7–25–04 and be submitted to the Securities and Exchange Commission, Records Management, Office of Filings and Information Services. OMB must make a decision concerning the affected collections of information between 30 and 60 days after publication of the release. Consequently, in order to ensure that the comments achieve their full effect, commenters should submit them to OMB within 30 days of this release's publication.

Form 25 to be filed on EDGAR will not change the amount of time required to complete Form 25.

V. Costs and Benefits of Proposed Amendments to Rule 12d2–2 and Form 25

Rule 12d2–2 under the Exchange Act currently contemplates different procedural instructions based on the reason for a delisting. Generally, when an exchange decides to delist a class of securities because the rights associated with such security have been redeemed or extinguished, the exchange usually files a Form 25 in paper with the Commission. When an exchange intends to delist a class of securities as required under its rules, it must file an application in paper with the Commission to delist, and the Commission must issue an order approving the delisting. If an issuer of a class of securities intends to voluntarily delist, it must file an application in paper with the Commission to voluntarily delist the class of securities from an exchange, after which the Commission must issue an order approving the delisting. Exchange-initiated delistings and Forms 25 submitted by exchanges cannot be deemed effective less than ten days after filing with the Commission.[111] As for issuer-initiated delisting, there is no specific period for approval specified in the Rule, but the application for delisting must be noticed for comment in the **Federal Register**, typically for a period of 15 business days.

The proposed amendments to Rule 12d2–2 and the Form 25 would simplify the deregistration and delisting requirements under the Exchange Act. The amendments would require both exchanges and issuers seeking to delist and deregister a class of securities to file the Form 25 with the Commission on EDGAR. The application to delist a class of securities on Form 25 would be effective 10 days after filing with the Commission.[112] However, withdrawal from Section 12(b) registration obligations would not be effective until 90 days after the Form 25 is filed. In addition, the Commission would no longer issue orders approving a delisting. Instead, the revised Form 25 with an attached exchange delisting decision would constitute adequate notice under Section 19(d) of the Exchange Act.

The proposed amendments would also revise Rule 12d2–2 to specify the delisting requirements with which exchanges and issuers must comply. First, the Rule would require that each exchange have adequate delisting rules relating to notification to the issuer of a delisting, review and appeal of an exchange's delisting decision, and dissemination of notice of a delisting. This provision would include a requirement that the exchange give public notice of its decision to delist a class of securities, via a press release and posting on a Web site, no fewer than 10 days before the delisting on Form 25 becomes effective. In addition, the Rule would mandate that both issuers and exchanges follow these rules. Finally, the Rule would require that a delisting issuer certify that it has complied with applicable delisting rules of the exchange and state laws, submitted written notification to the exchange of its decision to delist at least 10 days before it files Form 25, and has widely disseminated notice of the delisting of its class of securities. Finally, the proposed rule would exclude options and securities futures from the delisting requirements, as amended, in the Rule.

A. Expected Benefits

The proposed amendments will benefit issuers, exchanges, and investors. The use of Form 25 for all delistings should provide a uniform method of delisting a class of securities. In addition, the use of EDGAR as a method of filing the Form 25 should make information contained in Commission filings easily available to issuers, exchanges, and the investing public, without any corresponding increase in the time required for issuers to complete the Form 25. The electronic format of the information should facilitate research and data analysis and the use of EDGAR will facilitate more efficient storage, retrieval and analysis of delisting information. Quicker access to this information should not only facilitate review of the information, but also enhance the Commission's ability to study and address issues that relate to this information.

The proposed amendments to Rule 12d2–2 should provide clarity to both issuers and exchanges. The requirement that all exchanges have specified rules relating to the delisting process would clarify the issues that both issuers and exchanges must address before filing a Form 25. Requiring issuers to certify that they have in fact followed the necessary steps in the delisting process would serve as a reminder to delisting issuers of the necessary procedures, and provide the public with adequate notice that a delisting has been properly effected.

[111] 17 CFR 240.12d2–2.

[112] The Commission receives comments on delisting applications infrequently and has not, in recent years, imposed any conditions on the delisting applications it approved. *See supra* note 66.

In addition, the proposed amendments, by exempting standardized options and security futures products from Rule 12d2–2, should eliminate the time exchanges currently spent filing applications to delist these products. The proposed amendments should also promote the comparable regulatory treatment of options and security futures. The exemption for standardized options and security futures should also provide clarity to market participants.

B. Expected Costs

The Commission expects that the changes described above should streamline the delisting process and may result in a net reduction in the current costs borne by issuers and exchanges. No detrimental effects to investors are expected.

The filing of Form 25 will impose costs on exchanges and issuers. Both exchanges and issuers would be required to spend time filling out Form 25 in connection with a delisting. In addition, exchanges may incur costs associated with the maintenance of EDGAR capabilities. However, the Form 25 is expected to be less time consuming than the method currently used to initiate a delisting; therefore, the administrative time burden associated with delisting would likely be lower than that of the current practice associated with delisting. With respect to EDGAR facilities, it is our understanding that the exchanges already have EDGAR capabilities. In addition, the costs associated with maintaining the technological facilities necessary to file Form 25 on EDGAR should be insignificant.

The proposed requirement that an issuer that wishes to voluntarily delist represent on Form 25 that it has taken the steps necessary to comply with exchange rules and has provided adequate notice to the public, would impose costs on delisting issuers in the form of the time associated with completing the Form 25. The Commission believes, however, that issuers already bear this cost, as they are currently required to file a delisting application with the Commission. In fact, the proposed amendments should reduce the cost to issuers by eliminating the delisting application and replacing it with the revised Form 25. Currently, delisting applications are not granted until the Commission issues an order delisting and deregistering the class of securities, which may impose additional requirements on issuers until the order is issued by the Commission; however, a delisting on revised Form 25 would be effective 10 days after filing with the Commission. In addition, while the actual deregistration under Section 12(b) would not occur generally until 90 days later, an issuer's duty to file reports under Section 13(a) as a result of the Section 12(b) registration would be suspended upon the effective date of the delisting. Currently, an issuer must file such reports until the Commission issues its order to delist the security.

In addition, the amendments to Rule 12d2–2 may impose costs on exchanges. The codification of the required delisting procedures may impose on exchanges a duty to change their rules. While most exchanges already require some of the proposed delisting requirements, some exchanges' rules would need to be changed. For example, not all of the stock exchanges currently have in their rules specific procedures regarding notice to the issuer of the exchange's decision to delist a class of securities. Therefore, the proposal would likely impose, on some exchanges, a cost associated with codifying the proposed notification requirement.

Finally, the proposed amendments to Rule 12d2–2 could impose costs on exchanges relating to the review of delistings upon appeal to the Commission. Currently, any person aggrieved by a Commission action made by delegated authority may seek Commission review of the action. Accordingly, when the Commission issues an order striking a class of securities from listing and registration by delegated authority,[113] an aggrieved party may petition the Commission for review of the delisting order. Thereafter, an aggrieved party may seek review in the U.S. Court of Appeals.[114]

The proposal would result in a review process that is more like that associated with the delisting of Nasdaq securities, where an aggrieved party can appeal the NASD's delisting decision to the Commission as a denial of access, and the Commission must review the decision on a de novo basis. Under this process, the Commission requires the NASD to file a response to an appeal by the aggrieved party. The Commission's decision can be appealed to the U.S. Court of Appeals.

The proposed amendments to Rule 12d2–2 would similarly require parties aggrieved by an exchange's delisting decision to appeal the decision to the Commission before going to the U.S. Court of Appeals. An exchange whose delisting decision was appealed would have to respond to an appeal, which would require the exchange to incur costs. Because the Commission is required to review petitions filed under Section 19(d) of the Exchange Act, aggrieved parties could determine to avail themselves of the Commission appeal process more frequently. Thus exchanges may have to respond more often to such appeals if the proposed amendments to the delisting process are adopted. The Commission solicits comment on these potential costs. In addition, the Commission solicits comment as to whether the procedures for appeal of exchange delisting decisions would impose additional costs on aggrieved parties.

VI. Regulatory Flexibility Act Certification

The Commission hereby certifies, pursuant to 5 U.S.C. § 605(b), that the proposed amendments to Rule 12d2–2, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed amendments to Rule 12d2–2 would apply only to national securities exchanges and certain issuers of securities.

Under § 240.0–10(e) of the Act,[115] an exchange is a "small entity" if it has been exempted from the reporting requirements of Section 240.11Aa3–1 of the Act,[116] and is not affiliated with any person that is not a "small business" or "small organization," as defined under § 240.0–10 of the Act.[117] The Commission has determined that none of the national securities exchanges are "small entities" because none have been exempted from Section 240.11Aa3–1 of the Act.

Under § 240.0–10(a) of the Act,[118] an issuer is a "small entity" if, on the last day of its most recent fiscal quarter, it had total assets of $5 million or less. Based on listing standards of the national securities exchanges, the number of companies that could potentially qualify as "small entities" under § 240.0–10 of the Act [119] represents an insubstantial percentage of the total number of companies listed on the national securities exchanges. All but two exchanges have listing standards that exceed this definition of a small entity. These issuers represent both an insubstantial percentage of all listed companies and an insubstantial

[113] 17 CFR 200.30–3(a)(1).

[114] 15 U.S.C. 78y. An aggrieved party must petition the Commission for review of action made by delegated authority before seeking judicial review. 17 CFR 201.430(c).

[115] 17 CFR 240.0–10(e).

[116] 17 CFR 240.11Aa3–1.

[117] 17 CFR 240.0–10(a).

[118] 17 CFR 240.0–10(a).

[119] 17 CFR 240.0–10.

percentage of all issuers that are delisted and deregistered in any given year.

The proposed amendment would permit issuers and exchanges to delist a class of securities using the Form 25 on EDGAR system, which should take less time, and be less costly, to complete than an application to delist. Therefore, while the Commission believes that some small issuers could be affected by the proposed amendment, the Commission does not believe that the proposed amendments would have a significant economic impact on a substantial number of small entities.

The Commission encourages written comments regarding this certification. The Commission requests that commenters describe the nature of any impact on small entities and provide empirical data to support the extent of the impact.

VII. Small Business Regulatory Enforcement Fairness Act

For purposes of the Small Business Regulatory Enforcement Fairness Act of 1996, or "SBREFA," [120] the Commission must advise the Office of Management and Budget as to whether the proposed regulation constitutes a "major" rule. Under SBREFA, a rule is considered "major" where, if adopted, it results or is likely to result in:

- An annual effect on the economy of $100 million or more (either in the form of an increase or a decrease);
- A major increase in costs or prices for consumers or individual industries; or
- Significant adverse effect on competition, investment, or innovation.

If a rule is "major," its effectiveness will generally be delayed for 60 days pending Congressional review. The Commission requests comment on the potential impact of the proposed regulation on the economy on an annual basis. Commenters are requested to provide empirical data and other factual support for their view to the extent possible.

VIII. Consideration of Impact on the Economy, Burden on Competition, and Promotion of Efficiency, Competition, and Capital Formation

Section 3(f) of the Exchange Act [121] requires the Commission, whenever it engages in rulemaking that requires it to consider or determine if an action is necessary or appropriate in the public interest, to consider if the action will promote efficiency, competition, and capital formation. Section 23(a)(2) of the Exchange Act [122] requires the Commission, in making rules under the Exchange Act, to consider the impact that any such rule would have on competition. Section 23(a)(2) of the Exchange Act prohibits the Commission from adopting any rule that would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

The Commission believes that the proposal would promote efficiency by streamlining the delisting and deregistration process. The proposed amendments establish one form that must be filled out for all delistings, whether voluntary or involuntary. As proposed to be revised, the Form 25 would inform the Commission and the public that a security previously traded on an exchange is no longer traded, and would enable the Commission to verify that a delisting has occurred in accordance with the rules of the exchange.

Furthermore, the proposed amendments, by exempting standardized options and security futures products from Rule 12d–2, are expected to promote the comparable regulatory treatment of options and security futures. The proposed exemption for standardized options and security futures products would also provide clarity to market participants.

The Commission does not believe that the proposed amendments would have any anti-competitive effects. Nor is the Commission aware of any impact on capital formation that would result from the proposed amendments. The Commission requests comment on whether the proposed amendments, if adopted, would affect competition, efficiency and capital formation. Commenters are requested to provide empirical data and other factual support for their views to the extent possible.

IX. Statutory Authority and Text of Proposed Rules

Pursuant to the Exchange Act and particularly Sections 3(b), 12(d), and 23(a) thereof, 15 U.S.C. 78c, 78*l*, and 78w(a), the Commission is proposing amendments to § 232.101, § 240.12d2–2, § 240.19d–1, and Form 25 (referenced in 17 CFR 249.25) of Chapter II of Title 17 of the *Code of Federal Regulations* in the manner set forth below. The Commission is also proposing the amendments to § 232.101 pursuant to the Securities Act of 1933, and particularly Sections 6, 7, 10, and 19(a) thereof, 15 U.S.C. 77f, 77g, 77h, 77j, and 77s(a).

[120] Pub. L. 104–121, Title II, 110 Stat. 857 (1996) (codified in various sections of 5 U.S.C., 15 U.S.C., and as a note to 5 U.S.C. 601).

[121] 15 U.S.C. 78c(f).

[122] 15 U.S.C. 78w(a)(2).

List of Subjects

17 CFR Part 232

Administrative practice and procedure, Confidential business information, Reporting and recordkeeping requirements, Securities.

17 CFR Part 240

Issuers, Reporting and recordkeeping requirements, Securities.

17 CFR Part 249

Reporting and recordkeeping requirements, Securities.

Text of Proposed Rule Amendments

For the reasons set out in the preamble, the Commission proposes to amend Title 17, Chapter II of the Code of Federal Regulations as follows.

PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

1. The authority citation for part 232 continues to read in part as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77sss(a), 78c(b), 78*l*, 78m, 78n, 78o(d), 78w(a), 78*ll*(d), 79t(a), 80a–8, 80a–29, 80a–30 and 80a–37.

* * * * *

2. Section 232.101 is amended by:

a. Removing the word "and" at the end of paragraph (a)(1)(vii);

b. Removing the period at the end of paragraph (a)(1)(viii), and in its place adding a semicolon;

c. Removing the period at the end of paragraph (a)(1)(ix) and in its place adding "; and";

d. Adding paragraph (a)(1)(x);

e. Removing the word "and" at the end of paragraph (b)(7);

f. Removing "; and" at the end of paragraph (b)(8) and in its place adding a period; and

f. Removing paragraph (b)(9).

The addition reads as follows:

§ 232.101 Mandated electronic submissions and exceptions.

(a) * * *

(1) * * *

(x) Form 25 (§ 249.25 of this chapter).

* * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for part 240 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l*, 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll*, 78mm, 79q, 79t, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–

4, 80b–11, and 7201 *et seq.*; and 18 U.S.C. 1350, unless otherwise noted.

* * * * *

2. Section 240.12d2–2 is amended by:

a. Removing the authority citation following § 240.12d2–2;

b. Adding a "Preliminary Note" before paragraph (a);

c. Revising the introductory text of paragraph (a), paragraphs (a)(4), (b), (c), (d), and (e); and

d. Removing paragraph (f).

The addition and revisions read as follows:

§ 240.12d2–2 Removal from listing and registration.

Preliminary Note: The filing of the Form 25 (§ 249.25 of this chapter) by an issuer relates solely to the withdrawal of a class of securities from listing on a national securities exchange and/or from registration under section 12(b) of the Act (15 U.S.C. 78*l*(b)), and shall not affect its obligation to be registered under section 12(g) of the Act (15 U.S.C. 78*l*(g)), and/or reporting obligations under section 15(d) of the Act (15 U.S.C. 78*o*(d)).

(a) A national securities exchange must file with the Commission an application on Form 25 (17 CFR 249.25) to strike a class of securities from listing on a national securities exchange and/or registration under section 12(b) of the Act within a reasonable time after the national securities exchange is reliably informed that any of the following conditions exist with respect to such a security:

(1) * * *

(4) All rights pertaining to the entire class of the security have been extinguished; *provided, however,* that where such an event occurs as a result of an order of a court or other governmental authority, the order shall be final, all applicable appeal periods shall have expired, and no appeals shall be pending.

(b) In cases not provided for in paragraph (a) of this section, a national securities exchange may file an application on Form 25 to strike a class of securities from listing and/or withdraw registration, in accordance with its rules, if the rules of such exchange, at a minimum, provide:

(1) Notice to the issuer of the exchange's decision to delist its securities;

(2) An opportunity for appeal to the national securities exchange's board of directors, or to a committee designated by the board; and

(3) Public notice of the national securities exchange's final determination to remove the security from listing and/or registration, by issuing a press release and posting notice on its Web site. Public notice under this paragraph shall be disseminated no fewer than 10 days before the delisting on Form 25 becomes effective pursuant to paragraph (d)(1) of this section, and must remain posted on its Web site until the delisting is effective.

(c) The issuer of a class of securities listed on a national securities exchange and/or registered under section 12(b) of the Act may file an application on Form 25 to notify the Commission of its withdrawal of such security from listing on such national securities exchange and its intention to withdraw the securities from registration under section 12(b) of the Act. An issuer filing Form 25 under this paragraph must represent on the Form 25 that the following requirements have been met:

(1) The issuer has complied with all applicable laws in effect in the state in which it is incorporated and with the national securities exchange's rules governing an issuer's voluntary withdrawal of a class of securities from listing and/or registration;

(2) The issuer has provided written notice to the national securities exchange of its determination to withdraw the class of securities from listing and/or registration on such exchange, which sets forth a description of the security involved together with a statement of all material facts relating to the reasons for withdrawal from listing and/or registration, no fewer than 10 days before the issuer files an application on Form 25 with the Commission. The national securities exchange must provide notice on its Web site of the issuer's intent to delist and/or withdraw from section 12(b) registration its securities upon such notification by the issuer, and such notice shall remain posted on its Web site until the delisting on Form 25 is effective pursuant to paragraph (d)(1) of this section;

(3) The issuer has published notice of its intention to withdraw its class of securities from listing and/or registration from the national securities exchange, along with its reasons for such withdrawal, via a press release and, if it has a publicly accessible Web site, posting such notice on that Web site, no fewer than 10 days before the issuer's application for delisting on Form 25 becomes effective. Any notice provided on an issuer's Web site under this paragraph shall remain available until the delisting on Form 25 has become effective pursuant to paragraph (d)(1) of this section. If the issuer filing Form 25 under this paragraph has not arranged for listing and/or registration on another national securities exchange or for quotation of its security in a quotation medium (as defined in § 240.15c2–11), then the press release and posting on the Web site must contain this information.

(d) (1) An application on Form 25 to strike a class of securities from listing on a national securities exchange will become effective 10 days after Form 25 is filed with the Commission.

(2) An application on Form 25 to withdraw the registration of a class of securities under section 12(b) of the Act will be considered effective 90 days, or such shorter period as the Commission may determine, after filing with the Commission.

(3) The Commission may, however, by written notice to the exchange or issuer, postpone the effectiveness of deregistration to determine whether the application on Form 25 to strike the security from registration under section 12(b) of the Act has been made in accordance with the rules of the exchange, or what terms should be imposed by the Commission for the protection of investors.

(4) Nothwithstanding paragraph (d)(2) of this section, whenever the Commission commences a proceeding against an issuer under section 12 of the Act prior to the withdrawal of the registration of a class of securities, such security will remain registered under section 12(b) of the Act until the final decision of such proceeding or until the Commission otherwise determines to suspend the effective date of, or revoke, the registration of a class of securities.

(5) An issuer's duty to file any reports under section 13(a) of the Act (15 U.S.C. 78m(a)) and the rules and regulations thereunder solely because of such security's registration under section 12(b) of the Act will be suspended upon the effective date for the delisting pursuant to paragraph (d)(1) of this section. If, following the effective date of delisting on Form 25, the Commission, an exchange, or an issuer delays the withdrawal of a security's registration under section 12(b) of the Act, an issuer shall, within 60 days of such delay, file any reports that would have been required under section 13(a) of the Act and the rules and regulations thereunder, had the Form 25 not been filed. The issuer also shall timely file any subsequent reports required under section 13(a) of the Act for the duration of the delay.

(6) An issuer whose reporting responsibilities under section 13(a) of the Act are suspended for a class of securities under paragraph (d)(5) of this section is, nevertheless, required to file any reports that an issuer with such a

class of securities registered under section 12 of the Act would be required to file under section 13(a) of the Act if such class of securities:

(i) Is registered under section 12(g) of the Act (15 U.S.C. 78l(g)); or

(ii) Would be registered, or would be required to be registered, under section 12(g) of the Act but for the exemption from registration under section 12(g) of the Act provided by section 12(g)(2)(A) of the Act.

(7) (i) An issuer whose reporting responsibilities under section 13(a) of the Act are suspended under paragraph (d)(5) of this section is, nevertheless, required to file any reports that would be required under section 15(d) of the Act (15 U.S.C. 78o(d)) but for the fact that the reporting obligations are:

(A) Suspended for a class of securities under paragraph (d)(5) of this section; and

(B) Suspended, terminated, or otherwise absent under section 12(g) of the Act.

(ii) The reporting responsibilities of an issuer under section 15(d) of the Act shall continue until the issuer is required to file reports under section 13(a) of the Act or the issuer's reporting responsibilities under section 15(d) of the Act are otherwise suspended.

(8) In the event removal is being effected under paragraph (a)(3) of this section and the national securities exchange has admitted or intends to admit a successor security to trading under the temporary exemption provided for by § 240.12a–5, the effective date of the Form 25, as set forth in paragraph (d)(1) of this section, shall not be earlier than the date the successor security is removed from its exempt status.

(e) The following are exempt from section 12(d) of the Act (15 U.S.C. 78*l*(d)) and the provisions of this section:

(1) Any standardized option, as defined in § 240.9b–1, that is:

(i) Issued by a clearing agency registered under section 17A of the Act (15 U.S.C. 78q–1); and

(ii) Traded on a national securities exchange registered pursuant to section 6(a) of the Act (15 U.S.C. 78f(a)); and

(2) Any security futures product that is:

(i) Traded on a national securities exchange registered under section 6(a) of the Act (15 U.S.C. 77f(a)) or on a national securities association registered pursuant to section 15A(a) of the Act (15 U.S.C. 78*o*–3(a)); and

(ii) Cleared by a clearing agency registered as a clearing agency pursuant to section 17A of the Act (15 U.S.C. 78q–1) or is exempt from registration under section 17A(b)(7) of the Act.

3. Section 240.19d–1 is amended by:

a. Removing the authority citation at the end of § 240.19d–1;

b. Adding an undesignated center heading after paragraph (i);

c. Adding paragraph (j);

d. Adding an undesignated center heading after paragraph (j); and

e. Adding paragraph (k).

The additions read as follows:

§ 240.19d–1 Notices by self-regulatory organizations of final disciplinary actions, denials, bars, or limitations respecting membership, association, participation, or access to services, and summary suspensions.

* * * * *

Notice of Limitation or Prohibition of Access to Services by Delisting of Security

(j) Any national securities exchange for which the Commission is the appropriate regulatory agency that delists a security pursuant to section 12(d) of the Act (15 U.S.C. 78*l*(d)), and § 240.12d2–2 must file a notice with the Commission in accordance with paragraph (k) of this section.

Contents of Notice Required by Paragraph (j)

(k) The national securities exchange shall file notice pursuant to paragraph (j) of this section on Form 25 (§ 249.25 of this chapter). Form 25 shall serve as notification to the Commission of such limitation or prohibition of access to services. The national securities exchange must attach a copy of its delisting determination to Form 25 and file Form 25 with the attachment on EDGAR.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for part 249 continues to read in part as follows:

Authority: 15 U.S.C. 78a *et seq.* and 7201 *et seq.*; and 18 U.S.C. 1350 unless otherwise noted.

* * * * *

2. Section 249.25 and Form 25 are revised to read as follows:

§ 249.25 Form 25, for notification of removal from listing and/or registration.

This form shall be used by registered national securities exchanges and issuers for notification of removal of a class of securities from listing on a national securities exchange and/or withdrawal of registration under section 12(b) of the Act (15 U.S.C. 78*l*(b)).

Note: The text of Form 25 does not, and this amendment will not, appear in the Code of Federal Regulations.

BILLING CODE 8010–01–P

FORM 25 **[OMB INFO BOX HERE]**

Securities and Exchange Commission
Washington, D.C. 20549

NOTIFICATION OF REMOVAL FROM LISTING AND/OR REGISTRATION UNDER SECTION 12(b) OF THE SECURITIES EXCHANGE ACT OF 1934.

Commission File Number _____

_____

(Exact name of Issuer as specified in its charter, and name of Exchange where security is listed and/or registered)

_____

(Address, including zip code, and telephone number, including area code, of Issuer's principal executive offices)

_____

(Description of class of securities)

Please place an X in the box to designate the rule provision relied upon to strike the class of securities from listing and registration:

☐ 17 CFR 240.12d2-2(a)(1) ☐ 17 CFR 240.12d2-2(a)(2)

☐ 17 CFR 240.12d2-2(a)(3) ☐ 17 CFR 240.12d2-2(a)(4)

☐ Pursuant to 17 CFR 240.12d2-2(b), the Exchange has complied with its rules to strike the class of securities from listing and/or withdraw registration on the Exchange.[1]

☐ Pursuant to 17 CFR 240.12d2-2(c), the Issuer has complied with the rules of the Exchange and the requirements of 17 CFR 240.12d2-2(c) governing the voluntary withdrawal of the class of securities from listing and registration on the Exchange.

Pursuant to the requirements of the Securities Exchange Act of 1934, _____(Name of Issuer or Exchange) certifies that it has reasonable grounds to believe that it meets all of the requirements for filing the Form 25 and has caused this notification to be signed on its behalf by the undersigned duly authorized person.

_____ By_____ _____
Date Name Title

_____

[1] Form 25 and attached Notice will be considered compliance with the provisions of 17 CFR 240.19d-1 as applicable. See General Instructions.

BILLING CODE 8010-01-C

General Instructions

1. This form is required by Rule 12d2–2 (17 CFR 240.12d2–2) of the General Rules and Regulations under the Securities Exchange Act of 1934 ("Exchange Act").

2. Exchanges: Attach the delisting determination to this Form 25 to serve as the required Notice pursuant to Exchange Act Rule 19d–1 (17 CFR 240.19d–1). Form 25 and the attached Notice will be considered compliance with the provisions of Rule 19d–1 as applicable.

3. The Form 25 and any attachments must be filed electronically on the EDGAR database.

4. The removal of the class of securities from listing on the exchange shall be effective 10 days after filing the Form 25.

5. The withdrawal of registration of a class of securities registered under Section 12(b) of the Exchange Act shall take effect in 90 days, or such shorter period as the Commission may determine, after the exchange or issuer files a Form 25 with the Commission.

6. For purposes of Section 12 of the Exchange Act, a class of securities shall no longer be considered listed on a national securities exchange upon the effective date of delisting even though the withdrawal of registration is effective at a later time.

7. The issuer's duty to file any reports under Section 13(a) of the Exchange Act and the rules and regulations thereunder as a result of the security's registration under Section 12(b) of the Exchange Act shall be suspended upon the effective date of the delisting. If, following the effective date of delisting, the withdrawal of registration under Section 12(b) is delayed by the Commission, an exchange, or an issuer, the issuer shall, within 60 days of such delay, file any reports that would have been required under Section 13(a) and the rules and regulations thereunder, had the Form 25 not been filed. The issuer will also file any subsequent reports required under Section 13(a) for the duration of the delay.

8. An issuer whose reporting responsibilities under Section 13(a) of the Exchange Act are suspended for a class of securities under Rule 12d2–2(d)(5) is, nevertheless, required to file any reports that an issuer with such a class of securities registered under Section 12 of the Exchange Act would be required to file under Section 13(a) if such class of securities: (1) is registered under Section 12(g) of the Exchange Act; or (2) would be registered, or would be required to be registered, under Section 12(g) of the Exchange Act but for the exemption from registration under Section 12(g) provided by Section 12(g)(2)(A) of the Exchange Act.

9. An issuer whose reporting responsibilities under Section 13(a) of the Exchange Act are suspended under Rule 12d2–2(d)(5) is, nevertheless, required to file any reports that would be required under Section 15(d) of the Exchange Act but for the fact that the reporting obligations are: (1) Suspended for a class of securities under Rule 12d2–2(d)(5); and (2) suspended, terminated, or otherwise absent under Section 12(g) of the Exchange Act. The reporting responsibilities of an issuer under Section 15(d) of the Exchange Act shall continue until the issuer is required to file reports under Section 13(a) of the Exchange Act or the issuer's reporting responsibilities under Section 15(d) are otherwise suspended.

10. Issuers should determine if they have additional registration and reporting requirements under Section 12(g) of the Exchange Act and reporting obligations pursuant to Section 15(d) of the Exchange Act upon the filing of Form 25.

11. In any case where the Commission has commenced a proceeding under Section 12 of the Exchange Act prior to the withdrawal of the registration of a class of securities becoming effective, such security will remain registered under Section 12(b) of the Exchange Act until the final decision of such proceeding, or until the Commission otherwise determines to suspend the effective date of, or revoke, the registration of a class of securities.

12. In the event removal is being effected under paragraph (a)(3) of Rule 12d2–2 and the national securities exchange has admitted or intends to admit a successor security to trading under the temporary exemption provided for by Exchange Act Rule 12a–5 (17 CFR 240.12a–5) the Form 25 shall be filed with the Commission in a manner that ensures that the delisting does not become effective until the successor security is removed from its exempt status.

By the Commission.

Dated: June 15, 2004.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04–13965 Filed 6–21–04; 8:45 am]

BILLING CODE 8010–01–P

Federal Register

Tuesday,
June 22, 2004

Part IV

Department of Housing and Urban Development

Notice of HUD's Fiscal Year (FY) 2004, Notice of Funding Availability (NOFA), Policy Requirements and General Section to FY2004 SuperNOFA for HUD's Discretionary Grant Programs; Correction; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4900–C–02A]

Notice of HUD's Fiscal Year (FY) 2004, Notice of Funding Availability (NOFA), Policy Requirements and General Section to FY2004 SuperNOFA for HUD's Discretionary Grant Programs; Correction

AGENCY: Office of the Secretary, HUD.

ACTION: Super Notice of Funding Availability (SuperNOFA) for HUD Discretionary Grant Programs; correction.

SUMMARY: On May 14, 2004, HUD published its Fiscal Year (FY) 2004, Notice of Funding Availability (NOFA), Policy Requirements and General Section to the SuperNOFA for HUD's Discretionary Grant Programs. On May 28, 2004, HUD published a technical correction for two of the programs included in the SuperNOFA. This document makes further corrections to the Alaska Native/Native Hawaiian Institutions Assisting Communities Program (AN/NHIAC); the Fair Housing Initiatives Program (FHIP); the Fair Housing Initiatives Programs, Education and Outreach Initiative—Partnership with Historically Black Colleges and Universities (FHIP–HBCU) Program; the Housing Counseling Program; the Self-Help Homeownership Opportunity Program (SHOP); the Public Housing Neighborhood Networks Program, the Public Housing Resident Opportunities and Self-Sufficiency (ROSS) Program; the Public Housing Family Self-Sufficiency Program, the Continuum of Care Homeless Assistance Program; the Service Coordinators Program, the Section 202 Supportive Housing for the Elderly Program (Section 202 Program); and the Section 811 Supportive Housing for Persons with Disabilities Program (Section 811 Program).

This notice also extends the application due dates for the Public Housing Neighborhood Networks Program, the Public Housing Resident Opportunities and Self-Sufficiency (ROSS) Program; the Section 202 Program and the Section 811 Program.

DATES: The application due dates for the following program sections of the SuperNOFA are extended as follows:

Public Housing Neighborhood Networks Program, August 17, 2004;

Public Housing Resident Opportunities and Self-Sufficiency (ROSS) Program, Resident Service Deliver Models-Elder/Persons with Disabilities, August 3, 2004;

Public Housing Resident Opportunities and Self-Sufficiency (ROSS) Program, Resident Service Delivery Models-Family, August 24, 2004;

Section 202 Program July 22, 2004;

Section 811 Program July 22, 2004.

Application due dates for the all other program sections of the SuperNOFA remain as published in the **Federal Register** on May 14, 2004.

FOR FURTHER INFORMATION CONTACT: For the programs listed in this notice, please contact the office or individual listed under the "For Further Information" heading in the individual program sections of the SuperNOFA, published on May 14, 2004.

SUPPLEMENTARY INFORMATION: On May 14, 2004 (69 FR 26941), HUD published its Notice of HUD's Fiscal Year (FY) 2004, Notice of Funding Availability (NOFA), Policy Requirements and General Section to the SuperNOFA for HUD's Discretionary Grant Programs. The FY2004 SuperNOFA announced the availability of approximately $2.3 billion in HUD assistance. On May 28, 2004 (64 FR 30697), HUD published a technical correction for the Housing Choice Voucher Family Self-Sufficiency Program Coordinators program section of the SuperNOFA and the Housing Opportunities for Persons with AIDS program sections of the SuperNOFA. This notice published in today's **Federal Register** makes technical corrections to the Alaska Native/Native Hawaiian Institutions Assisting Communities Program (AN/NHIAC); the Fair Housing Initiatives Program (FHIP); the Fair Housing Initiatives Programs, Education and Outreach Initiative—Partnership with Historically Black Colleges and Universities (FHIP–HBCU) Program; the Housing Counseling Program; the Self-Help Homeownership Opportunity Program (SHOP); the Public Housing Neighborhood Networks Program, the Public Housing Resident Opportunities and Self-Sufficiency (ROSS) Program; the Public Housing Family Self-Sufficiency Program; the Continuum of Care Homeless Assistance Program; the Service Coordinators Program, the Section 202 Supportive Housing for the Elderly Program (Section 202 Program); and the Section 811 Supportive Housing for Persons with Disabilities Program (Section 811 Program).

Summary of Technical Corrections

Summaries of the technical corrections made by this document follow. The page number shown in brackets identifies where the individual funding availability announcement that is being corrected can be found in the May 14, 2004, SuperNOFA.

General Section of SuperNOFA [Page 26941]

On page 26943, under section III.C.2.c. entitled "Compliance with Fair Housing and Civil Rights Laws," subsection (1) is corrected to exclude federally recognized Indian tribes from the requirements of the Fair Housing Act.

On page 26948, under section IV.F.2.b. incorrectly provided that proof of timely submission to the United States Postal Service included a receipt not later than five days after the application due date at the designated HUD facility. In fact, proof of timely submission to the United States Postal Service includes a receipt dated not later than fifteen days after the application due date at the designated HUD facility.

On page 26948, under section IV.F.5. entitled, "Electronic Submission of Packages using *Grant.gov*," HUD incorrectly identified the 2003 Capacity Building Grants as one of two programs included in its *Grants.gov* electronic pilot program. The 2004 Capacity Building Grants NOFA will be part of the *Grants.gov* pilot."

On page 26949, under section V.A.1.a., entitled "RC/EZ/EC," HUD is correcting the Web address to the site where applicants can determine if their project or program activities are located within a federally designated Renewal Community (RC), Empowerment Zone (EZ), Enterprise Community (EC), or Urban Enhanced Enterprise Community (EEC).

On page 26999, HUD is republishing Appendix B, entitled "HUD 2004 SuperNOFA Funding Chart" to reflect these technical corrections.

On page 27005, HUD is republishing Appendix C entitled "HUD field office Contact Information" to correct a number of errors in the list published in the May 14, 2004, **Federal Register** notice.

On page 27009, HUD is republishing Appendix D entitled "Office of Native American Programs (ONAP)" to correct a number of errors in the list published in the May 14, 2004, **Federal Register** notice.

On page 27016, HUD is modifying Appendix E entitled, "List of EZs, ECs, Urban Enhanced Enterprise Communities, and Renewal Communities," as it relates to contacts for New York and will publish the revised listing on its Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*.

Alaska Native/Native Hawaiian Institutions Assisting Communities Program (AN/NHIAC) [Page 27063]

On page 27069, under section V.A.1.a. entitled, "Knowledge and Experience For Previously Unfunded or First Time Applicants (25 Points) For Previously Funded Applicants," HUD failed to identify the number of points available to previously funded applicants under this sub-factor. Ten (10) points are available for previously funded applicants under this sub-factor. HUD believes that notice of the number of points available to previously funded applicants under this sub-factor was evident from the discussion in section V.A.1. Specifically, section V.A.1. provides that 25 points are available for rating factor 1. Section V.A.1.b. provides that 15 points are available to previously funded applicants on the basis of past performance. Previously funded applicants could, therefore, reasonably conclude that 10 points are available under section V.A.1.a., Knowledge and Experience.

Fair Housing Initiatives Programs [Page 27135]

On page 27145, under section V.A.1.b. entitled, "Organizational experience," HUD mistakenly stated that 10 points were available to new applicants under this factor. Fifteen (15) points are available for new applicants under this sub-factor. HUD believes that notice of the number of points available to new applicants under this sub-factor was evident from the discussion in section V.A.1. Specifically, section V.A.1. provides that 25 points are available for rating factor 1. Section V.A.1.a. provides that 10 points are available to new applicants on the basis of number and expertise of staff. Section V.A.1.c. provides that no points are available to new applicants under this sub-factor. New applicants could, therefore, reasonably conclude that 15 points are available under section V.A.1.b., Organizational Experience.

On page 27146, under section V.A.1.c. entitled, "Performance on past project(s)," a hard return was missed causing this sub-factor to appear to be part of section V.A.1.b.(4). For the convenience of the public, section V.A.1.c. is reprinted.

Fair Housing Initiatives Programs, Education and Outreach Initiative—Partnership With Historically Black Colleges and Universities [Page 27157]

On page 27161, section IV.C., entitled "Submission Dates and Times," HUD incorrectly listed the date by which applicants must submit their completed applications. Consistent with the due date provided at paragraph F under "Overview Information" (page 27159) and the HUD 2004 SuperNOFA Funding Chart, Appendix B to the General Section (page 26999), the date by which applicants must submit their corrected application is June 18, 2004.

Housing Counseling Programs [Page 27169]

On page 27172, under section II.C.2. entitled, "Category 2," HUD incorrectly noted that individual awards for HUD-approved National and Regional intermediaries may not exceed $3.4 million. Similarly, HUD incorrectly noted that supplemental funding for Colonias is $300,000. The correct figures are $3.3 million and $200,000, respectively.

On pages 27173 and 27174 under section III.A.2.c., HUD incorrectly provided that eligible sub-grantees of intermediaries and State Housing Finance Agencies (SHFAs) must have only one location or main office with one or more branch offices within the same state or no more than two adjacent states. Sub-grantees do not need to meet this requirement in order to be eligible sub-grantees of intermediaries and SHFAs.

Self-Help Homeownership Opportunity Program (SHOP) [Page 27359]

On page 27366, first column, paragraph d under the section entitled, "Submission Requirements for Factor 3," is corrected to delete reference to form HUD–424C. Applicants are not required to submit the HUD–424C as part of their application.

On page 27366, under "Rating Factor 4: Leveraging Resources (10 Points)" second to the last sentence of the introductory paragraph is corrected to note that leveraging does not include the financing of permanent mortgages.

Public Housing Neighborhood Networks [Page 27405]

On page 27407, section F under "Overview Information" entitled "Dates" the application due date is extended to August 17, 2004. If you submitted an application for the Public Housing Neighborhood Networks program, you will be provided the opportunity to resubmit your application in accordance with the August 17, 2004, deadline date. The address for submission remains unchanged. In the event that HUD receives two or more applications from the same applicant, HUD will only consider the application with the latest submission date.

On Page 27410, section III.C.3.b. entitled "Joint applications," is being corrected to remove the requirement that non-lead applicants are subject to the threshold requirements.

On Page 27411, section III.C.7. entitled "Environmental Impact," subsection b is corrected to clarify the environmental requirements for tribal housing agencies and tribal designated housing entities (TDHEs).

On Page 27412, section IV.E.2. entitled, "Covered Salaries," a correction is being made to provide that Neighborhood Networks grant funds cannot be used to hire or pay for the services of a Contract Administrator.

Public Housing Resident Opportunities and Self-Sufficiency Program [Page 27439]

On page 27441, section F under "Overview Information" entitled "Dates" the application due date for Resident Service Delivery Models—Elderly/Persons with Disabilities is extended to August 3, 2004. Similarly, the application due date for Resident Service Delivery Models—Family is extended to August 3, 2004. If you submitted an application for any of these program NOFAs, you will be provided the opportunity to resubmit your application in accordance with the applicable, deadline date. The address for submission remains unchanged. In the event that HUD receives two or more applications from the same applicant, HUD will only consider the application with the latest submission date.

On Page 27449, section III.C.4.c. entitled "Joint Applications," HUD incorrectly provided that non-lead applicants would be subject to the same threshold requirements as the lead applicant. A correction is made to identify the threshold requirements that non-lead applicants are required to meet.

Page 27450, section IV.E. entitled "Funding Restrictions," a correction is made to note that ROSS grant funds cannot be used to hire or pay for the services of a Contract Administrator.

Page 27452, section V.A.1.b.(1) entitled "Socioeconomic Profile (5 points)," HUD mistakenly stated that 5 points were available to applicants under this factor. Ten points are available under this sub-factor. HUD believes that notice of the number of points available to new applicants under this sub-factor was evident from the discussion in section V.A.1.b. Specifically, section V.A.1.b. provides that 20 points are available for rating factor 2. Since section V.A.1.b.(2) and section V.A.1.B.(4) makes a total of 10 points available to RSDM–Family and

Homeownership applicants, this group of applicants could, therefore, reasonably conclude that 10 points are available under section V.A.1.b.(1). Similarly, since section V.A.1.b.(3) and section V.A.1.B.(4) makes a total of 10 points available to RSDM–Elderly/Persons with disabilities applicants, this group of applicants could, therefore, reasonably conclude that 10 points are available under section V.A.1.b.(1).

Public Housing Family Self-Sufficiency [Page 27473]

On page 27478, section IV.B.2.(b)(2), a correction is made to clarify the instructions on the assembly order of the application package.

Continuum of Care Homeless Assistance Programs [Page 27495]

On pages 27505 and 27506, sections IV.B.1.b. and IV.B.1.c. are corrected to clarify the instructions on the assembly order of the application package.

On page 27506, under section IV.C.1.b., a correction is being made to provide instruction on use of the HUD field office copy when a portion of an applicant's application to HUD Headquarters may be missing.

On page 27575, a correction is being made to the first page of Exhibit 3, Project Component/Information/Participant Count/Major Milestones (Form HUD–40076 CoC–3C) to remove extraneous information that applicants need not provide.

Service Coordinators in Multifamily Housing [Page 27683]

On page 27687, under section III.C.2.a., HUD is correcting a cross reference that is in error.

Section 202 Supportive Housing for the Elderly Program (Section 202 Program) [Page 27709]

On page 27711, section F under "Overview Information" entitled "Dates" the application due date is extended to July 22, 2004. If you submitted an application for the Section 202 Program, you will be provided the opportunity to resubmit your application in accordance with the July 22, 2004, deadline date. The address for submission remains unchanged. If the applicant resubmits its application as a result of these technical corrections, HUD will only consider the application with the latest submission date.

On page 27717, under section III.C.2.b.(3)(c), (i), clarification is added, as a result of the extension of the application due date, to advise applicants that a Phase I Environmental Site Assessment (ESA) dated January 7, 2004, or later will meet the requirement for submitting a Phase I ESA.

On page 27717, under section III.C.2.b.(3)(c)(ii), as a result of the extension of the application due date, a change is made to the date by which applicants must submit their Phase II Environmental Site Assessment.

On page 27717, under section III.C.2.b.(3)(c)(iii), as a result of the extension of the application due date, a change is made to the date by which applicants must submit a plan and supporting documentation to clean-up a site that revealed contamination during the Phase II Environmental Site Assessment.

On page 27724, under section IV.B.2.b.(2)(j), a correction is made to clarify that HUD is requesting a description of the efforts to remove regulatory barriers to affordable housing of the jurisdiction in which the project will be located.

On page 27725, under IV.B.2.c.(1)(d)(i)(C), as a result of the extension of the application due date, a clarification is added to indicate to applicants that an option to purchase or long-term leasehold must be effective through January 7, 2005, or later.

On page 27726, under section IV.B.2.c.(1)(d)(vii), as a result of the extension of the application due date, a clarification is made to advise applicants that a Phase I Environmental Site Assessment (ESA) dated January 7, 2004, or later will be acceptable and to change the date by which applicants must submit their Phase II ESA and any necessary plans for clean-up of a site that revealed contamination during the Phase II ESA.

On page 27735, under section IV.C. entitled, "Submission Dates and Time," a correction is being made to clarify the time by which copies of applications must be submitted to the HUD field office.

On page 27738 under section V.A.3. entitled, "Rating Factor 3: Soundness of Approach (45 Points)," a correction is made to clarify that points will be awarded on the basis of the efforts to remove regulatory barriers to affordable housing of the jurisdiction in which the project will be located.

On page 27738 under section V.A.3.k., a correction is made to clarify that points will be awarded on the basis of the efforts to remove regulatory barriers to affordable housing of the jurisdiction in which the project will be located.

On page 27739, under section V.A.6. entitled, "Bonus Points (2 bonus points)," a correction is being made to correctly identify the location of the Application Submission Requirements that applicants must address in order to obtain bonus points.

Section 811 Program of Supportive Housing for Persons With Disabilities (Section 811 Program) [Page 27753]

On page 27755, section F under "Overview Information" entitled "Dates" the application due date is extended to July 22, 2004. If you submitted an application for the Section 811 program, you will be provided the opportunity to resubmit your application in accordance with the July 22, 2004, deadline date. The address for submission remains unchanged. If you resubmit your application as a result of these technical corrections, HUD will only consider the application with the latest submission date.

On page 27760, under section III.C.2.b.(3)(d)(i), clarification is added, as a result of the extension of the application due date, to advise applicants guidance that a Phase I Environmental Site Assessment (ESA) dated January 7, 2004 or later will meet the requirement for submitting a Phase I ESA.

On page 27760, under section III.C.2.b.(3)(d)(ii), as a result of the extension of the application due date, a change is made to the date by which applicants must submit their Phase II Environmental Site Assessment.

On page 27760, under section III.C.2.b.(3)(d)(iii), as a result of the extension of the application due date, a change is made to the date by which applicants must submit a plan and supporting documentation to clean-up a site that revealed contamination during the Phase II Environmental Site Assessment.

On page 27770, under section IV.B.2.b.(2)(l), a correction is made to clarify that HUD is requesting a description of the efforts to remove regulatory barriers to affordable housing of the jurisdiction in which the project will be located.

On page 27771, under IV.B.2.c.(1)(d)(i)(C), as a result of the extension of the application due date, a clarification is added to indicate to applicants that an option to purchase or long-term leasehold must be effective through January 7, 2005 or later.

On page 27772, under section IV.B.2.c.(1)(d)(vii), as a result of the extension of the application due date, a clarification is made to advise applicants that a Phase I Environmental Site Assessment (ESA) dated January 7, 2004 or later will be acceptable and to change the date by which applicants must submit their Phase II ESA and any necessary plans for clean-up of a site

that revealed contamination during the Phase II ESA.

On page 27786, under section IV.C. entitled, "Submission Date and Time," a correction is being made to clarify the time by which copies of applications submitted to the HUD field office.

On page 27788 under section V.A.3. entitled, "Rating Factor 3: Soundness of Approach (40 Points)," a correction is made to clarify that points will be awarded on the basis of the efforts to remove regulatory barriers to affordable housing of the jurisdiction in which the project will be located.

On page 27789 under section V.A.3.j., a correction is made to clarify that points will be awarded on the basis of the efforts to remove regulatory barriers to affordable housing of the jurisdiction in which the project will be located.

Accordingly, in the Notice of HUD's Fiscal Year (FY) 2004, Notice of Funding Availability (NOFA), Policy Requirements and General Section to the SuperNOFA for HUD's Discretionary Grant Programs (FR Doc. 04–10548), beginning at 69 FR 26941, in the issue of May 14, 2004, the following corrections are made.

1. General Section of the SuperNOFA, Beginning at Page 26941

On page 26943, first column, section III.C.2.c.(1) is corrected to read: (1) With the exception of federally recognized Indian tribes and their instrumentalities, all applicants and their subrecipients must comply with all Fair Housing and Civil Rights laws, statutes, regulations, and Executive Orders as enumerated in 24 CFR 5.105(a), as applicable. If you are a federally recognized Indian tribe, you must comply with the non-discrimination provisions enumerated at 24 CFR 1000.12, as applicable. In addition to these requirements, there may be program-specific threshold requirements identified in the Program Sections of the SuperNOFA.

On page 26948, first column, section IV.F.2.b. is corrected to read as follows: b. For package submitted via the United States Postal Service, proof of timely submission shall be a postmark not later than the application due date or receipt not later than fifteen days after the application due date at the designated HUD facility and, upon request by a HUD official, proof of mailing using USPS Form 3817 (Certificate of Mailing) or a receipt from the Post Office which contains the post office name, location, and date time and mailing. For submission through the United States Postal Service, no other proof of timely submission will be accepted. Applications not meeting the timely submission requirements will not be considered for funding.

On page 26948, third column, last paragraph under section IV.F.5., is corrected to read as follows:

Paper copy submission will not apply to two programs that HUD is piloting for electronic applications through *Grants.gov/Find and Grants.gov/APPLY*. The two programs are the Housing Counseling Training and FY2004 Capacity Building Grants. These are issued outside the SuperNOFA.

On page 26949, first column, section V.A.1.a., entitled "RC/EZ/EC," the web address at the end of the paragraph is corrected to read as follows: *http://hud.esri.com/egis/cpd/rcezec/welcome.htm#*.

On page 27003, HUD is republishing Appendix B, entitled "HUD 2004 SuperNOFA Funding Chart" to reflect the changes contained in this technical correction.

BILLING CODE 4210–32–P

HUD 2004 SuperNOFA Funding Chart

Appendix B

Program Name	Funding Available (Approximate)	Application Due Date	Submission Location and Room Number
Community Development $296.837 million			
Community Development Technical Assistance (CD-TA) Programs:	**$36.834 million**		
HOME TA CFDA No.: 14.239 OMB Approval No.: 2506-0166	$9.59 million	July 8, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: CD-TA
CHDO (HOME) TA CFDA No : 14.239 OMB Approval No.: 2506-0166	$6.992 million	July 8, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: CD-TA
MCKINNEY-VENTO HOMELESS ASSISTANCE PROGRAMS TA CFDA No.: 14.235 OMB Approval No : 2506-0166	$10.541 million	July 8, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: CD-TA
HOPWA TA CFDA No.: 14.241 OMB Approval No.: 2506-0133	$2 million	July 8, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: CD-TA
CDBG TA State Grants CFDA No.: 14.228 OMB Approval No.: 2506-0166 Entitlement Grants CFDA No.: 14.218 OMB Approval No : 2506-0077 Small Cities CFDA No.: 14.219 OMB Approval No.: 2506-0020 Insular Areas CFDA No.: 14.225 OMB Approval No.: 2506-0077 Section 108 CFDA No.: 14.248 OMB Approval No.: 2506-0161	$1.5 million	July 8, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: CDBG-TA

HUD 2004 SuperNOFA Funding Chart

Appendix B

Program Name	Funding Available (Approximate)	Application Due Date	Submission Location and Room Number
Youthbuild TA CFDA No.: 14.243 OMB Approval No.: 2506-0142	$6.211 million	July 8, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: Youthbuild TA
University and College Programs:	**$34.351 million**		
Historically Black Colleges and Universities (HBCU) Program CFDA No.: 14.520 OMB Approval No.: 2506-0122	$11.014 million	June 25, 2004	University Partnerships Clearinghouse, c/o Danya International 8737 Colesville Road Suite 1200 Silver Spring, Maryland 20910 Attn: HBCU Program
Hispanic-Serving Institutions Assisting Communities (HSIAC) Program CFDA No.: 14.514 OMB Approval No.: 2528-0198	$6.95 million	June 25, 2004	University Partnerships Clearinghouse, 8737 Colesvillle Road Suite 1200 Silver Spring, MD 20910 Attn: HSIAC Program
Alaska Native/Native Hawaiian Institution Assisting Communities Program (AN/NHIAC) CFDA No.: 14.515 OMB Approval No.: 2528-0206	$6.5 million	July 9, 2004	University Partnerships Clearinghouse, 8737 Colesvillle Road Suite 1200 Silver Spring, MD 20910 Attn: AN/NHIAC
Tribal Colleges and Universities Program (TCUP) CFDA No.: 14.519 OMB Approval No.: 2528-0215	$2.98 million	June 25, 2004	University Partnerships Clearinghouse, c/o Danya International 8737 Colesvillle Road Suite 1200 Silver Spring, MD 20910 Attn: TCUP
Community Outreach Partnerships Centers (COPC) CFDA No.: 14.511 OMB Approval No.: 2506-0180	$6.907 million	July 9, 2004	University Partnerships Clearinghouse, c/o Danya International 8737 Colesvillle Road Suite 1200 Silver Spring, MD 20910 Attn: COPC Program
Student Research and Study Programs:	**$3.908 million**		
Early Doctoral Student Research Grant Program CFDA No.: 14.517 OMB Approval No.: 2528-0216	$150,000	June 16, 2004	University Partnerships Clearinghouse, c/o Danya International 8737 Colesvillle Road Suite 1200 Silver Spring, MD 20910 Attn: Early Doctoral Research
Doctoral Dissertation Research Grant Program CFDA No.: 14.516 OMB Approval No.: 2528-0213	$400,000	June 16, 2004	University Partnerships Clearinghouse, c/o Danya International 8737 Colesvillle Road Suite 1200 Silver Spring, MD 20910 Attn: Doctoral Dissertation Research
Community Development Work Study Program CFDA No.: 14.512 OMB Approval No.: 2528-0175	$3.358 million	June 16, 2004	University Partnerships Clearinghouse, c/o Danya International 8737 Colesvillle Road, Suite 1200 Silver Spring, MD 20910 Attn: CD Work Study Program

HUD 2004 SuperNOFA Funding Chart

Appendix B

Program Name	Funding Available (Approximate)	Application Due Date	Submission Location and Room Number
Fair Housing Initiatives Programs:	**$18.73 million**		
Fair Housing - Private Enforcement Initiative (PEI) CFDA No.: 14.410 OMB Approval No.: 2539-0033	$11.85 million	June 29, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 5224 Washington, DC 20410 Attn: FHIP/FHAP Support Division
Fair Housing Education and Outreach Initiative (EOI) CFDA No.: 14.409 OMB Approval No.: 2539-0033	$3.78 million	June 29, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 5224 Washington, DC 20410 Attn: FHIP/FHAP Support Division
Fair Housing Organizations Initiative (FHOI) CFDA No.: 14.413 OMB Approval No.: 2539-0033	$2.1 million	June 29, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 5224 Washington, DC 20410 Attn: FHIP/FHAP Support Division
Fair Housing Initiatives Program FHIP-HBCU CFDA No.: 14.409 OMB Approval No.: 2529-0033	$1 million	June 18, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 5224 Washington, DC 20410 Attn: FHIP/FHAP Support Division
Housing Counseling Programs:	**$36.014 million**		
Housing Counseling - Local Housing Counseling Agencies (LHCA) CFDA No.: 14.169 OMB Approval No.: 2502-0261	$12.201 million	June 23, 2004	Appropriate HUD Homeownership Center
Housing Counseling - National and Regional Intermediaries CFDA No.: 14.169 OMB Approval No.: 2502-0261	$16.763 million	June 23, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 9266 Washington, DC 20410 Attn: Office of Single Family Housing
Housing Counseling - State Housing Finance Agencies (SHFA) CFDA No.: 14.169 OMB Approval No.: 2502-0261	$2 million	June 23, 2004	Appropriate HUD Homeownership Center
Supplemental Funding Housing Counseling - Colonias CFDA No.: 14.169 OMB Approval No.: 2502-0261	$350,000	June 23, 2004	Application for supplemental funding is submitted within the comprehensive application. LCHAs and SHFAs should be submitted to the Appropriate HUD Homeownership Center. Intermediaries should submit to HUD Headquarters.
Housing Counseling - Predatory Lending CFDA No.: 14.169 OMB Approval No.: 2502-0261	$2.7 million	June 23, 2004	Application for supplemental funding is submitted within the comprehensive application. LCHAs and SHFAs should be submitted to the Appropriate HUD Homeownership Center. Intermediaries should submit to HUD Headquarters.

HUD 2004 SuperNOFA Funding Chart

Appendix B

Program Name	Funding Available (Approximate)	Application Due Date	Submission Location and Room Number
Housing Counseling - Section 8 Homeownership Voucher Program CFDA No.: 14.169 OMB Approval No.: 2502-0261	$2 million	June 23, 2004	Application for supplemental funding is submitted within the comprehensive application. LCHAs and SHFAs should be submitted to the Appropriate HUD Homeownership Center. Intermediaries should submit to HUD Headquarters.
Healthy Homes and Lead Hazard Control Programs:	**$167 million**		
Lead-Based Paint Hazard Control Grant Program CFDA No.: 14.900 OMB Approval No.: 2539-0015	$96 million	July 13, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room P3206 Washington, DC 20410 Attn: Lead Hazard Control Program
Healthy Homes Technical Studies CFDA No.: 14.906 OMB Approval No.: 2539-0015	$2 million	July 13, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room P3206 Washington, DC 20410 Attn: Healthy Homes Technical Studies
Lead-Technical Studies CFDA No.: 14.902 OMB Approval No.: 2539-0015	$3 million	July 13, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room P3206 Washington, DC 20410 Attn: Lead Technical Studies
Lead Outreach Grant Program CFDA No.: 14.904 OMB Approval No.: 2539-0015	$2 million	July 13, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room P3206 Washington, DC 20410 Attn: Lead Outreach Program
Lead-Based Paint Hazard Reduction Demonstration Grant Program CFDA No.: 14.905 OMB Approval No.: 2539-0015	$50 million	July 13, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room P3206 Washington, DC 20410 Attn: Lead Hazard Reduction
Healthy Homes Demonstration Program CFDA No.: 14.901 OMB Approval No.: 2539-0015	$5 million	July 13, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room P3206 Washington, DC 20410 Attn: Healthy Homes Demonstration
Operation Lead Elimination Action Program (LEAP) CFDA No.: 14.903 OMB Approval No.: 2539-0015	$9 million	July 13, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room P3206 Washington, DC 20410 Attn: LEAP

HUD 2004 SuperNOFA Funding Chart

Appendix B

Program Name	Funding Available (Approximate)	Application Due Date	Submission Location and Room Number
Economic Development and Empowerment Programs $237.252 million			
Economic Development Programs:	**$180.652 million**		
Brownfields Economic Development Initiative (BEDI) CFDA No.: 14.246 OMB Approval No.: 2506-0153	$25.352 million	July 15, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: BEDI
Self-Help Homeownership Opportunity Program (SHOP) CFDA No.: 14.247 OMB Approval No.: 2506-0157	$26.8 million	July 20, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: SHOP
Youthbuild CFDA No.: 14.243 OMB Approval No.: 2506-0142	$59.4 million	July 2, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: Youthbuild Program
Housing Choice Voucher Family Self-Sufficiency (FSS) Program Coordinators CFDA No.: 14.871 OMB Approval No.: 2577-0178	$47.7 million	June 22, 2004	HUD Grants Management Center 2001 Jefferson Davis Hwy Suite 703 Arlington, VA 22202 Attn: Housing Choice Voucher Family
Public Housing Neighborhood Networks Program CFDA No.: 14.870 OMB Approval No.: 2577-0229	$21.4 million	August 17, 2004	HUD Grants Management Center 2001 Jefferson Davis Hwy Suite 703 Arlington, VA 22202 Attn: Neighborhood Networks Program
Public Housing Resident Opportunity and Self-Sufficiency (ROSS) Programs:	**$56.6 million**		
Resident Services Delivery Models-Elderly/Persons with Disabilities CFDA No.: 14.870 OMB Approval No.: 2577-0229	$11.4 million	August 3, 2004	HUD Grants Management Center 2001 Jefferson Davis Hwy Suite 703 Arlington, VA 22202 Attn: ROSS-Resident Services Delivery
Resident Services Delivery Models-Family CFDA No.: 14.870 OMB Approval No.: 2577-0229	$16 million	August 24, 2004	HUD Grants Management Center 2001 Jefferson Davis Hwy Suite 703 Arlington, VA 22202 Attn: ROSS-Delivery Models-Family
Homeownership Supportive Services CFDA No.: 14.870 OMB Approval No.: 2577-0229	$13.2 million	August 10, 2004	HUD Grants Management Center 2001 Jefferson Davis Hwy Suite 703 Arlington, VA 22202 Attn: ROSS-Homeownership Supportive Services
Public Housing Family Self-Sufficiency Program CFDA No.: 14.870 OMB Approval No.: 2577-0229	$16 million	July 28, 2004	HUD Grants Management Center 2001 Jefferson Davis Hwy Suite 703 Arlington, VA 22202 Attn: PH Self-Sufficiency Program

HUD 2004 SuperNOFA Funding Chart

Appendix B

Program Name	Funding Available (Approximate)	Application Due Date	Submission Location and Room Number
Targeted Housing and Homeless Assistance Programs $1.734 billion			
Continuum of Care Homeless Assistance Programs Supportive Housing Program (SHP) CFDA No.: 14.235 OMB Approval No.: 2506-0112 Shelter Plus Care (S+C) CFDA No.: 14.238 OMB Approval No.: 2506-0112 Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals CFDA No.: 14.249 OMB Approval No.: 2506-0112	$1 billion	July 27, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7270 Washington, DC 20410 Attn: Continuum of Care Programs
Housing Opportunities for Person with AIDS (HOPWA) Renewal Projects CFDA No.: 14.241 OMB Approval No.: 2506-0133	$29.227 million	July 14, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: HOPWA
Assisted-Living Conversion Program for Eligible Multifamily Projects CFDA No.: 14.314 OMB Approval No.: 2502-0542	$55.5 million	July 22, 2004	Appropriate HUD Multifamily Hub
Service Coordinators in Multifamily Housing CFDA No.: 14.191 OMB Approval No.: 2502-0447	$25 million	July 22, 2004	Appropriate HUD Field Office
Section 202 Supportive Housing for the Elderly CFDA No.: 14.157 OMB Approval No.: 2502-0267	$495.2 million	July 22, 2004	Appropriate HUD Multifamily Hub Office or Multifamily Program Center
Section 811 Supportive Housing for Persons with Disabilities CFDA No.: 14.181 OMB Approval No.: 2502-0462	$117.7 million	July 22, 2004	Appropriate HUD Multifamily Hub or Multifamily Program Center
Mainstream Housing Opportunities For Persons With Disabilities (Mainstream Program) CFDA No.: 14.871 OMB Approval No.: 2577-0169	$11.8 million	July 16, 2004	Grants Management Center Mail Stop: Mainstream Program 2001 Jefferson Davis Highway Suite 703 Arlington, VA 22202

On page 27005, HUD is republishing Appendix C entitled "HUD field office Contact Information" to correct a number of errors in the list published in the May 14, 2004, **Federal Register** notice.

Appendix C: HUD Field Office Contact Information

Not all field offices listed handle all of the programs contained in the SuperNOFA. Applicants should look to the SuperNOFA for contact numbers for information on specific programs. Office hour listings are local time.

Persons with hearing or speech impediments may access any of these numbers via TTY by calling the Federal Relay Service at 800–877–8339.

REGION I

Bangor Field Office
Margaret Chase Smith Federal Building
202 Harlow Street, First Floor
Bangor, ME 04402-1384
207–945–0467
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
202 Harlow Street, Suite 9998
207-941-2011
Business Hours: 7:30 a.m. –6:00 p.m., M-F

Boston Regional Office
O'Neil Federal Building
10 Causeway Street, Room 301
Boston, MA 02222–1092
617–994–8223
Office Hours: 8:30 a.m.–5 p.m.

Convenient USPS Station:
217 Hanover Street
617-723-6397
Business Hours: 7:30 a.m.–6:00 p.m., M-F

Burlington Field Office
159 Bank Street, Second Floor
Burlington, VT 05401–4411
802–951–6290
Office Hours: 8:30 a.m.–5:00 p.m.

Convenient USPS Station:
11 Elmwood Ave
802-863-6033
Business Hours: 8:00 a.m.–5:00 p.m., M-F

Hartford Field Office
One Corporate Center
20 Church Street, 19th Floor
Hartford, CT 06103-3220
860–240–4800
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
141 Weston Street
860-524-6092
Business Hours: 7:00 a.m.–9:00 p.m., M-F

Manchester Field Office
1000 Elm Street, Eighth Floor
Manchester, NH 03101-1730
603–666–7510, ext. 3016
Office Hours: 8:30 a.m.–5:00 p.m.

Convenient USPS Station:
1000 Elm Street, Suite 104
603-623-3681
Business Hours: 8:00 a.m.–5:00 p.m., M-F

Providence Field Office
10 Weybosset Street, Sixth Floor
Providence, RI 02903–2808
401–528–5230
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
24 Corliss Street
401-276-8615
Business Hours: 7:00 a.m.–9:00 p.m., M-F

Appendix C: HUD Field Office Contact Information

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Persons with hearing or speech impediments may access any of these numbers via TTY by calling the Federal Relay Service at 800–877–8339.

Region II

Albany Office
52 Corporate Circle
Albany, NY 12203–5121
518–464–4200
Office Hours: 8:00 a.m.–4:30 p.m.

Convenient USPS Station:
1425 Central Avenue
518-458-1859
Business Hours: 9:00 a.m.–8:00 p.m., M-F

Buffalo Office
Lafayette Court
465 Main Street, 5th Floor
Buffalo, NY 14203–1780
716–551–5755
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
1200 William Street, Room 200
716-846-2301
Business Hours: 8:00 a.m.–6:00 p.m., M-F

Camden Office
Hudson Building
800 Hudson Square, Second Floor
Camden, NJ 08102–1156
856–757–5081
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
401 Market Street
856-963-6597
Business Hours: 8:30 a.m.–5:00 p.m., M-F

Newark Office
One Newark Center, 13th Floor
1085 Raymond Boulevard
Newark, NJ 07102–5269
973–622–7900
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
2 Federal Square
973-693-5235
Business Hours: 7:30 a.m.–9:00 p.m., M-F

New York Regional Office
26 Federal Plaza, Suite 3541
New York, NY 10278–0068
212–264–8000
Office Hours: 8:30 a.m.–5 p.m.

Convenient USPS Station:
73 Pine Street
212-809-6108
Business Hours: 7:30 a.m.–6:00 p.m., M-F

Syracuse Office
128 East Jefferson Street
Syracuse, NY 13202
315–477–0616
Office Hours: 8:30 a.m.–5 p.m.

Convenient USPS Station:
444 South Salina Street
315-472-0817
Business Hours: 8:00 a.m.–5:00 p.m., M-F

Appendix C: HUD Field Office Contact Information

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Region III

Baltimore Office
10 South Howard Street, Fifth Floor
Baltimore, MD 21201–2505
410–962–2520, ext. 3061
Office Hours: 8:00 a.m.–5:00 p.m.

Convenient USPS Station:
900 East Fayette Street
410-347-4202
Business Hours: 7:30 a.m.–10:00 p.m., M-F

Charleston Office
405 Capitol Street, Suite 708
Charleston, WV 25301–1795
304–347–7000, ext. 103
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
1002 Lee Street, East
304-561-1000
Business Hours: 5:30 a.m.–7:00 p.m., M-F

Philadelphia Regional Office
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107–3380
215–656–0600
Office Hours: 8:00 a.m.–5:00 p.m.

Convenient USPS Station:
900 Market Street, Lobby
215-923-2472
Business Hours: 8:30 a.m.–6:00 p.m., M-F

Pittsburgh Office
339 Sixth Avenue, Sixth Floor
Pittsburgh, PA 15222–2515
Phone: 412–644–6436
Fax: 412-644-4240
Office Hours: 8:00 a.m.–4:30 p.m.

Convenient USPS Station:
700 Grant Street, Suite A
412-642-0769
Business Hours: 7:00 a.m.–6:00 p.m., M-F

Richmond Office
600 East Broad Street
Richmond, VA 23219
804–771–2100, ext 3736
Office Hours: 8:00 a.m.–4:30 p.m.

Convenient USPS Station:
1801 Brook Road
804-775-6304
Business Hours: 7:00 a.m.–6:00 p.m., M-F

Washington, DC Office
820 First Street, NE
Washington, DC 20002–4205
202–275–9200, ext. 3077
Office Hours: 8:30 a.m.–4:30 p.m.

Convenient USPS Station:
2 Massachusetts Avenue, NE.
202-523-2368
Business Hours: 7:00 a.m.–11:59 p.m., M-F

Appendix C: HUD Field Office Contact Information

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Persons with hearing or speech impediments may access any of these numbers via TTY by calling the Federal Relay Service at 800–877–8339.

Wilmington Office
One Rodney Square
920 King Street, Suite 404
Wilmington, DE 19801
302–573–6300
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
1101 North King Street
302-656-0228
Business Hours: 7:00 a.m.–5:30 p.m., M-F

Region IV

Atlanta Regional Office
40 Marietta Street
Five Points Plaza
Atlanta, GA 30303–2806
404–331–4111
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
183 Forsyth Street, SW
404-521-2053
Business Hours: 8:30 a.m.–8:00 p.m., M-F

Birmingham Office
Medical Forum Building
950 22nd Street, North, Suite 900
Birmingham, AL 35203–5302
205–731–2617
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
351 24th Street, North
205-521-0822
Business Hours: 7:00 a.m.–8:00 p.m., M-F

Columbia Office
1835 Assembly Street, 11th Floor
Columbia, SC 29201–2480
803–765–5592
Office Hours: 8 a.m.–4:45 p.m.

Convenient USPS Station:
1601 Assembly Street
803-733-4643
Business Hours: 7:30 a.m.–6:00 p.m., M-F

Greensboro Office
Asheville Building
1500 Pinecroft Road
Greensboro, NC 27407–3707
336–547–4000, ext. 2801
Office Hours: 8 a.m.–4:45 p.m.

Convenient USPS Station:
301 Four Seasons Town Center
800-275-8777
Business Hours: 10:00 a.m.–9:00 p.m., M-F

Jackson Office
McCoy Federal Building
100 West Capitol Street, Room 910
Jackson, MS 39269
601–965–4757
Office Hours: 8 a.m.–4:45 p.m.

Convenient USPS Station:
401 East South Street
601-351-7096
Business Hours: 7:00 a.m.–6:00 p.m., M-F

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Persons with hearing or speech impediments may access any of these numbers via TTY by calling the Federal Relay Service at 800–877–8339.

Jacksonville Office
301 West Bay Street, Suite 2210
Jacksonville, FL 32202–5121
904–232–2627
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
1100 Kings Road
904-366-4886
Business Hours: 6:00 a.m.–10:00 p.m., M-F

Knoxville Office
710 Locust Street, SW., Suite 310
Knoxville, TN 37902–2526
865–545–4370
Office Hours: 7:30 a.m.–4:15 p.m.

Convenient USPS Station:
501 West Main Street
865-522-1070
Business Hours: 7:30 a.m.–5:30 p.m., M-F

Louisville Office
601 West Broadway
P.O. Box 1044
Louisville, KY 40202
502–582–5251
Office Hours: 8 a.m.–4:45 p.m.

Convenient USPS Station:
835 South 7th Street
502-584-6045
Business Hours: 8:00 a.m.–5:00 p.m., M-F

Memphis Office
300 Jefferson Avenue, Suite 300
Memphis, TN 38103–2389
901–544–3367
Office Hours: 8 a.m.–5:00 p.m.

Convenient USPS Station:
1 North Front Street
901-576-2037
Business Hours: 8:30 a.m.–5:00 p.m., M-F

Miami Office
909 Southeast First Avenue, Suite 500
Miami, FL 33131
305–536–4652
Office Hours: 8:30 a.m.–5 p.m.

Convenient USPS Station:
1101 Brickell Avenue
305-377-9124
Business Hours: 8:00 a.m.–5:00 p.m., M-F

Nashville Office
235 Cumberland Bend, Suite 200
Nashville, TN 37228–1803
615–736–5213
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
2245 Metrocenter Boulevard
615-254-5505
Business Hours: 8:30 a.m.–6:00 p.m., M-F

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Orlando Office
3751 Maguire Boulevard
Room 270
Orlando, FL 32803–3032
407–648–6441
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
821 Herndon Avenue
407-897-3469
Business Hours: 9:00 a.m.–5:00 p.m., M-F

San Juan Office
171 Carlos E. Chardón Avenue
San Juan, PR 00918–0903
787–766–5400, ext. 2038
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
525 Avenue FD Roosevelt, Suite 111
787-282-6331
Business Hours: 9:00 a.m.–9:00 p.m., M-F

Tampa Office
500 Zack Street, Suite 402
Tampa, FL 33602-3945
813–228–2026
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
925 North Florida Avenue
813-223-4225
Business Hours: 8:30 a.m.–5:30 p.m., M-F

Region V

Chicago Regional Office
Ralph Metcalfe Federal Building
77 West Jackson Boulevard
Chicago, IL 60604–3507
312–353–5680
Office Hours: 8:30 a.m.–5:00 p.m.

Convenient USPS Station:
433 West Harrison Street
312-983-8182
Business Hours: 12:00 a.m.-11:59 p.m., M-F

Cincinnati Office
15 East Seventh Street
Cincinnati, OH 45202
513–684–3451
Office Hours: 8 a.m.–4:45 p.m.

Convenient USPS Station:
1623 Dalton Avenue
513-684-5664
Business Hours: 7:30 a.m.–9:00 p.m., M-F

Cleveland Office
1350 Euclid Avenue, Suite 500
Cleveland, OH 44115–1815
216–522–4058, ext. 7102
Office Hours: 8:20 a.m.–5:00 p.m.

Convenient USPS Station:
2400 Orange Avenue
216-443-4372
Business Hours: 7:00 a.m.–8:00 p.m., M-F

Appendix C: HUD Field Office Contact Information

Not all field offices listed handle all of the programs contained in the SuperNOFA. Applicants should look to the SuperNOFA for contact numbers for information on specific programs. Office hour listings are local time.

Persons with hearing or speech impediments may access any of these numbers via TTY by calling the Federal Relay Service at 800–877–8339.

Columbus Office
200 North High Street, Room 700
Columbus, OH 43215–2499
614–469–5737
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
850 Twin Rivers Drive
614-469-4267
Business Hours: 8:00 a.m.–7:00 p.m., M-F

Detroit Office
477 Michigan Avenue
Detroit, MI 48226–2592
313–226–7900
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
1401 West Fort Street, Room M135
313-226-8075
Business Hours: 12:00 a.m.-11:59 p.m., M-F

Flint Office*
Municipal Center, North Building
1101 South Saginaw Street
Flint, MI 48502–1953
810–766–5112
Office Hours: 8 a.m.–4:30 p.m.
**this office is considering a move in the near future; confirm address before submitting applications*

Convenient USPS Station:
250 East Boulevard Drive
810-257-1506
Business Hours: 7:45 a.m.–6:00 p.m., M-F

Grand Rapids Office
Trade Center Building
50 Louis Street, NW.
Grand Rapids, MI 49503–2648
616–456–2100
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
225 Michigan Street, NW.
616-776-1515
Business Hours: 8:00 a.m.–7:00 p.m., M-F

Indianapolis Office
151 North Delaware Street, Suite 1200
Indianapolis, IN 46204–2526
317–226–6303
Office Hours: 8 a.m.–4:45 p.m.

Convenient USPS Station:
125 West South Street
317-464-6874
Business Hours: 7:00 a.m.–5:30 p.m., M-F

Milwaukee Office
310 West Wisconsin Avenue, Suite 1380
Milwaukee, WI 53203–2289
414–297–3214, ext. 8001
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
345 West Saint Paul Avenue
414-270-2308
Business Hours: 7:30 a.m.–8:00 p.m., M-F

Appendix C: HUD Field Office Contact Information

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Minneapolis Office
920 Second Avenue, South, Suite 1300
Minneapolis, MN 55402
612–370–3000, ext. 2045
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
100 South First Street
612-349-0359
Business Hours: 7:00 a.m.–8:00 p.m., M-F

Springfield Office
Illini Financial Center
500 West Monroe Street, 1st Floor SW.
Springfield, IL 62704
217–492–4120
Office Hours: 8:00 a.m.–4:30 p.m.

Convenient USPS Station:
2105 East Cook Street
217-788-7225
Business Hours: 7:30 a.m.–5:30 p.m., M-F

Region VI

Albuquerque Office
625 Silver Avenue, SW., Suite 100
Albuquerque, NM 87102–3185
505–346–7332
Office Hours: 8 a.m.–5 p.m.

Convenient USPS Station:
303 Romero NW.
505-242-5927
Business Hours: 10:00 a.m.–6:00 p.m., M-F

Dallas Office
525 Griffin Street, Suite 860
Dallas, TX 75202–5007
214–767–8300
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
1201 Main Street
214-752-5654
Business Hours: 12:00 a.m.–5:00 p.m., M-F

Fort Worth Regional Office
801 Cherry Street or,
P.O. Box 2905
Fort Worth, TX 76113-2905
817–978–5540
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
251 West Lancaster Avenue
817-870-8104
Business Hours: 8:30 a.m.–6:00 p.m., M-F

Houston Office
1301 Fannin Street, Suite 2200
Houston, TX 77002
713–718-3199
Office Hours: 7:45 a.m.–4:30 p.m.

Convenient USPS Station:
401 Franklin Street
713-226-3161
Business Hours: 7:00 a.m.–7:00 p.m., M-F

Appendix C: HUD Field Office Contact Information

Not all field offices listed handle all of the programs contained in the SuperNOFA. Applicants should look to the SuperNOFA for contact numbers for information on specific programs. Office hour listings are local time.

Persons with hearing or speech impediments may access any of these numbers via TTY by calling the Federal Relay Service at 800–877–8339.

Little Rock Office
425 West Capitol Avenue, Suite 900
Little Rock, AR 72201–3488
501–324–5401
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
600 East Capitol Avenue
501-375-5073
Business Hours: 7:00 a.m.–5:30 p.m., M-F

Lubbock Office
1205 Texas Avenue, Room 511
Lubbock, TX 79401–4093
806–472–7265, ext. 3030
Office Hours: 8 a.m.–4:45 p.m.

Convenient USPS Station:
5014 Gary Avenue
806-795-0836
Business Hours: 9:00 a.m.–5:45 p.m., M-F

New Orleans Office
Hale Boggs Building
500 Poydras Street, Ninth Floor
New Orleans, LA 70130–3099
504–589–7201
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
701 Loyola Avenue
504-589-1706
Business Hours: 7:00 a.m.–8:00 p.m., M-F

Oklahoma City Office
301 Northwest Sixth Street, Suite 200
Oklahoma City, OK 73102
405–609-8509
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
305 Northwest 5th Street
405-232-2176
Business Hours: 7:00 a.m.–9:00 p.m., M-F

San Antonio Office
One Alamo Center
106 South St. Mary's Street, Suite 405
San Antonio, TX 78205
210–475–6806
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
105 South St. Mary's Street, Lobby 2
210-227-3399
Business Hours: 8:30 a.m.–5:30 p.m., M-F

Shreveport Office
401 Edwards Street, Room 1510
Shreveport, LA 71101–3289
318–676–3440
Office Hours: 7:45 a.m.–4:30 p.m.

Convenient USPS Station:
2400 Texas Avenue
318-677-2369
Business Hours: 7:30 a.m.–5:30 p.m., M-F

Appendix C: HUD Field Office Contact Information

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Tulsa Office
1516 South Boston Avenue, Suite 100
Tulsa, OK 74119
918–581–7496
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
333 West Fourth Street, Room 246
918-732-6654
Business Hours: 7:30 a.m.–5:00 p.m., M-F

Region VII

Des Moines Office
210 Walnut Street, Room 239
Des Moines, IA 50309–2155
515–284–4512
Office Hours: 8 a.m.–5:00 p.m.

Convenient USPS Station:
1165 Second Avenue
515-283-7575
Business Hours: 7:30 a.m.–5:30 p.m., M-F

Kansas City Regional Office*
400 State Avenue, Room 500
Kansas City, KS 66101–2406
913–551–5462
Office Hours: 8 a.m.–4:30 p.m.
**this office is considering a move in the near future; confirm address before submitting applications*

Convenient USPS Station:
550 Nebraska Avenue
913-621-0013
Business Hours: 8:30 a.m.–5:00 p.m., M-F

Omaha Office
10909 Mill Valley Road, Suite 100
Omaha, NE 68154–3955
402–492–3101
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
3021 Leavensworth Street
402-553-6576
Business Hours: 8:30 a.m.–4:30 p.m., M-F

St. Louis Office
1222 Spruce Street, Room 3207
St. Louis, MO 63103–2836
314–539–6583
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
1720 Market Street, Room 3035
314-436-6853
Business Hours: 8:00 a.m.–8:00 p.m., M-F

Region VIII

Casper Office
150 East B Street, Room 1010
Casper, WY 82601-1969
307–261–6250
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
150 East B Street, Lobby

Appendix C: HUD Field Office Contact Information

Not all field offices listed handle all of the programs contained in the SuperNOFA. Applicants should look to the SuperNOFA for contact numbers for information on specific programs. Office hour listings are local time.

Persons with hearing or speech impediments may access any of these numbers via TTY by calling the Federal Relay Service at 800–877–8339.

307-237-8556
Business Hours: 8:00 a.m.–6:00 p.m., M-F

Denver Regional Office
1670 Broadway, 25th Floor
Denver, CO 80202–4801
303–672–5440
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
951 20th Street
303-296-4692
Business Hours: 7:00 a.m.–10:30 p.m., M-F

Region IX

Fargo Office
657 Second Avenue North, Room 366
Fargo, ND 58102
701–239–5040
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
657 Second Avenue, North
701-241-6115
Business Hours: 7:30 a.m.–5:30 p.m., M-F

Helena Office
7 West Sixth Avenue
Power Block Bldg.
Helena, MT 59601
406–449–5050
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
2300 North Harris Street
406-443-3304
Business Hours: 8:00 a.m.–6:00 p.m., M-F

Salt Lake City Office
125 South State Street, Suite 3001
Salt Lake City, UT 84138
801–524–6070
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
36 South State Street, Suite 202
801-359-6812
Business Hours: 8:00 a.m.–5:30 p.m., M-F

Sioux Falls Office
2400 West 49th Street, Rm. I–201
Sioux Falls, SD 57105–6558
605–330–4223
Office Hours: 7:45 a.m.–4:15 p.m.

Convenient USPS Station:
2501 South Louise Avenue
605-575-3565
Business Hours: 7:30 a.m.–6:00 p.m., M-

Fresno Office
2135 Fresno Street, Suite 100
Fresno, CA 93721–1718
559–487–5032
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
1900 E Street
559-497-7566
Business Hours: 8:30 a.m.–5:30 p.m., M-F

Guam Office
San Ramon Building, Suite 306
115 San Ramon Street
Hagatna, Guam 96910
671-472-7231
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
143 Edward T Calvo Memorial Parkway
671-646-5539
Business Hours: 8:00 a.m.–4:00 p.m., M-F

Honolulu Office
500 Ala Moana Boulevard, Ste. 3A
Honolulu, HI 96813–4918
808–522–8175, ext. 256
Office Hours: 8 a.m.–4 p.m.

Convenient USPS Station:
1450 Ala Moana Boulevard, Suite 1066
808-973-7528
Business Hours: 8:30 a.m.–5:00 p.m., M-F

Las Vegas Office*
333 North Rancho Drive, Suite 700
Atrium Building
Las Vegas, NV 89106–3714
702–388–6500
Office Hours: 8 a.m.–4:30 p.m.
**this office is considering a move in the near future; confirm address before submitting applications*

Convenient USPS Station:
1801 North Martin Luther King Boulevard
702-648-0238
Business Hours: 8:30 a.m.–5:00 p.m., M-F

Los Angeles Office
611 West Sixth Street, Suite 800
Los Angeles, CA 90017
213–894–8000, ext. 3001
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
750 West 7th Street, Suite 33
213-624-1952
Business Hours: 8:30 a.m.–5:30 p.m., M-F

Phoenix Office
1 North Central Avenue, Suite 600
Phoenix, AZ 85004
602–379–7100
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
522 North Central Avenue, Lobby
602-253-9648
Business Hours: 9:00 a.m.–5:00 p.m., M-F

Reno Office
3702 South Virginia Street, Suite G2
Reno, NV 89502–6581
775–784–5383
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
279 East Plumb Lane
775-853-2615
Business Hours: 9:00 a.m.–5:30 p.m., M-F

Sacramento Office
925 L Street, Suite 175
Sacramento, CA 95814
916–498–5220, ext. 322
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
801 I Street, Room 149
916-556-3415
Business Hours: 8:00 a.m.–5:00 p.m., M-F

San Diego Office
Symphony Towers
750 B Street, Suite 1600
San Diego, CA 92101–8131
619–557–5305, ext. 227
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
51 Horton Plaza
619-232-4015
Business Hours: 9:30 a.m.–6:00 p.m., M-F

San Francisco Regional Office*
450 Golden Gate Avenue
San Francisco, CA 94102–3448
415–436–6532
Office Hours: 8:15 a.m.–4:45 p.m.
**this office is considering a move in the near future; confirm address before submitting applications*

Convenient USPS Station:
1390 Market Street, Lobby
415-487-9013
Business Hours: 9:00 a.m.–5:30 p.m., M-F

Santa Ana Office*
1600 North Broadway, Suite 101
Santa Ana, CA 92706–3927
714–796–5577, ext. 3006
Office Hours: 8 a.m.–4:30 p.m.
**this office is considering a move in the near future; confirm address before submitting applications*

Convenient USPS Station:
615 North Bush Street
714-973-7721
Business Hours: 8:30 a.m.–5:00 p.m., M-F

Tucson Office
160 North Stone Avenue
Tucson, AZ 85701
520–670–6000
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
141 South 6th Avenue
520-903-1958
Business Hours: 8:30 a.m.–5:00 p.m., M-F

Region X

Anchorage Office
3000 C Street, Suite 401
Anchorage, AK 99503
907–667-9800
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
3721 B Street
907-273-5800
Business Hours: 10:00 a.m.–6:00 p.m., M-F

Boise Office
Suite 220, Plaza IV
800 Park Boulevard
Boise, ID 83712–7743
208–334–1088, ext. 3002
Office Hours: 8 a.m.–5:00 p.m.

Convenient USPS Station:
770 South 13th Street
208-433-4351
Business Hours: 7:30 a.m.–5:30 p.m., M-F

Portland Office
400 Southwest Sixth Avenue, Suite 700
Portland, OR 97204–1632
503–326–2561
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
715 Northwest Hoyt Street
503-294-2564
Business Hours: 7:00 a.m.–6:30 p.m., M-F

Seattle Regional Office
909 First Avenue, Suite 200
Seattle, WA 98104–1000
206–220–5101
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
301 Union Street
206-748-5417
Business Hours: 7:30 a.m.–5:30 p.m., M-F

Spokane Office
Thomas Foley U.S. Courthouse Building
920 West Riverside, Suite 588
Spokane, WA 99201–1010
509–353–0674, ext. 3102
Office Hours: 8 a.m.–4:30 p.m.

Convenient USPS Station:
904 West Riverside
509-252-2337
Business Hours: 8:00 a.m.–5:00 p.m., M-F

On page 27009, HUD is republishing Appendix D entitled "List of Native American Programs (ONAP) Offices" to correct a number of errors in the list published in the May 14, 2004, **Federal Register** notice.

Appendix D: Office of Native American Programs (ONAP)

Persons with hearing or speech impediments may access any of these numbers via TTY by calling the Federal Relay Service at 800–877–8339.

Location of Tribes and TDHEs	*ONAP Contact Information*
All States east of the Mississippi River (plus Minnesota and Iowa)	Eastern/Woodlands Office of Native American Programs, 5API Metcalfe Federal Building 77 West Jackson Boulevard, Room 2400 Chicago, IL 60604–3507 312–886–4532 or 800–735–3239
Kansas, Louisiana, Missouri, Oklahoma, and Texas (except for Ysleta del Sur)	Southern Plains Office of Native American Programs, 6IPI 301 Northwest Sixth Street, Suite 200 Oklahoma City, OK 73102 405–609-8520 TDD: 405–609-8480
Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming	Northern Plains Office of Native American Programs, 8API UMB Plaza 1670 Broadway, 22nd Floor Denver, CO 80202–4801 303–672–5465 or 888-814-2945 TDD: 303–672–5116
All Regions	Denver Program Office of Native American Programs 1999 Broadway, Suite 3390, Box 4 Denver, CO 80202 303–675–1600 or 800–561–5913

Appendix D: Office of Native American Programs (ONAP)

Persons with hearing or speech impediments may access any of these numbers via TTY by calling the Federal Relay Service at 800–877–8339.

Location of Tribes and TDHEs	*ONAP Contact Information*
Arizona, California, New Mexico, Nevada, and Ysleta del Sur in Texas	Southwest Office of Native American Programs, 9EPI One North Central Avenue, Suite 600 Phoenix, AZ 85004–2361 602–379–7200 TTY Number: 602-379-7181 *OR* Southwest Office of Native American Programs (Albuquerque Office), 9EPI 625 Silver Avenue, SW., Suite 300 Albuquerque, NM 87102 505–346–6923
Idaho, Oregon, and Washington	Northwest Office of Native American Programs, OAPI 909 First Avenue, Suite 300 Seattle, WA 98104–1000 206–220–5270 TDD Number: 206-220-5185
Alaska	Alaska Office of Native American Programs, OCPI 3000 C Street, Suite 401 Anchorage, AK 99503 907–677-9800 or 877-302-9800 TDD: 907–677-9800

BILLING CODE 4210–32–C

2. Alaska Native/Native Hawaiian Institutions Assisting Communities Program (AN/NHIAC), Beginning at Page 27063

On page 27069, in the first column, section V.A.1.a. entitled, "Knowledge and Experience For Previously Unfunded or First Time Applicants (25 Points) For Previously Funded Applicants," is corrected to read as follows: "Knowledge and Experience For Previously Unfunded or First Time Applicants (25 Points) For Previously Funded Applicants (10 Points)."

3. Fair Housing Initiatives Programs, Beginning at Page 27135

On page 27145, in the third column, section V.A.1.b. entitled, "Organizational experience. (10) Points for current FHIP grantees, (10) Points for New Applicants," is corrected to read as follows: "Organizational experience. (10) Points for current FHIP grantees, (15) Points for New Applicants."

On page 27146, in the first column, section V.A.1.c. entitled, "Performance on past project(s)," is republished to correct a formatting error as follows:

c. *Performance on past project(s).* (10) Points for current FHIP grantees, (0) Points for new applicants. You must describe your organization's past performance in conducting activities relevant to your proposal, in the past two years (FY2001 and 2002 FHIP grants), demonstrating good financial management and documenting timely use of funds, timely reporting and submissions of tasks and deliverables. HUD may supplement information you provide with relevant information on-hand or available from public sources such as newspapers, Inspector General or General Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information. In evaluating past performance, the following points will be deducted from your score under this rating sub-factor:

10 points will be deducted if you received a "fair performance" assessment;

5 points will be deducted if you received a "good performance" assessment; and

0 points will be deducted if you received an "excellent performance" assessment.

4. Fair Housing Initiatives Programs, Education and Outreach Initiative—Partnership With Historically Black Colleges and Universities, Beginning at Page 27157

On page 27161, third column under section IV.C., entitled "Submission Dates and Times," is corrected to read as follows:

You must submit a completed application (one original and three copies) for the specific initiative and component for which you are applying on or before June 18, 2004, to the HUD Headquarters building. Applicants missing the deadline will have their applications returned without further review by the Technical Evaluation Panel.

5. Housing Counseling Programs, Beginning at Page 27169

On page 27172, first column, section II.C.2. entitled, "Category 2," is corrected to read as follows:

2. *Category 2.* Awards for individual HUD-approved National and Regional intermediaries may not exceed $3.3 million. The limit for Comprehensive Counseling is $2.5 million. If applicable, the limit for supplemental funding for predatory lending is $325,000, the limit for supplemental funding for Homeownership Voucher Counseling is $275,000, and the limit for supplemental funding for Colonias is $200,000. HUD anticipates that the average award for Intermediaries will be $1.1 million.

On pages 27173, third column, second paragraph under section III.A.2.c., is corrected to read as follows:

Additionally, to be eligible for a sub-grant, a sub-grantee must be (1) duly organized and existing as a nonprofit, (2) in good standing under the laws of the state of its organization, and (3) authorized to do business in the states where it proposes to provide housing counseling services. For example, applicable state licensing, corporate filing, and registering requirements must be satisfied.

6. Self-Help Homeownership Opportunity Program (SHOP), Beginning at Page 27359

On page 27366, first column, paragraph d entitled, "(6 points) Budget." is corrected to read as follows:

d. (6 points) Budget. Provide a detailed budget including a break out for each proposed task and each budget category (acquisition, infrastructure improvements, and administration) funded by SHOP in the HUD–424CB. If SHOP funds will be used for administration of your grant, you must include the cost of monitoring consortium members and affiliates at least once during the grant period. Your budget must also include leveraged funding to cover costs of completing construction of the proposed number of units.

On page 27366, second column entitled "Rating Factor 4: Leverage Resources (10 Points)," the second to the last sentence of the introductory paragraph is corrected to read as follows: "Leveraging does not include financing of permanent mortgages to homebuyers."

7. Public Housing Neighborhood Networks, Beginning at Page 27405

On page 27407, first column, section F under "Overview Information" entitled "Dates, the first sentence of the paragraph is corrected to read as follows: The application due date is to August 17, 2004.

On Page 27410, second column, Section III.C.3.b. entitled "Joint applications," is corrected to read as follows:

b. *Joint applications.* Two or more applicants may join together to submit a joint application for proposed grant activities. Joint applications must designate a lead applicant. Lead applicants are subject to the threshold requirements. Applicants who submit joint applications may not also submit separate applications as sole applicants under this NOFA. NOTE: The lead applicant will determine the maximum funding amount the applicants are eligible to receive.

On Page 27411, first column, Section III.C.7.b. is corrected to read as follows: b. If the grantee is a PHA, HUD has approved the grantee's Request for Release of Funds (Form HUD–7015.15) following a Responsible Entity's completion of an environmental review under 24 CFR part 58, where required, or if HUD has determined in accordance with § 58.11 to perform the environmental review itself under part 50, HUD has completed the environmental review.

On Page 27412, first column, Section IV.E.2. entitled, "Covered Salaries," is corrected to add a new subsection (d) that reads as follows:

d. Neighborhood Networks grant funds cannot be used to hire or pay for the services of a Contract Administrator.

8. Public Housing Resident Opportunities and Self-Sufficiency Program, Beginning at Page 27439

On page 27441, first column, section F under "Overview Information" entitled "Dates, is corrected to read as follows:

F. Dates: Resident Service Delivery Models-Elderly/Persons with Disabilities: The application due date is to August 3, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

Resident Service Delivery Models-Family: The application due date is to August 3, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

On page 27449, first column, section III.C.4.c. entitled "Joint Applications," is corrected to read as follows:

c. *Joint applications.* Two or more applicants may join together to submit a joint application for proposed grant activities. Joint applications must designate a lead applicant. Lead applicants are subject to all threshold requirements. Non-lead applicants are subject to the following threshold requirements as applicable:

(1) Letters of support for nonprofit applicants and

(2) Nonprofit status, as outlined in section III.C.2. Threshold Requirements.

Joint applications may include PHAs, RAs, Tribes/TDHEs, and nonprofit organizations on behalf of resident organizations. Joint applications involving nonprofit organizations must also provide evidence of resident support or support from local civic organizations or from units of local government. PHAs, tribes/TDHEs, and resident organizations that are part of a joint application may not also submit separate applications as sole applicants under this NOFA.

Note: The lead applicant will determine the maximum funding amount the applicants are eligible to receive.

Page 27450, second column, section IV.E. entitled "Funding Restrictions," is corrected by adding, immediately after subsection IV.E.7., a new subsection IV.E.8 to read as follows:

8. ROSS grant funds cannot be used to hire or pay for the services of a Contract Administrator.

Page 27452, second column, section V.A.1.b.(1), is corrected to read as follows:

(1) *Socioeconomic Profile* (10 points). A thorough socioeconomic profile of the eligible residents to be served by the program, including education levels, income levels, the number of single-parent families, economic statistics for the local area, *etc.*

9. Public Housing Family Self-Sufficiency, Beginning at Page 27473

On page 27478, second column, section IV.B.2.(b)(2), is corrected to read as follows:

(2) Format for submission of SuperNOFA forms, FSS forms and narrative responses.

TAB 1: Required Forms from the General Section of the SuperNOFA and other ROSS forms: SF–424 Application for Federal Assistance:

1. SF–424 Supplement, Survey on Ensuring Equal Opportunity for Applicants;

2. Questionnaire for HUD's Initiative on Removal of Regulatory Barriers (HUD–27300);

3. HUD–52751 Fact Sheet;

4. HUD–424 B Applicant Assurances and Certifications;

5. HUD–424 CB Grant Application Detailed Budget;

6. HUD–2880 Applicant Disclosure/ Update Report;

7. HUD–2990 Certification of Consistency with RC/EZ/EC Strategic Plan(if applicable);

8. HUD–2991 Certification of Consistency with the Consolidated Plan (if applicable);

9. SF–LLL Disclosure of Lobbying Activities (if applicable);

10. SF–LLL–A Disclosure of Lobbying Activities Continuation Sheet (if applicable);

11. HUD–2993 Acknowledgement of Application Receipt; and

12. HUD–2994 Client Comments and Suggestions (optional)

TAB 2: Threshold Requirements:

• Contract Administrator Partnership Agreement (required for troubled PHAs) (HUD–52755).

TAB 3: Narrative for Rating Factor 1 and ROSS Program Forms:

1. Narrative.

2. Chart A: HUD52756 Program Staffing.

3. Chart B: HUD 52757 Applicant/ Administrator Track Record.

4. Resume(s)/Position Description(s).

TAB 4: Narrative for Rating Factor 2:

TAB 5: Rating Factor 3:

1. Narrative.

2. HUD 52767 Family Self-Sufficiency Funding Request Form.

TAB 6: Narrative for Rating Factor 4 and ROSS Program Forms:

1. Narrative.

2. Logic Model (HUD 96010).

10. Continuum of Care Homeless Assistance Programs, Beginning at Page 27495

On pages 27505, third column, section IV.B.1.b. is deleted and section IV.B.1.c. redesignated as section IV.B.1.b. and corrected to read as follows:

b. Assembly Order—Each CoC must submit the entire CoC application, with all of its parts, in a single package to HUD. There are three separate sections to a CoC submission: the CoC Exhibit 1; all applicant documentation; all project documentation. The application must be assembled in the following order:

(1) CoC Exhibit 1 section:

(a) 2004 Application Summary Form.

(b) Exhibit 1, the CoC plan with all required forms, including HUD–27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers and any necessary references or documentation.

(2) Applicant Documentation section:

(a) SF–424 Application for Federal Assistance. An SF–424 is not included with each project. Each applicant must attach the following documentation (i-iv) to its SF–424:

(i) A typed list of all the applicant's projects by priority number order, project name and requested amount.

(ii) HUD–424–B Applicant Assurances and Certifications.

(iii) Documentation of Applicant Eligibility. Only applicants for new projects must include documentation of eligibility.

(iv) Special Certifications for homeless programs, located in Attachment 8 of this NOFA:

—Applicant Certification
—Coordination and Integration of Mainstream Programs
—Discharge Policy (Only State and local government applicants)

Note: Each SF–424 must also include the applicant's DUN and Bradstreet Data Universal Numbering System (DUNS) number. (Please see the General Section of the SuperNOFA for more information on obtaining a DUNS number.)

(3) Project Documentation section. Each project exhibit must be submitted in its priority list order with all required forms for that exhibit. The following certifications must be included after each project submission:

(a) Documentation of Sponsor Eligibility. Only sponsors for new projects must include documentation of eligibility.

(b) HUD–2991, Certification of Consistency with the Consolidated Plan;

(c) HUD–2880, Applicant/Recipient Disclosure/Update Report; and

(d) HUD–424—Supplement, Survey on Ensuring Equal Opportunity for Applicants (for nonprofit applicants or sponsors only).

On page 27506, first column, section IV.C.1.b. entitled, "Field Office Copies:" is corrected to read as follows:

b. Field Office Copies: The General Section of the SuperNOFA provides for a process to use the HUD field office copy of the application when a portion may be missing from the HUD Headquarters copy. To supplement that guidance, in the rare event that a CoC's entire application is not received at HUD Headquarters, HUD may use the copy received by the field office provided it was received on time.

On page 27575, a corrected Exhibit 3 entitled, Project Component/ Information/ Participant Count/Major

Milestones (Form HUD-40076 CoC-3C) is revised as follows:

BILLING CODE 4210-32-P

Exhibit 3: Project Component/Information/Participant Count/Major Milestones

Component Selection

Select the S+C component which describes your project (check only one box)

☐ TRA ☐ SRA ☐ PRA without Rehab ☐ PRA with Rehab ☐ SRO

Project Information (please type or print)

Project Name:	Project Priority No. (from project priority chart in Exhibit 1):
Project Address (street, city, state, & zip):	
Project Sponsor's Name (for SRA projects):	Proj. Congressional District(s):
Sponsor's Address (street, city, state, & zip) (for SRA projects):	Project 6-digit Geographic Code:
Authorized Representative of Project Sponsor (name, title, phone number, & fax) (for SRA projects):	

Participant Count

In each category shown in the chart below, estimate, ***when the program is fully operational***, the number of proposed participants expected to receive rental assistance at a point in time. Include each participant only once, in either Part 1 or Part 2. Part 1 should only include persons with disabilities who will not have family members living with them. The actual subpopulations to be served must be noted below on Form HUD 40076 CoC-3H, Targeted Subpopulations. *Do not double count*

Number of Participants	
Part 1: Individual Participants not in Families	
Part 2: Participants in Families	
(a) Total Targeted Participants: (in families)	
(b) Number of other Family Members Living with Participants	
Total Participants in Families	
Total Persons Served from Parts 1 and 2	

Major Milestones

Please complete the chart by entering the number of months planned from grant execution to the following milestones:

First Unit Occupied	Supportive Services Begin	Last Unit Occupied
months	months	months

Form HUD 40076 CoC-3C

BILLING CODE 4210–32–C

11. Service Coordinators in Multifamily Housing, Beginning at Page 27683

On page 27687, second column, section III.C.2.a., HUD is corrected to read as follows:

a. At the time of submission, grant applications must contain the materials in Section IV.B.2.a. and e. of this Program NOFA in order to be considered for funding. If any of these items are missing, HUD will immediately reject your application.

12. Section 202 Supportive Housing for the Elderly Program (Section 202 Program), Beginning at Page 27709

On page 27711, first column, section F under "Overview Information" entitled "Dates, the first sentence of the paragraph is corrected to read as follows: Application Deadline Date: July 22, 2004.

On page 27717, first column, section III.C.2.b.(3)(c)(i), is corrected to read as follows:

(i) Phase I Environmental Site Assessment (ESA). You must submit a Phase I ESA, prepared in accordance with the ASTM Standards E 1527–00, as amended, completed or updated no earlier than six months prior to the application deadline date. As a result of the extension of the application deadline, a Phase I that is dated January 7, 2004, or later will meet the requirement for submitting a Phase I ESA. The Phase I ESA must be completed and submitted with the application. Therefore, it is important that you start the Phase I ESA process as soon after publication of the SuperNOFA as possible. To help you choose an environmentally safe site, HUD invites you to review the document "Choosing an Environmentally Safe Site" which is available on HUD's Web site at *www.hud.gov/grants/index.cfm* and the "Supplemental Guidance, Environmental Information", in Appendix C to this program section of the SuperNOFA.

On page 27717, first column, section III.C.2.b.(3)(c)(ii), is corrected to read as follows:

(ii) Phase II ESA. If the Phase I ESA indicates the possible presence of contamination and/or hazards, you must decide whether to continue with this site or choose another site. Should you choose another site, the same Phase I ESA process identified above must be followed for the new site. However, if you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II ESA by an appropriate professional. In order for your application to be considered for review under this FY2004 funding competition, the Phase II must be submitted to the local HUD Office on or before August 23, 2004.

On page 27717, first column, section III.C.2.b.(3)(c)(iii), is corrected to read as follows:

(iii) Clean-up—If the Phase II ESA reveals site contamination, the extent of the contamination and a plan for clean-up of the site must be submitted to the local HUD Office. The plan for clean-up must include a contract for remediation of the problem(s) and an approval letter from the applicable federal, state, and/or local agency with jurisdiction over the site. In order for your application to be considered for review under this FY2004 funding competition, you must submit this information to the local HUD Office on or before August 23, 2004.

On page 27724, third column, section IV.B.2.b.(2)(j), is corrected to read as follows:

(j) A description of the successful efforts the jurisdiction in which your project will be located has taken in removing regulatory barriers to affordable housing. To obtain up to 2 points for this policy priority, you must complete the optional Form HUD–27300, "Questionnaire for HUD's Initiative on Removal of Regulatory Barriers" in Exhibit 8(l) of the application and provide the necessary reference or documentation. Refer to section V., entitled "Evaluation Criteria" in the Notice, "America's Affordable Communities Initiative, HUD's Initiative on Removal of Regulatory Barriers: Announcement of Incentive Criteria on Barrier Removal in HUD's FY2004 Competitive Funding Allocations" that was published in the **Federal Register** on March 22, 2004 (69 FR 13450), with instructions on how to complete the form and how it will be evaluated. A clarification was published on April 21, 2004 (69 FR 21663). Copies of the **Federal Register** notices and the Form HUD–27300, can be obtained from HUD's Web site at *http://www.hud.gov/offices/adm/grants/nofa04/snofaforms.cfm*.

On page 27725, second column, section IV.B.2.c.(1)(d)(i)(C), is corrected to read as follows:

(C) Option to purchase or for a long-term leasehold, which must remain in effect for six months from the date on which the applications are due, must state a firm price binding on the seller, and be renewable at the end of the six-month period. The only condition on which the option may be terminated is if you are not awarded a fund reservation. As a result of the extension of the application deadline, an option to purchase or long-term leasehold must be effective through January 7, 2005 or later;

On page 27726, first column, section IV.B.2.c.(1)(d)(vii), is corrected to read as follows:

(vii) A Phase I Environmental Site Assessment (ESA), in accordance with the ASTM Standards E 1527–00, as amended, must be completed and submitted with the application. In order for the Phase I ESA to be acceptable, it must have been completed or updated no earlier than January 7, 2004. Therefore, it is important to start the site assessment process as soon after the publication of the NOFA as possible. If the Phase I ESA indicates possible presence of contamination and/or hazards, you must decide whether to continue with this site or choose another site. Should you choose another site, the same Phase I ESA process identified above must be followed for the new site. If the property is to be acquired from the FDIC/RTC, include a copy of the FDIC/RTC prepared Transaction Screen Checklist or Phase I ESA and applicable documentation, per the FDIC/RTC Environmental Guidelines. If you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II ESA by an appropriate professional. If the Phase II Assessment reveals site contamination, you must submit the extent of the contamination and a plan for clean-up of the site including a contract for remediation of the problem(s) and an approval letter from the applicable federal, state, and/or local agency with jurisdiction over the site to the local HUD office. The Phase II and any necessary plans for clean-up do not have to be submitted with the application but must be submitted to the local HUD office by August 23, 2004. If it is not submitted by that date, the application will be rejected.

On page 27735, first column, section IV.C. entitled, "Submission Date and Time," is corrected to read as:

C. Submission Dates and Time. You must submit an original and four copies of your application. Applications may be hand delivered, mailed or submitted by courier service. If mailed by the United States Postal Service, the original and four copies must be postmarked on or before midnight of July 22, 2004, and received in the local HUD office within 15 days of the due date. If hand delivered or submitted by courier service, the original and four copies must be received by the appropriate office on the application

due date in accordance with the Delivery and Receipt procedures contained in section IV.F.1 of the General Section. Please refer to the General Section of the SuperNOFA for further instructions regarding the time deadline for receipt of applications that are hand carried or submitted by courier service as well as other application mailing and receipt procedures.

On page 27738, first column, section V.A.3. entitled, "Rating Factor 3: Soundness of Approach (45 Points)," the introductory paragraph is corrected to read as follows:

3. Rating Factor 3: Soundness of Approach (45 Points)

This factor addresses the quality and effectiveness of your proposal and the extent to which you involved elderly persons, including elderly minority persons, in the development of the application and will involve them in the development and operation of the project, and whether the jurisdiction in which your project will be located has undertaken successful efforts to remove regulatory barriers to affordable housing. There must be a clear relationship between your proposed design, proposed activities, the community's needs and purposes of the program funding for your application to receive points for this factor. Submit information responding to this factor in accordance with Application Submission Requirements in Exhibits 3(f), 3(j), 4(c)(i), 4(d)(iii), 4(d)(v), 4(d)(vi) and 5 of Section IV.B. of this program section of the SuperNOFA. In evaluating this factor, HUD will consider the following:

On page 27738, third column, section V.A.3.k., is corrected to read as follows:

(k) (2 points). The jurisdiction in which your project will be located has undertaken successful efforts to remove regulatory barriers to affordable housing.

On page 27739, second column, section V.A.6. entitled, "Bonus Points (2 bonus points)," is corrected to read as follows:

6. Bonus Points (2 bonus points). Location of proposed site in an RC/EZ/EC area, as described in the General Section of the SuperNOFA. Submit the information responding to the bonus points in accordance with the Application Submission Requirements in Exhibit 8(i) of Section IV.B. of this program section of the SuperNOFA.

13. Section 811 Program of Supportive Housing for Persons With Disabilities (Section 811 Program), Beginning at Page 27753

On page 27755, first column, section F under "Overview Information" entitled "Dates", the first sentence of the paragraph is corrected to read as follows: Application Deadline Date: July 22, 2004.

On page 27760, first column, section III.C.2.b.(3)(d)(i), is revised to read as follows:

(i) Phase I Environmental Site Assessment (ESA)—You must submit a Phase I ESA, prepared in accordance with the ASTM Standards E 1527–00, as amended, completed or updated no earlier than six months prior to the application deadline date, in order for the application to be considered as an application with site control. As a result of the extension of the application deadline, a Phase I that is dated January 7, 2004, or later meet the requirement for submitting a Phase I ESA. The Phase I ESA must be completed and included in your application. Therefore, it is important that you start the Phase I ESA process as soon after publication of the SuperNOFA as possible. To help you choose an environmentally safe site, HUD invites you to review the document "Choosing An Environmentally Safe Site" which is available on HUD's Web site at *http://www.hud.gov/grants/index.cfm* and the "Supplemental Guidance, Environmental Information" in Appendix C to this program section of the SuperNOFA.

On page 27760, second column, section III.C.2.b.(3)(d)(ii), is revised to read as follows:

(ii) Phase II ESA—If the Phase I ESA indicates the possible presence of contamination and/or hazards, you must decide whether to continue with this site or choose another site. Should you choose another site, the same Phase I ESA process identified above must be followed for the new site. However, if you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II ESA by an appropriate professional. In order for your application to be considered as an application with site control, the Phase II must be submitted to the local HUD office on or before August 23, 2004.

On page 27760, second column, section III.C.2.b.(3)(d)(iii), is revised to read as follows:

(iii) Clean-up—If the Phase II ESA reveals site contamination, the extent of the contamination and a plan for clean-up of the site must be submitted to the local HUD office. The plan for clean-up must include a contract for remediation of the problem(s) and an approval letter from the applicable federal, state, and/or local agency with jurisdiction over the site. In order for your application to be considered as an application with site control, you must submit this information to the appropriate local HUD office on or before August 23, 2004.

On page 27770, third column, section IV.B.2.b.(2)(l), is corrected to read as follows:

(l) A description of the successful efforts the jurisdiction in which your project will be located has taken in removing regulatory barriers to affordable housing. To obtain up to 2 points for this policy priority, you must complete the optional Form HUD–27300, "Questionnaire for HUD's Initiative on Removal of Regulatory Barriers" in Exhibit 8(m) of the application. Refer to section V., entitled, "Evaluation Criteria" in the Notice entitled, "America's Affordable Communities Initiative, HUD's Initiative on Removal of Regulatory Barriers: Announcement of Incentive Criteria on Barrier Removal in HUD's FY2004 Competitive Funding Allocations" that was published in the **Federal Register** on March 22, 2004 (69 FR 13450), with instructions on how to complete the form and how it will be evaluated. A clarification was published on April 21, 2004 (69 FR 21663). Copies of the **Federal Register** notices and the Form HUD–27300, can be obtained from HUD's Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*.

On page 27771, third column, section IV.B.2.c.(1)(d)(i)(C), is corrected to read as follows:

(C) Option to purchase or for a long-term leasehold, which must remain in effect for six months from the date on which the applications are due, must state a firm price binding on the seller, and be renewable at the end of the sixth month period. The only condition on which the option may be terminated is if you are not awarded a fund reservation. As a result of the extension of the application deadline, an option to purchase or long-term leasehold must be effective through January 7, 2005, or later;

On page 27772, second column, section IV.B.2.c.(1)(d)(vii), is corrected to read as follows:

(vii) A Phase I Environmental Site Assessment (ESA), in accordance with the ASTM Standards E 1527–00, as amended, must be completed and submitted with the application. In order for the Phase I ESA to be acceptable, it must have been completed or updated

no earlier than January 7, 2004. Therefore, it is important to start the site assessment process as soon after the publication of the NOFA as possible. If the Phase I ESA indicates possible presence of contamination and/or hazards, you must decide whether to continue with this site or choose another site. Should you choose another site, the same Phase I ESA process identified above must be followed for the new site. If the property is to be acquired from the FDIC/RTC, include a copy of the FDIC/RTC prepared Transaction Screen Checklist or Phase I ESA and applicable documentation, per the FDIC/RTC Environmental Guidelines. If you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II ESA by an appropriate professional. If the Phase II Assessment reveals site contamination, your must submit the extent of the contamination and a plan for clean-up of the site including a contract for remediation of the problem(s) and an approval letter from the applicable federal, state and/or local agency with jurisdiction over the site to the local HUD office. The Phase II and any necessary plans for clean-up do not have to be submitted with the application but must be submitted to the local HUD office by August 23, 2004. If it is not submitted by that date, the site will be rejected and the application will be considered a "site identified" application.

On page 27786, first column, section IV.C. entitled, "Submission Dates and Time," is corrected to read as follows:

C. Submission Dates and Time

You must submit an original and four copies of your application. Applications may be hand delivered, mailed or submitted by courier service. If mailed by the United States Postal Service, the original and four copies must be postmarked on or before midnight of July 22, 2004, and received in the local HUD office within 15 days of the due date. If hand delivered or submitted by courier service, the original and four copies must be received by the appropriate office on the application due date in accordance with the Delivery and Receipt procedures contained in section IV.F.1 of the General Section. Please refer to the General Section of the SuperNOFA for further instructions regarding the time deadline for receipt of applications that are hand carried or submitted by courier service as well as other application mailing and receipt procedures.

On page 27788, second column, section V.A.3. entitled, "Rating Factor 3: Soundness of Approach (40 Points)," the introductory paragraph is corrected to read as follows:

3. Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and effectiveness of your proposal, the extent to which you involved persons with disabilities, including minority persons with disabilities, in the development of the application and will involve them in the development and operation of the project, the extent to which you coordinated your application with other organizations, including local independent living centers, with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner, whether you consulted with Continuum of Care organizations to address efforts to assist persons with disabilities who are chronically homeless as defined in the General Section of the SuperNOFA, and whether the jurisdiction in which your project will be located has undertaken successful efforts to remove regulatory barriers to affordable housing. There must be a clear relationship between the proposed design, the proposed activities, the community's needs and purposes of the program funding for your application to receive points for this factor. Submit information responding to this factor in accordance with Application Submission Requirements in Exhibits 2(d), 3(f), 3(j), 3(k), 3(l), 4(c)(i), 4(d)(iii), 4(d)(v), 4(d)(vi), 4(e)(i) and 5 of Section IV.B. of this program section of the SuperNOFA. In evaluating this factor, HUD will consider the following:

On page 27789, first paragraph, section V.A.3.j., is corrected to read as follows:

(j) (2 points). The jurisdiction in which your project will be located has undertaken successful efforts to remove regulatory barriers to affordable housing.

Dated: June 17, 2004.

Vickers B. Meadows,

Assistant Secretary for Administration/Chief Information Officer.

[FR Doc. 04–14131 Filed 6–21–04; 8:45 am]

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- Meat and poultry products processing facilities; Open for comments until further notice; published 12-30-99 [FR 04-12017]

LIST OF PUBLIC LAWS

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S.J. Res. 28/P.L. 108–236

Recognizing the 60th anniversary of the Allied landing at Normandy during World War II. (June 15, 2004; 118 Stat. 659)

Last List June 16, 2004

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