



DEPARTMENT OF TRANSPORTATION  
HAZARDOUS MATERIALS REGULATIONS BOARD  
WASHINGTON, D.C. 20590

18461

[Docket No. HM-57, Amdt. Nos. 172-22,  
173-77]

**PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170-189 OF THIS SUBCHAPTER**

**PART 173—SHIPPERS**

**Acetic Anhydride**

On December 28, 1973, the Hazardous Materials Regulations Board ("the Board") published Amendments 172-22, 173-77, and 173-30 in Docket No. HM-57 (38 FR 35467) which identified specifically by name a number of corrosive materials that would have been shipped as "Corrosive liquids, n.o.s." or "Corrosive solids, n.o.s." pursuant to the amendments dated March 23, 1972 (37 FR 5946). In the amendments published on December 28, 1973, the Board required that acetic anhydride be packaged according to the requirements set forth in § 173.247.

Four petitions for reconsideration of this amendment have been received: Tennessee Eastman Company, Fisher Scientific Company, Celanese Chemical Company, and Union Carbide Corporation. These companies advised the Board that the type of packaging in use at this time for this material was the packaging authorized in § 173.245. Further, each petitioner reported very satisfactory experience when using packaging authorized in § 173.245.

One commenter elaborated on the hazards of acetic anhydride, setting forth valid reasoning why this material is significantly different than the other materials covered in § 173.247. This section of regulation is more stringent in its packaging requirements and all petitioners argued that such restrictions were inordinate for the less hazardous material, acetic anhydride.

Each petitioner admitted that the proposed change in packaging, when published in notice form, was overlooked and for that reason no comments were submitted. In the amendment, a change in format in presenting the new regulations resulted in bringing the matter to petitioners attention.

The Board has reviewed these petitions, and on the basis of the facts presented and the arguments for reconsideration, agrees that the regulations for acetic anhydride appear to be overly restrictive in that packaging heretofore in transportation usage for over several billions of pounds would no longer be authorized. More appropriately, packagings as authorized for acetic acid in § 173.245 (including glacial acetic acid) should be authorized.

In consideration of the foregoing, 49 CFR Parts 172 and 173 are amended as follows:

I In § 172.5 paragraph (a), the List of Hazardous Materials is amended as follows:

§ 172.5 List of hazardous materials.

(a) \* \* \*

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(change) Acetic anhydride.....	Cor.....	173.244, 173.245	Corrosive.....	1 gallon.

II. (A) In Part 173 Table of Contents, § 173.247 (see Amdt. 173-77-38 FR 35467) is amended by deleting the first commodity "Acetic anhydride."

(B) In § 173.247 (see Amdt. 173-77-38 FR 35467), the Heading and the introductory text of paragraph (a) are amended by deleting the first commodity "Acetic anhydride" in both listings.

This amendment is effective September 30, 1974. However, compliance with the regulations, as amended herein, is authorized immediately.

(Transportation of Explosives Act, (18 U.S.C. 831-835), sec. 6, Department of Transportation Act, (49 U.S.C. 1655); Title VI, sec. 902(h), Federal Aviation Act of 1958, (49 U.S.C. 1421-1430, 1472(h), 1655(c)).)

JAMES F. RUDOLPH,  
Board Member for the  
Federal Aviation Administration.

ROBERT A. KAYE,  
Board Member for the Federal  
Highway Administration.

MAC. E. ROGERS,  
Board Member for the Federal  
Railroad Administration.

[FR Doc. 74-12150 Filed 5-24-74; 8:45 am]