

**DEPARTMENT OF TRANSPORTATION****Research and Special Programs  
Administration**

49 CFR Parts 171, 173, and 175

[Docket No. HM-184B; Amdt. Nos. 171-80,  
173-181, 175-32]**Implementation of the ICAO Technical  
Instructions****AGENCY:** Materials Transportation  
Bureau, Research and Special Programs  
Administration, DOT.**ACTION:** Final rule.**SUMMARY:** This document amends the  
Hazardous Materials Regulations (HMR)  
in order to permit the offering,  
acceptance and transportation by  
aircraft, and by motor vehicle incident  
to transportation by aircraft, of  
hazardous materials shipments  
conforming to the most recent edition of  
the International Civil Aviation  
Organization's (ICAO) Technical  
Instructions for the Safe Transport ofDangerous Goods by Air (ICAO  
Technical Instructions). These  
amendments are necessary to facilitate  
the continued transport of hazardous  
materials in international commerce by  
aircraft when the 1985 edition of the  
ICAO Technical Instructions becomes  
effective on January 1, 1985, pursuant to  
decisions taken by the ICAO Council  
regarding implementation of Annex 18  
to the Convention on International Civil  
Aviation.**EFFECTIVE DATE:** January 1, 1985.**FOR FURTHER INFORMATION CONTACT:**Edward A. Altemos, International  
Standards Coordinator, Materials  
Transportation Bureau, Department of  
Transportation, 400 Seventh Street,  
S.W., Washington, D.C. 20590, (202) 426-  
0656.**SUPPLEMENTARY INFORMATION:** On July  
2, 1984, the MTB published a notice  
(Docket HM-184B, Notice No. 84-5) in  
the **Federal Register** (49 FR 27180) which  
requested public comment on the need  
to amend the Hazardous MaterialsU.S. Department  
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Regulations (HMR) in order to take account of the 1985 edition of the ICAO Technical Instructions.

Two commenters responded to Notice No. 84-5. Following full consideration of the comments received, the proposals contained in the notice are being adopted with certain changes. Both comments received supported the actions proposed in the Notice of Proposed Rulemaking with the exception of the amendments to § 175.10(a)(2) concerning the transport of aircraft parts, equipment and supplies. While both commenters agreed that aircraft parts, equipment and supplies that meet the definition of a hazardous material should be properly identified, marked, labeled and packaged during transportation, they felt that the regulations should permit the use of the standard long-life reusable packagings used by aircraft parts manufacturers and by many carriers for the transportation of such hazardous materials aboard aircraft.

The amendment to § 175.10(a)(2) was proposed in response to changes made to the exceptions in the ICAO Technical Instructions for aircraft parts and supplies. However, the MTB now believes that the ICAO amendments to the exceptions for aircraft parts and supplies will be reconsidered at the next meeting of the ICAO Dangerous Goods Panel, and one specific proposal for such reconsideration has already been submitted to ICAO by a member of the Dangerous Goods Panel. Because the likelihood exists that the ICAO exceptions for aircraft parts and supplies will be further amended in the near future, the MTB has decided to make no change to § 175.10(a)(2) at this time, and the proposed amendment is, therefore, withdrawn. Amendment of this paragraph will be considered in a future rulemaking on the basis of the results of the anticipated ICAO reconsideration of the matter.

An editorial change has been made to the text of § 175.10(a)(22) that appeared in the notice to require that the individual transporting the barometer advise the operator of the presence of the barometer, and to clarify that it is the operator of the aircraft who must

advise the pilot-in-command of the presence of a mercury barometer aboard the aircraft.

**List of Subjects**

**49 CFR Part 171**

Hazardous materials transportation, Incorporation by reference.

**49 CFR Part 173**

Hazardous materials transportation, Packaging and containers.

**49 CFR Part 175**

Hazardous materials transportation, Air carriers.

In consideration of the foregoing, 49 CFR Parts 171, 173 and 175 are amended as follows:

**PART 171—GENERAL INFORMATION, REGULATIONS AND DEFINITIONS**

1. In § 171.7, paragraph (d)(27) is revised to read:

**§ 171.7 Matter incorporated by reference.**

(d) \* \* \*  
(27) International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air, DOC 9284-AN/905 (ICAO Technical Instructions), 1985 edition.

**PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS**

**§ 173.860 [Amended]**

2. In § 173.860, paragraph (b)(1) is removed.

**PART 175—CARRIAGE BY AIRCRAFT**

3. In § 175.10, a new paragraph (a)(22) is added as follows:

**§ 175.10 Exceptions.**

(a) \* \* \*  
(22) A mercurial barometer carried as carry-on-baggage only, by a representative of a government weather bureau or similar official agency, provided that individual advises the operator of the presence of the barometer in his baggage. The

barometer must be packaged in a strong outer packaging having sealed inner liner or bag of strong, leak proof and puncture-resistant material impervious to mercury, which will prevent the escape of mercury from the package irrespective of its position. The pilot-in-command must be informed of the presence of any such barometer by the operator of the aircraft.

4. In § 175.33, the existing paragraphs (a)(3), (4), (5) and (6) are redesignated as (a)(5), (6), (7) and (8) respectively, paragraph (a)(2) is revised and new paragraphs (a)(3) and (a)(4) are added as follows:

**§ 175.33 Notification of pilot-in-command.**

(a) \* \* \*  
(2) The total number of packages;  
(3) The net quantity or gross weight, as applicable, for each package except those containing radioactive materials and those for which there is no limit imposed on the maximum net quantity per package;  
(4) The location of the packages aboard the aircraft;

**§ 175.85 [Amended]**

5. In § 175.85(c)(1)(v), the figures "90 °F (32 °C)" are replaced by the figures "73 °F (23 °C)".

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1)

**Note.**—The Materials Transportation Bureau has determined that this document is not a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034) and does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*) I certify that this amendment will not have a significant economic impact on a substantial number of small entities because the overall economic impact of this amendment is minimal. A regulatory evaluation and environmental assessment are available for review in the docket.

Issued in Washington, D.C. on November 14, 1984.

**L.D. Santman,**

*Director, Materials Transportation Bureau.*

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