TODAY'S DATE ISSUED 6-26-02

Expired 7/31/72

SP-4132

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

SPECIAL PERMIT NO. 4132
NINTH REVISION
(COMPLETE)

See

49 CFR Incorp. Ref.

This special permit is reissued pursuant to 46 CFR 146.02-25 of the U.S. Coast Guard (USCG) Dangerous Cargo Regulations and 49 CFR 170.15 of the Department of Transportation (DOT) Hazardous Materials Regulations, as amended, to authorize shipments of a non-flammable, non-liquefied compressed gas under conditions as prescribed herein. This permit does not relieve any shipper or carrier from compliance with any requirement of the DOT Regulations, including 46 CFR Parts 146 to 149 of the USCG Regulations, except as specifically provided for herein.

Standard special permit requirements and conditions relating to package markings, preparation of shipping papers, shipping experience reports, etc., are published in 49 CFR 171.6. These requirements are part of this special permit.

1. BASIS. Petition dated June 11, 1971, by Badger-Powhatan, Ranson, West Virginia.

2. COMMODITY. Dry powder fire extinguishers.

3. PROPER SHIPPING NAME (49 CFR 172.5). Fire extinguishers.

4. REGULATION AFFECTED. 46 CFR 146.24-22(e); 49 CFR 173.306(c)(3).

5. AUTHORIZED SHIPPER. The petitioner identified above, American La France, Buckeye Fire Equipment Company, Kennan Manufacturing Company, Craig Manufacturing Company, Stop-Fire Incorporated, Anton Racing Apparel and any other shipper who registers his identity with this Board and has a copy of the special permit.

6. PACKAGING PRESCRIBED. Non-DOT specification aluminum alloy (Type 6061) cylinders having a minimum burst pressure of 1440 psi and charged with non-liquefied and non-flammable compressed gas to a pressure not exceeding 240 psig at 70° F. Units must otherwise comply with all the applicable provisions of 46 CFR 146.24-22 and 49 CFR 173.306(c). Additionally, units must be constructed in accordance with either of the following:

a. Kaiser Aluminum & Chemical Corporation's drawing [illegible] April 21, 1964; also, drawing IX-5012 or IX-5910.

See Page 3
It is incorporated
in the Regulations
Sec. 173.309

1

b. Badger-Powhatan drawings 66-022-03126 (Rev. D), 023-00-06441B (Rev. B), 66-022-05482A (Change A), 66-022-05499A (Change A) or 66-022-05528D (Change D).

7. MODES OF TRANSPORTATION AUTHORIZED. Vessel, motor vehicle, rail freight, rail express.

8. SPECIAL TRANSPORTATION REQUIREMENTS. A copy of this permit, kept current, must be carried aboard each vessel.

9. REPORTING REQUIREMENTS. Any incident involving loss of contents of the package must be reported to this Board as soon as practicable.

10. EXPIRATION DATE. July 31, 1972.

Issued at Washington, D.C.:

R.G. Schwing, Capt. — 22 JUL 1971 (DATE)
For the Commandant
U.S. Coast Guard

W.R. Fiste — 27 JUL 1971 (DATE)
For the Administrator
Federal Highway Administration

Mac E. Rogers — JUL 29 1971 (DATE)
For the Administrator
Federal Railroad Administration

Address all inquiries to: Secretary, Hazardous Materials Regulations Board, U.S. Department of Transportation, Washington, D.C. 20590. Attention: Special Permits.

Dist: a, b, d, e
American La France, Ranson, West Virginia
Buckeye Fire Equipment Company, Cleveland, Ohio
Stop-Fire Incorporated, Monmouth Junction, New Jersey
Craig Manufacturing Corporation, Denver, Colorado
Kennan Manufacturing Company, Seattle, Washington
The Anton Corporation, Kirkland, Washington

2

to pressures not greater than their rated inflation pressures.

(3) Balls used for sports.

(4) Refrigerating machines including dehumidifiers and air conditioners, and components thereof such as precharged tubing containing 25 pounds or less of nonflammable liquefied gas.

(b) [Reserved]

[Amdt. 173-94, 41 FR 16081, Apr. 15, 1976, as amended by Amdt. 173-135, 45 FR 13090, Feb. 28, 1980]

§ 173.308 Cigarette lighter or other similar device charged with fuel.

(a) In addition to the requirements of § 173.21(i), a cigarette lighter or other similar device charged with a flammable gas must be shipped as follows:

(1) No more than 70 ml (2.3 fluid ounces) of liquefied gas may be loaded into each device;

(2) The liquid portion of the gas may not exceed 85 percent of the volumetric capacity of each fluid chamber at 15 °C (59 °F);

(3) Each device, including closures, must be capable of withstanding without leakage or rupture an internal pressure of at least two times the vapor pressure of the fuel at 55 °C (131 °F); and

(4) Devices must be overpacked in packaging that is designed or arranged to prevent movement of the device itself.

(b) When no more than 1,500 devices covered by this section are transported in one motor vehicle by highway, the requirements of subparts C through H of part 172 of this subchapter, and part 177 of this subchapter do not apply. However, no person may offer for transportation or transport the devices or prepare the devices for shipment unless that person has been specifically informed of the requirements of this section. The outer packaging, as specified in Special Provision N10 of § 172.102(c)(5) of this subchapter, must be plainly and durably marked with the required proper shipping name specified in § 172.101 of this subchapter, or the words "CIGARETTE LIGHTERS" and the number of devices contained in the package.

(c) For transportation by water in a closed transport vehicle or a closed freight container, the following warning must be affixed to the access doors:

WARNING—MAY CONTAIN EXPLOSIVE MIXTURES WITH AIR—KEEP IGNITION SOURCES AWAY WHEN OPENING.

The warning must be on a contrasting background and must be readily legible from a distance of 8 m (26 feet).

[Amdt. 173-94, 41 FR 16081, Apr. 15, 1976, as amended by Amdt. 173-94A, 41 FR 40683, Sept. 20, 1976; Amdt. 173-120, 43 FR 39792, Sept. 7, 1978; Amdt. 173-165, 48 FR 28101, June 20, 1983; Amdt. 173-224, 55 FR 52665 Dec. 21, 1990; 56 FR 66276, Dec. 20, 1991; 63 FR 37461, July 10, 1998]

§ 173.309 Fire extinguishers.

(a) Fire extinguishers charged with a limited quantity of compressed gas to not more than 1660 kPa (241 psig) at 21 °C (70 °F) are excepted from labeling (except when offered for transportation by air) and the specification packaging requirements of this subchapter when shipped under the following conditions. In addition, shipments are not subject to subpart F of part 172 of this subchapter, to part 174 of this subchapter except § 174.24 or to part 177 of this subchapter except § 177.817.

(1) Each fire extinguisher must have contents which are nonflammable, nonpoisonous, and noncorrosive as defined under this subchapter.

(2) Each fire extinguisher must be shipped as an inner packaging.

(3) Nonspecification cylinders are authorized subject to the following conditions:

(i) The internal volume of each cylinder may not exceed 18 liters (1,100 cubic inches). For fire extinguishers not exceeding 900 ml (55 cubic inches) capacity, the liquid portion of the gas plus any additional liquid or solid must not completely fill the container at 55 °C (130 °F). Fire extinguishers exceeding 900 ml (55 cubic inches) capacity may not contain any liquefied compressed gas;

(ii) Each fire extinguisher manufactured on and after January 1, 1976, must be designed and fabricated with a burst pressure of not less than six times its charged pressure at 21 °C (70 °F) when shipped;

(iii) Each fire extinguisher must be tested, without evidence of failure or damage, to at least three times its

SP4132 Incorp. by Ref. (3)

charged pressure at 21 °C (70 °F) but not less than 825 kPa (120 psig) before initial shipment, and must be marked to indicate the year of the test (within 90 days of the actual date of the original test) and with the words "MEETS DOT REQUIREMENTS." This marking is considered a certification that the fire extinguisher is manufactured in accordance with the requirements of this section. The words "This extinguisher meets all requirements of 49 CFR 173.306" may be displayed on fire extinguishers manufactured prior to January 1, 1976; and

(iv) For any subsequent shipment, each fire extinguisher must be in compliance with the retest requirements of the Occupational Safety and Health Administration Regulations of the Department of Labor, 29 CFR 1910.157(e).

(4) Specification 2P or 2Q (§§ 178.33 and 178.33a of this subchapter) inner nonrefillable metal packagings are authorized for use as fire extinguishers subject to the following conditions:

(i) The liquid portion of the gas plus any additional liquid or solid may not completely fill the packaging at 55 °C (130 °F);

(ii) Pressure in the packaging shall not exceed 1250 kPa (181 psig) at 55 °C (130 °F). If the pressure exceeds 920 kPa (141 psig) at 55 °C (130 °F), but does not exceed 1100 kPa (160 psig) at 55 °C (130 °F), a specification DOT 2P inner metal packaging must be used; if the pressure exceeds 1100 kPa (160 psig) at 55 °C (130 °F), a specification DOT 2Q inner metal packaging must be used. The metal packaging must be capable of withstanding, without bursting, a pressure of one and one-half times the equilibrium pressure of the contents at 55 °C (130 °F); and

(iii) Each completed inner packaging filled for shipment must have been heated until the pressure in the container is equivalent to the equilibrium pressure of the contents at 55 °C (130 °F) without evidence of leakage, distortion, or other defect.

(b) Specification 3A, 3AA, 3E, 3AL, 4B, 4BA, 4B240ET or 4BW (§§ 178.36, 178.37, 178.42, 178.46, 178.50, 178.51, 178.55 and 178.61 of this subchapter) cylinders are authorized for use as fire extinguishers.

[Amdt. 173-235, 58 FR 50503, Sept. 27, 1993, as amended by Amdt. 173-138, 59 FR 49134, Sept. 26, 1994; Amdt. 173-258, 61 FR 51240, Oct. 1, 1996]

§ 173.314 Compressed gases in tank cars and multi-unit tank cars.

(a) *Definitions.* For definitions of compressed gases, see § 173.115.

(b) *General requirements.* (1) Tank car tanks containing compressed gases must not be shipped unless they were loaded by or with the consent of the owner thereof.

(2) Tank car tanks must not contain gases capable of combining chemically and must not be loaded with any gas which combines chemically with the gas previously loaded therein, until all residue has been removed and interior of tank thoroughly cleaned.

(3) For tanks of the DOT-106A and 110A class, the tanks must be placed in position and attached to car structure by the shipper.

(4) Wherever the word "approved" is used in this part of the regulations, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 179.3 of this subchapter.

(5) Each tank car used for the transportation of anhydrous ammonia or any material that meets the criteria of Division 2.1 or 2.3 must have gaskets for manway cover plates and for mounting of fittings designed (for temperature, application, media, pressure, and size) to create a positive seal so that, under conditions normally incident to transportation, there will not be an identifiable release of the material to the environment. The use of sealants to install gaskets is prohibited.

(c) *Authorized gases, filling limits for tank cars.* A compressed gas in a tank car or a multi-unit tank car must be offered for transportation in accordance with § 173.31 and this section. The named gases must be loaded and offered for transportation in accordance with the following table:

4

FIRE EQUIP.

OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 17, 1974

4132

Mr. David J. Carver
Sales-Service Manager
Power-Pak Products, Inc.
P. O. Box 4132
Spartanburg, S. C. 29301

Mr. T. E. Schambacher
Operations Manager
Buckeye Fire Equipment Company
4103 Detroit Avenue
Cleveland, Ohio 44113

Dear Messrs. Carver & Schambacher:

This is in reference to DOT Special Permit 4132 and your respective letters dated February 26, and March 16, 1974.

Recent changes to 49 CFR §173.306(c), adopted in Docket No. HM-106 (Federal Register dated May 15, 1974), appear to obviate the need for the permit. On this basis, the permit will not be renewed.

Sincerely,

J. R. Grothe, Chief
Special Permits Branch
Office of Hazardous Materials

cc: Parties of record

SP4132 was terminated because Section 173.306(c) incorporated the provisions of the SP4132 into its provisions negating the nee for the special permit. Later, 173.306(c) became 173.309a. The fire extinguisher should state on it that it "Meets all Requirements of 49CFR 173.306" (173.309a)

5

§ 173.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution (not exceeding 42 percent sodium chlorite), and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) * * *
(4) [Deleted.]

* * * * *

(8) [Deleted.]
(b) * * *
(1) [Deleted.]

* * * * *

45. In § 173.265, paragraphs (a)(2) and (a)(3) are deleted as follows:

§ 173.265 Hydrofluosilicic acid.

(a) * * *
(2) [Deleted.]
(3) [Deleted.]

* * * * *

46. In § 173.266, paragraph (d)(1) is deleted as follows:

§ 173.266 Hydrogen peroxide solution in water.

* * * * *

(d) * * *
(1) [Deleted.]

* * * * *

47. In § 173.268, paragraphs (d)(1) and (e)(1) are amended to read as follows:

§ 173.268 Nitric acid.

* * * * *

(d) * * *
(1) Specification 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.169, 178.170, 178.185, 178.190 of this subchapter). Wooden boxes with inside containers which must be glass bottles not over 5 pints capacity each, individually enclosed in tightly closed metal cans and cushioned therein with sufficient incombustible mineral material. (See paragraphs (g) and (h) of this section.)

* * * * *

(e) * * *
(1) Specification 15A, 15B, 15C, 16A, or 19A (§§) 178.168, 178.169, 178.170, 178.185, 178.190 of this subchapter). Wooden boxes with inside containers which must be glass bottles not over 5 pints capacity each. (See paragraphs (g) and (h) of this section.)

* * * * *

48. In § 173.270, paragraph (a)(2) is deleted as follows:

§ 173.270 Phosphorus tribromide.

(a) * * *
(2) [Deleted.]

* * * * *

49. In § 173.271, paragraph (a)(3) is deleted as follows:

§ 173.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) * * *
(3) [Deleted.]

* * * * *

50. In § 173.274, paragraph (a)(4) is added to read as follows:

§ 173.274 Fluosulfonic acid.

(a) * * *
(4) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter). Tank motor vehicles.

§§ 173.283—173.285 [Deleted].

51. Section 173.283 thru 173.285 are deleted.

52. In § 173.289, paragraph (a)(3) is deleted as follows:

§ 173.289 Formic acid and formic acid solutions.

(a) * * *
(3) [Deleted.]

* * * * *

53. In § 173.291, paragraphs (a)(4) and (a)(5) are deleted as follows:

§ 173.291 Flame retardant compound liquid.

(a) * * *
(4) [Deleted.]
(5) [Deleted.]

* * * * *

54. In § 173.295, paragraph (a)(2) is deleted as follows:

§ 173.295 Benzyl chloride.

(a) * * *
(2) [Deleted.]

* * * * *

55. In § 173.304 paragraph (d)(3)(ii), the table is amended to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

* * * * *

(d) * * *
(3) * * *
(ii) * * *

Type of container	Maximum capacity		Maximum charging pressure—p.s.i.g.
	Cubic inches	Gallons	
DOT-2P or DOT-2Q (see Note 1)	31.83		45 p.s.i.g. at 70° F. and 104 p.s.i.g. at 130° F. (see Note 2).
DOT-2P or DOT-2Q (see Note 1)	31.83		35 p.s.i.g. at 70° F. and 100 p.s.i.g. at 130° F.
DOT-3C or DOT-4C	3,884	16+5% tolerance	145 p.s.i.g. at 130° F.

* * * * *

(Notes 1 and 2 remain the same.)

* * * * *

56. In § 173.306, paragraphs (b)(6) and (c) are amended to read as follows:

§ 173.306 Exemptions from compliance with regulations for shipping compressed gas.

* * * * *

(b) * * *
(6) Audible firm alarm systems powered by a compressed gas contained in an inside metal container when shipped under the following conditions:

(i) Each inside container must have contents which are not flammable, poisonous, or corrosive as defined under this part:

(ii) Each inside container may not have a capacity exceeding 35 cubic inches (19.3 fluid ounces);

(iii) Each inside container may not have a pressure exceeding 70 p.s.i.g. at 70° F. and the liquid portion of the gas may not completely fill the inside container at 130° F., and

(iv) Each non-refillable inside container must be designed and fabricated with a burst pressure of not less than four times its charged pressure at 130° F. Each refillable inside container must be designed and fabricated with a burst pressure of not less than five times its charged pressure at 130° F.

(c) *Fire extinguishers.* Fire extinguishers charged with a compressed gas to not more than 240 p.s.i.g. at 70°F. are exempt from specification packaging, marking, and labeling requirements when shipped under the following conditions, except that marking name of contents on outside packaging is required for shipments via carriers by water. In addition to the above exemptions, shipments via highway carriers are exempt from Part 177 of this subchapter, except § 177.817.

(1) Each fire extinguisher must be shipped as an inside packaging.

(2) Each fire extinguisher must have contents which are not flammable, poisonous, or corrosive as defined under this part.

(3) Each fire extinguisher under stored pressure may not have an internal volume exceeding 1,100 cubic inches. For fire extinguishers not exceeding 35 cubic inches capacity, the liquid portion of the gas plus any additional liquid or solid must not completely fill the container at 130°F. Fire extinguishers exceeding 35 cubic inches capacity may not contain any liquefied compressed gas.

(4) Each fire extinguisher must be designed and fabricated with a burst pressure of not less than six times its charged pressure at 70°F. when shipped.

(5) Each fire extinguisher must be tested, without evidence of failure or damage, to at least three times its charged pressure at 70°F. but not less than 120 p.s.i.g. before initial shipment. For any subsequent shipment, each fire extinguisher must be in compliance with the retest requirements of the Occupational Safety and Health Administration regulations of the Department of Labor, 29 CFR 1910.157(d), and

(6) Each fire extinguisher manufactured after January 31, 1975 and filled and shipped under this paragraph must be legibly and durably marked "This extinguisher meets all requirements of 49 CFR 173.306(c)."

(7) When specification 2P or 2Q packagings are used, paragraphs (c)(4)

(Cont'd)

through (6) of this section are not applicable provided each packaging meets the requirements of paragraph (a)(3) of this section.

* * * * *

57. In § 173.314, paragraph (c), Table Note 8 is amended to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

* * * * *

(c) * * *

NOTE 8: Each tank must be equipped with adequate safety relief devices of the fusible plug type having a yield temperature not over 170° F., nor less than 157° F. Each device must be resistant to extrusion of the fusible alloy and leak tight at 130° F. Each valve outlet must be sealed by a threaded cap or a threaded solid plug. In addition, all valves must be protected by a metal cover.

* * * * *

58. In § 173.346, paragraphs (a)(5) and (a)(6) are deleted as follows:

§ 173.346 Poisonous liquids not specifically provided for.

(a) * * *

(5) [Deleted.]

(6) [Deleted.]

* * * * *

59. In § 173.351, paragraph (a)(2) is deleted as follows:

§ 173.351 Hydrocyanic acid solutions.

(a) * * *

(2) [Deleted.]

60. In § 173.360, paragraph (a)(1) is deleted as follows:

§ 173.360 Perchloro-methyl-mercaptan.

(a) * * *

(1) [Deleted.]

* * * * *

61. In § 173.365, paragraphs (a)(4) and Note 1, and (a)(5) are deleted as follows:

§ 173.365 Poisonous solids not specifically provided for.

(a) * * *

(4) [Deleted.]

NOTE 1: [Deleted.]

(5) [Deleted.]

* * * * *

62. In § 173.366, paragraph (a)(2) is deleted as follows:

§ 173.366 Arsenic (arsenic trioxide) or arsenic acid (solid).

(a) * * *

(2) [Deleted.]

* * * * *

63. In § 173.367, Note 1 following paragraph (a)(1) is deleted as follows:

§ 173.367 Arsenical compounds n.o.s., arsenate of lead, calcium arsenate, Paris green, and arsenical mixtures.

(a) * * *

(1) * * *

NOTE 1: [Deleted.]

* * * * *

64. In § 173.369, paragraphs (a)(2) and (a)(3) are deleted as follows:

§ 173.369 Carbolic acid (phenol), not liquid.

(a) * * *

(2) [Deleted.]

(3) [Deleted.]

* * * * *

65. In § 173.370, paragraph (a)(2) is deleted as follows:

§ 173.370 Cyanides, or cyanides mixtures, except cyanides of calcium and mixtures thereof.

(a) * * *

(2) [Deleted.]

* * * * *

66. In § 173.371, paragraph (a)(2) is deleted as follows:

§ 173.371 Dinitrobenzol.

(a) * * *

(2) [Deleted.]

67. In § 173.373, paragraph (a)(2) is deleted as follows:

§ 173.373 Ortho-nitroaniline and paranitraniline.

(a) * * *

(2) [Deleted.]

* * * * *

PART 174—CARRIERS BY RAIL FREIGHT

In § 174.534, paragraph (c) is added to read as follows:

§ 174.534 Portable containers or tanks.

* * * * *

(c) Specifications 52, 53, 56, and 57 (§§ 178.251, 178.252, 178.253 of this subchapter) portable tanks must be shipped only in a rail car that provides specific facilities for bracing and tie down of these tanks. If TOFC or COFC service is utilized, tanks must be secured in trailer bodies in compliance with Bureau of Explosives' Pamphlet 6C.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

1. In Part 178 Table of Contents, §§ 178.155, 178.157, 178.160, and 178.161 are deleted.

§ 178.155 [Deleted].

2. § 178.155 is deleted.

§ 178.157 [Deleted].

3. § 178.157 is deleted.

§ 178.160 [Deleted].

4. § 178.160 is deleted.

§ 178.161 [Deleted].

5. § 178.161 is deleted.

6. In § 178.245-1, paragraph (c) is amended as follows:

§ 178.245 Specification 51; steel portable tanks.

§ 178.245-1 Requirements for design and construction.

* * * * *

(c) Each uninsulated tank used for the transportation of compressed gas, as defined in § 173.300 of this subchapter, must have an exterior surface finish that is significantly reflective such as a light reflecting color if painted, or a bright reflective metal or other material if unpainted.

PART 179—SPECIFICATIONS FOR TANK CARS

In § 179.302 paragraph (a), the table is amended; footnote 7 is added to read as follows:

§ 179.302 Special commodity requirements for multi-unit tank car tanks.

(a) * * *

Commodity	Safety relief device	Valve protective housing	Miscellaneous
(Change)			
Hydrogen sulfide	Fusible plugs required [7].	Required [7].	(7)

[7] Safety relief devices for hydrogen sulfide must be of the fusible plug type utilizing a fusible alloy with yield temperature not over 170° F., nor less than 157° F. Each device must be resistant to extrusion of the fusible alloy and leak tight at 130° F.

This amendment is effective January 31, 1975. However, immediate compliance with the regulations, as amended herein, is authorized.

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

Issued in Washington, D.C. on May 9, 1974.

C. R. MELUGIN, Jr.,
Alternate 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.

W. F. REA III,
Rear Admiral, Board Member for the United States Coast Guard.

[FR Doc.74-11220 Filed 5-14-74;8:45 am]

7

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

44989

[Docket No. HM-106; Amdt. No. 173-81]

PART 173—SHIPPERS

Fire Extinguishers

On May 15, 1974, the Hazardous Materials Regulations Board ("The Board") published Amendment No. 173-81 under Docket HM-106 (39 FR 17313). One portion of the amendment pertained to the construction of fire extinguishers under a provision for partial exemption from the regulations found in § 173.306(c). The amendment becomes effective on January 31, 1975.

Two petitions have been received by the Board, both containing requests that a one-year extension of effective date be granted to deplete existing stocks of rods, slugs, and partially completed fire extinguishers. The petitioners stated that a combined total of 709,882 pounds of aluminum in various stages of processing could not produce cylinders having a burst pressure of six times the charged pressure at 70° F., and would have to be scrapped in order to comply with the amended regulation. They also state they are presently shipping fire extinguishers that are manufactured in accordance with the regulations in effect at this time. The Board has carefully considered the petitions and has decided that a grant of additional time to achieve compliance with the burst pressure requirements is warranted. Also, the Board has reconsidered the amendment in its entirety and is making certain changes to clarify its application and to simplify the marking requirements.

Paragraph (c)(4) of the amendment is being revised to make it clear that the "six times burst" requirement does not apply to fire extinguishers manufactured before January 1, 1976.

Paragraph (c)(6) is being revised to remove the words "filled and shipped" since they are unnecessary to establish the Department's jurisdiction. The words "Meets DOT requirements" are being substituted for the words "This extinguisher meets all requirements of 49 CFR 173.306(c)" to simplify the marking requirements. Added is a sentence explaining the meaning of the revised marking when it is placed on a fire extinguisher by its manufacturer. Added also is a requirement that the year of original test be displayed on each fire extinguisher. This marking will establish whether an extinguisher was manufactured in accordance with the existing regulations or the amended regulations. For this reason, the Board has decided to grant an extension of the effective date of the burst pressure requirement to January 1, 1976 rather than the full year requested by the petitioners. A note is being added to permit continued use of the markings prescribed in the original amendment until January 1, 1976.

In consideration of the foregoing, a portion of Amendment No. 173-81 in Docket No. HM-106 is revised as follows:

In § 173.306, paragraphs (c)(4) and (c)(6) are revised and a note is added following paragraph (c)(6) to read as follows:

§ 173.306 Exemptions from compliance with regulations for shipping compressed gas.

* * * * *

(c) * * *

(4) Each fire extinguisher manufactured on and after January 1, 1976, must be designed and fabricated with a burst pressure of not less than six times its charged pressure at 70° F. when shipped.

* * * * *

(6) Each fire extinguisher must be marked to indicate the year of its original test and "MEETS DOT REQUIREMENTS." This marking will be considered a certification that the fire extinguisher was manufactured in accordance with the requirements of this section.

NOTE: The words "This extinguisher meets all requirements of 49 CFR 173.306(c)" may be displayed in place of "MEETS DOT REQUIREMENTS" on extinguishers manufactured prior to January 1, 1976.

Amendment 173-81 in Docket No. HM-106, including the revisions contained herein, is effective on January 31, 1975. However immediate compliance is authorized.

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

Issued in Washington, D.C. on December 20, 1974.

C. R. MELUGIN, Jr.,
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.

W. M. BENKERT,
Board Member, for the United States Coast Guard.

[FR Doc.74-30288 Filed 12-27-74;8:45 am]

8