

time and location, to an authorized official of the Department of Transportation or the Department of Homeland Security. Records must be retained for a minimum of two years.

(2) Each rail carrier must restrict the distribution, disclosure, and availability of information collected or developed in accordance with paragraphs (c), (d), (e), and (f) of this section to covered persons with a need-to-know, as described in parts 15 and 1520 of this title.

(i) *Compliance and enforcement.* If the carrier's route selection documentation and underlying analyses are found to be deficient, the carrier may be required to revise the analyses or make changes in route selection. If DOT finds that a chosen route is not the safest and most secure practicable route available, the FRA Associate Administrator for Safety, in consultation with TSA, may require the use of an alternative route. Prior to making such a determination, FRA and TSA will consult with the Surface Transportation Board (STB) regarding whether the contemplated alternative route(s) would be economically practicable.

[73 FR 20771, April 16, 2008]

**§ 172.822 Limitation on actions by states, local governments, and Indian tribes.**

A law, order, or other directive of a state, political subdivision of a state, or an Indian tribe that designates, limits, or prohibits the use of a rail line

(other than a rail line owned by a state, political subdivision of a state, or an Indian tribe) for the transportation of hazardous materials, including, but not limited to, the materials specified in § 172.820(a), is preempted. 49 U.S.C. 5125, 20106.

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**APPENDIX A TO PART 172—OFFICE OF HAZARDOUS MATERIALS TRANSPORTATION COLOR TOLERANCE CHARTS AND TABLES**

The following are Munsell notations and Commission Internationale de L'Eclairage (CIE) coordinates which describe the Office of Hazardous Materials Transportation Label and Placard Color Tolerance Charts in tables 1 and 2, and the CIE coordinates for the color tolerances specified in table 3. Central colors and tolerances described in table 2 approximate those described in table 1 while allowing for differences in production methods and materials used to manufacture labels and placards surfaced with printing inks. Primarily, the color charts based on table 1 are for label or placard colors applied as opaque coatings such as paint, enamel or plastic, whereas color charts based on table 2 are intended for use with labels and placards surfaced only with inks.

For labels printed directly on packaging surfaces, table 3 may be used, although compliance with either table 1 or table 2 is sufficient. However, if visual reference indicates that the colors of labels printed directly on package surfaces are outside the table 1 or 2 tolerances, a spectrophotometer or other instrumentation may be required to insure compliance with table 3.

**TABLE 1—SPECIFICATIONS FOR COLOR TOLERANCE CHARTS FOR USE WITH LABELS AND PLACARDS SURFACED WITH PAINT, LACQUER, ENAMEL, PLASTIC, OTHER OPAQUE COATINGS, OR INK<sup>1</sup>**

Color	Munsell notations	CIE data for source C		
		Y	x	y
Red:				
Central color .....	7.5R 4.0/14 .....	12.00	.5959	.3269
Orange .....	8.5R 4.0/14 .....	12.00	.6037	.3389
Purple and vivid .....	6.5R 4.0/14 .....	12.00	.5869	.3184
Grayish .....	7.5R 4.0/12 .....	12.00	.5603	.3321
Vivid .....	7.5R 4.0/16 .....	12.00	.6260	.3192
Light .....	7.5R 4.5/14 .....	15.57	.5775	.3320
Dark .....	7.5R 3.5/14 .....	09.00	.6226	.3141
Orange:				
Central color .....	5.OYR 6.0/15 .....	30.05	.5510	.4214
Yellow and Grayish .....	6.25YR 6.0/15 .....	30.05	.5452	.4329
Red and vivid .....	3.75YR 6.0/15 .....	30.05	.5552	.4091
Grayish .....	5.OYR 6.0/13 .....	30.05	.5311	.4154
Vivid .....	5.OYR 6.0/16 .....	30.05	.5597	.4239
Light .....	5.OYR 6.5/15 .....	36.20	.5427	.4206
Dark .....	5.OYR 5.5/15 .....	24.58	.5606	.4218
Yellow:				
Central color .....	5.OY 8.0/12 .....	59.10	.4562	.4788