

(2) *Test equipment.* The test must be conducted in calm water with a temperature between 0°C (32°F) and 2°C (35.6°F). The air temperature 300 mm (1 ft.) above the water surface must be between minus 10°C (14°F) and 20°C (68°F). Each subject must be instrumented with an electrocardiograph, a thermistor or thermocouple in the rectum placed 150 mm (6 in) beyond the anus, a thermistor or thermocouple in the lumbar region, a thermistor or thermocouple on the tip of the index finger, and a thermistor or thermocouple on the tip of the great toe. Each thermistor or thermocouple must have an accuracy of 0.1°C (0.18°F). The suits used in this test must be the same ones previously subjected to the impact test described in §§ 160.071-17(c)(11).

(5) \* \* \*

(iv) The subject's lumbar, finger, or toe temperature drops below 5°C (41°F), unless the physician determines that the subject may continue.

(f) *Storage temperature.* Two samples of the immersion suits, in their storage cases, must be alternately subjected to surrounding temperatures of -30°C to +65°C. These alternating cycles need not follow immediately after each other and the following procedure, repeated for a total of ten cycles, is acceptable:

(1) 8 hours conditioning at 65°C to be completed in one day;

(2) The specimens removed from the warm chamber that same day and left exposed under ordinary room conditions until the next day;

(3) 8 hours conditioning at -30°C to be completed the next day; and

(4) The specimens removed from the cold chamber that same day and left exposed under ordinary room conditions until the next day. At the conclusion of the final cycle of cold storage, two test subjects who previously successfully completed the donning test in paragraph (c)(2) of this section enter the cold chamber, unpack and don the immersion suits. Alternatively, the suits may be unpacked in the chamber, then removed and immediately donned. Neither of the suits must show damage such as shrinking, cracking, swelling, dissolution or change of mechanical qualities.

(g) \* \* \*

(2) *Test Procedure.* The basket is submerged so that its top edge is 50 mm (2 in.) below the surface of the water. The basket is then weighed. Thereafter, a suit is submerged in water and then filled with water, folded, and placed in the submerged basket. The basket is tilted 45° from the vertical for five minutes in each of four different

directions to allow all entrapped air to escape. The basket is then suspended with its top edge 50 mm (2 in.) below the surface of the water for 24 hours. At the beginning and end of this period, the basket and suit are weighed underwater. The measured buoyancy of the suit is the difference between this weight and the weight of the basket as determined at the beginning of the test. The measure buoyancy after 24 hours must not be more than 5% lower than the initial measured buoyancy. The measured buoyancy after 24 hours is used to determine adjusted buoyancy as described in paragraph (h) of this section.

(i) \* \* \*

(2) *Test procedure.* A suit is held from its top by the holding arrangement. The gasoline is ignited and allowed to burn for approximately 30 seconds in a draft-free location. The suit is then held with the lowest part of each foot 240 mm (9.5 in.) above the surface of the burning gasoline. After two seconds, measured from the moment the flame first contacts the suit, the suit is removed from the fire. The suit must not sustain burning or continue melting after removal from the flames. If the suit sustains any visible damage other than scorching, it must then be subjected to the stability test described in paragraph (c)(8) of this section, except that only one subject need be used; the impact test described in paragraph (c)(11) of this section, except that only one subject need be used; the thermal protection test described in paragraph (d) of this section, except that only one subject need be used; and the buoyancy test described in paragraph (g) of this section, except that the buoyancy test need be conducted for only 2 hours.

(p) *Test for oil resistance.* After all its apertures have been sealed, an immersion suit is immersed under a 100 mm head of diesel oil for 24 hours. The surface oil is then wiped off and the immersion suit subjected to the leak test prescribed in § 160.071-17(c)(10). The ingress of water must not be greater than 200 grams.

9. In 160.071-19, by revising paragraph (a) to read as follows:

§ 160.071-19 **Approval testing for child size immersion suit.**

(a) The stability test prescribed in § 160.071-17(c)(8), except that only six children need be used as test subjects and they can be of either sex. The subjects must be within the ranges of weight and height prescribed in § 160.071-9(m). The heaviest subject

must weigh at least 10 kg (22 lb.) more than the lightest subject. During this test the face seal, neck and chin fit are evaluated and must be comparable to the fit of the corresponding adult size suit on an adult.

\* \* \* \* \*  
10. In § 160.071-23, by revising paragraph (a) to read as follows:

§ 160.071-23 **Marking.**

(a) Each immersion suit must be marked with the words "IMMERSION SUIT—COMPLIES WITH SOLAS 74/83," the name of the manufacturer, the date of manufacture, the model, the size, and the Coast Guard approval number.

\* \* \* \* \*  
11. in § 160.071-25, by revising paragraph (e) to read as follows:

§ 160.071-25 **Production testing.**

(e) The manufacturer must ensure that the quality control procedure described in the test plans previously submitted for approval under § 159.005-9(a)(5)(iii) is followed.

Dated: January 21, 1986.

J.W. Kime,

Commodore, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

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## Research and Special Programs Administration

### 49 CFR Parts 172 and 173

[Docket No. HM-195]

### Reclassification of Special Fireworks

**AGENCY:** Office of Hazardous Materials Transportation, Research and Special Programs Administration (RSPA), DOT.  
**ACTION:** Withdrawal of Advance Notice of Proposed Rulemaking.

**SUMMARY:** This document terminates Docket HM-195. In the advance notice of proposed rulemaking (ANPRM) establishing Docket HM-195, RSPA solicited comments on the merits of a petition for rulemaking filed by the United States Display Fireworks Association (USDFA) (49 FR 45627, November 19, 1984). In the petition, the USDFA requested that RSPA reclassify special fireworks from class B explosives to class C explosives. By letter dated September 16, 1985, the USDFA withdrew their petition. Based on the withdrawal of the petition and other reasons discussed herein, this document terminates Docket HM-195 without issuance of a formal proposal.

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:**

On November 19, 1984, RSPA published in the *Federal Register* an ANPRM soliciting comments on the merits of a petition filed by the USDFA to reclassify special (or display) fireworks from class B explosives to class C explosives (49 FR 45627). These fireworks are commonly used for public display on the Fourth of July and other special events. The USDFA summarized their reasons for the petition as follows: "(1) Make truck common carrier transportation economically available to the display fireworks industry, (2) make company vehicle transportation economic and time efficient; and (3) enhance safety by the elimination of placards entitled "B Explosives" The petition was published verbatim in its entirety in the ANPRM.

RSPA received over 90 comments on the ANPRM. The majority of the commenters, representing fire and safety emergency response agencies, objected to the changes proposed in the petition. Most of these commenters expressed concern over the downgrading of certain safety controls for motor vehicles transporting special fireworks. They expressed strong opposition to allowing the display of DANGEROUS placards in place of EXPLOSIVE placards and no placards on motor vehicles containing

less than 1,000 pounds of special fireworks. They objected to elimination of the requirements for the attendance and surveillance of vehicles, special restrictions on parking the vehicle in certain areas, and the preparation of route plans. Many commenters attributed the excellent safety record for transporting special fireworks to these safety and expressed concern for the safety of firefighters responding to incidents involving fireworks if the safety controls are downgraded.

Commenters in favor of the petition expressed their concern over the deteriorating financial posture of the explosive industry resulting from Federal, State and local regulations, competition from explosive importers, and higher transportation rates, insurance premiums, raw materials and labor costs. One commenter maintained that present state-of-the-art materials and methods being used by fireworks manufacturers have "dissolved" the safety concerns experienced by earlier manufacturers.

On March 13, 1985, RSPA notified the USDFA of a preliminary determination that the petition should be denied based on RSPA's review of the petition and the comments received in response to the petition, and afforded the USDFA 30 days to provide additional information to support their petition or to make any comments on the comments received in response to their petition. The USDFA filed a letter dated April 12, 1985, responding to the comments received to the petition and again requesting some regulatory relief.

In order to assist RSPA in making a determination on whether some regulatory relief may be warranted on a selective basis for special fireworks, RSPA requested the U.S. Bureau of Mines to conduct testing of assorted special fireworks packed in various packaging configurations. The testing was conducted on May 28-31, 1985. Testing procedures conformed to the UN Test Series 6, which is used to determine how explosives react when involved in a fire or explosion. In addition, a special test exposing a truck partially loaded with 500 pounds of special fireworks to an external fire source was conducted to determine whether this quantity of special fireworks would explode violently or just burn. Test results showed that the special fireworks functioned primarily by rapid combustion and therefore, are properly classed as class B explosives.

In a letter dated September 16, 1985, the USFA withdrew its petition without making any comment. Based on a review of the comments received in response to publication of the petition in the ANPRM, testing results, and the USDFA's withdrawal of their petition, Docket HM-195 is hereby withdrawn.

Issued in Washington, DC on January 28, 1986.

Under authority delegated in 49 CFR Part 106, Appendix A.

Alan I. Roberts,  
*Director, Office of Hazardous Materials  
Transportation.*

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