

(iii) The preparation, execution, and use of shipping documents pertaining to hazardous materials and requirements respecting the number, content, and placement of such documents;

(iv) The written notification, recording, and reporting of the unintentional release in transportation of hazardous materials; or

(v) The design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous materials.

This final rule concerns the designation of hazardous materials. This final rule preempts State, local, or Indian tribe requirements in accordance with the standards set forth above. Section 5125(b)(1) of title 49 U.S.C. provides that if DOT issues a regulation concerning any of the covered subjects after November 16, 1990, DOT must determine and publish in the **Federal Register** the effective date of Federal preemption. That 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. RSPA has determined that the effective date of Federal preemption for these requirements will be February 2, 1996. This rule is mandated by CERCLA, and does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Regulatory Flexibility Act

I certify that this final rule will not have a significant economic impact on a substantial number of small entities. This rule applies to shippers and carriers of hazardous substances, some of which are small entities; however, the economic impact of this rule is minimal.

Paperwork Reduction Act

There are no new information collection requirements in this final rule.

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 number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Reporting and recordkeeping requirements.

49 CFR Part 172

Hazardous materials transportation, Hazardous wastes, Labels, Markings, Packaging and containers, Reporting and recordkeeping requirements.

Issued in Washington, DC on July 25, 1995, under authority delegated in 49 CFR Part 1.

Ana Sol Gutiérrez,

Deputy Administrator, Research and Special Programs Administration.

In consideration of the foregoing, Parts 171 and 172 of Title 49, Code of Federal Regulations, are 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 § 171.8, in the definition of “Hazardous substance”, the concluding text following the table is revised to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

Hazardous substance * * *

The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance in Appendix A to § 172.101 of this subchapter, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

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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 Appendix A to § 172.101, Table 1 is amended by removing, revising and adding in alphabetical order the following entries to read as follows:

Appendix A to § 172.101—List of Hazardous Substances and Reportable Quantities

* * * * *

TABLE 1.—HAZARDOUS SUBSTANCES OTHER THAN RADIONUCLIDES

Hazardous substance	Synonyms	Reportable quantity (RQ) pounds (kilograms)
[REMOVE]		
Benzene, dimethyl	Xylene (mixed)	1000 (454)
m-Benzene, dimethyl	m-Xylene.	
o-Benzene, dimethyl	o-Xylene.	
p-Benzene, dimethyl	p-Xylene.	
Cresol(s)	Cresylic acid	1000 (454)
m-Cresol	Phenol, methyl-.	
o-Cresol	m-Cresylic acid.	
p-Cresol	o-Cresylic acid.	
Cresylic acid	p-Cresylic acid.	1000 (454)
m-Cresol	Cresols	
o-Cresol	Phenol, methyl-.	
p-Cresol	m-Cresylic acid.	
Phenol, methyl	o-Cresylic acid.	
	p-Cresylic acid.	
	Cresol(s)	1000 (454)
	Cresylic acid.	