11. We have carefully considered all of the comments and are persuaded not only that talk-around on shared channels above 806 MHz should be authorized, but that we should permit its use on a primary basis with both conventional and trunked shared facilities, so that when trunked equipment which can be employed in the talk-around mode becomes available, its use need not await further rule making proceedings. There have been no allegations that primary operation in the talk-around mode, whether on conventional or trunked shared channel pairs, would create a significant interference hazard or present any other problems. We have already noted, in issuing the Notice, that mobile transmissions on the base transmit frequency are unlikely to overpower mobile relay or base transmissions because the maximum effective radiated power of mobile units is normally much less than that of base stations. The only interference would be to other users operating on the same channel pair in the talk-around mode. Yet talk-around permits mobiles to communicate with each other in areas where it is difficult to access the repeater, e.g., at the fringe of the mobile relay's signal or in hilly terrain. Moreover, because talk-around transmission at a single site eliminates the need to use the repeater, mobile relay congestion will thus be alleviated.

12. For the foregoing reasons, we conclude that authorization of talk-around on a primary basis on shared 806 MHz conventional or trunked frequency pairs is in the public interest. Accordingly, pursuant to the authority contained in Sections 47[1] and 303[2] of the Communication Act of 1934, as amended, it is ordered, that effective December 30, 1981, Part 90 of the Commission's rules, 47 CFR Part 90, is amended as set forth in the Appendix.

13. It is further ordered that this proceeding is terminated.

14. It is further ordered that the Secretary of the Commission shall cause this Report and Order to be published in the Federal Register.


*See 47 CFR § 90.379 (a) and (d).
First, for transportation by water in the Specification 57 tanks, fragile devices are not authorized in §§ 173.119(b)(6), 173.128(a)(8), 173.132(a)(2), 173.246(a)(38), 173.256(b)(1), 173.258(a)(9), 173.276(b)(12), and 173.277(c). These changes are necessary in order to provide a package that will not leak during transportation by water. Second, the authorized use of the Specification 56 tank has been expanded to include flammable solids (including water reactive materials) and dry oxidizers. During the past several years, commodities such as calcium carbide, sodium nitrate, sodium hydrosulfite, phosphorous pentasulfide, magnesium powder, ammonium perchlorate, and others, have been transported in Specification 56 tanks or non-specification portable tanks equivalent to Specification 56 tanks under the terms of a DOT exemption without incident. In view of the above, § 173.154 has been revised accordingly.

Authorized for liquids with flash points above 20°F and a vapor pressure not over 16 psia at 100°F.

Other than minor editorial changes, the only other change of any significance is the revision of § 176.340. Because of the change being made in § 173.119, it is necessary to amend § 176.340; otherwise, combustible liquids not having any other hazards would not be allowed in the same portable tanks as authorized for flammable liquids.

In consideration of the foregoing, 49 CFR Parts 172, 173, 175, 176, and 178 are amended as follows:

**PART 172—HAZARDOUS MATERIALS TABLE**

For transportation by rail

- Flammable solids, 1.3 Segregation same as for flammable solids labeled Dangerous when wet.
- Other flammable solids
- 3 Segregation same as for flammable liquids in tank car or tank

For transportation by water

- Flammable solids, 1.2 Segregation same as for flammable solids labeled Dangerous when wet.
- Other flammable solids
- 1 Segregation same as for flammable liquids in tank car or tank

For transportation by motor vehicle

- Flammable solids, 1.3 Segregation same as for flammable solids labeled Dangerous when wet.
- Other flammable solids
- 3 Segregation same as for flammable liquids in tank car or tank

For transportation by air

- Flammable solids, 1.2 Segregation same as for flammable solids labeled Dangerous when wet.
- Other flammable solids
- 1 Segregation same as for flammable liquids in tank car or tank

**PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS**

2. In § 173.119, paragraph (b)(6) is added to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

(b) (6) Specification 57 (§ 178.253 of this subchapter). Steel portable tank. Authorized for transportation by water when having a minimum design pressure of 9 psig and equipped in accordance with § 178.253-4, except that flammable devices are not authorized. Also, for water transportation, no pressure relief device may open at less than 5 psig.

3. In § 173.128, paragraph (a)(3) is revised to read as follows:

§ 173.128 Points and related materials (flammable liquids).

(a) * * *(3) Specification 52 or 57 (§§ 178.251, 178.253 of this subchapter). Metal portable tank. Not authorized for transportation by water except as prescribed in § 173.119(b)(6) of this subchapter.

4. In § 173.131, paragraph (a)(2) is revised to read as follows:

§ 173.131 Road asphalt; or tar, liquid.

(a) * * *

(2) In cargo tanks that are at least equivalent in design and construction to Specification MC-300 (§ 178.340, 178.341 of this subchapter) except for the requirements of §§ 178.340-10, 178.341-3, 178.341-4, and 178.341-5.

5. In § 173.132, paragraph (a)(2) is revised to read as follows:

§ 173.132 Cement liquid, n.o.s.; container cement; linoleum cement; pyroxylin cement; rubber cement; tile cement; wallboard cement; coating solution (flammable liquids).

(a) * * *
(2) Specification 52 or 57 (§§ 178.251, 178.253 of this subchapter). Metal portable tank. Not authorized for transportation by water except as prescribed in § 173.119(b)(6) of this subchapter.

6. In § 173.154, paragraph (a)(5) is added to read as follows:

§ 173.154 Flammable solids, organic peroxide solids and oxidizers not specifically provided for.

(a) **

[5] Specification 56 (§ 178.252 of this subchapter). Metal portable tank. Authorized only for flammable solids (including water reactive materials) and peroxide solids specifically provided for.

7. In § 173.164, paragraph (a)(7) is added to read as follows:

§ 173.164 Chromic acid or chromic acid mixture, dry.

(a) **

7. Specification 56 (§ 178.252 of this subchapter). Steel portable tank.

8. In § 173.178, the heading and the introductory text of paragraph (a) are revised to read as follows:

§ 173.178 Calcium carbide, calcium silicon powder, and magnesium granules, coated.

(a) Calcium carbide, calcium silicon powder, and magnesium granules, coated must be packed as follows:

8. In § 173.182 the last sentence of paragraph (b)(6)(ii) is revised to read as follows:

§ 173.182 Nitrates.

(b) **

(6) **

(i) **

(ii) Authorized only for ammonium nitrate (no organic coating), ammonium nitrate fertilizer, and potassium nitrate; or

10. In § 173.220, the heading and the introductory texts of paragraphs (b) and (b)(2) are revised to read as follows:

§ 173.220 Magnesium or zirconium scrap consisting of borings, clippings, shavings, sheets, turnings, or scalings, and magnesium metallic (other than scrap), powder, pellets, turnings, or ribbon; magnesium aluminum powder.

(b) Magnesium metallic (other than scrap), powder, pellets, turnings or ribbon; magnesium aluminum powder, must be packed in containers as prescribed in § 173.154.

11. In § 173.245, paragraph (a)(38) is added to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) **

38. Specification 57 (§ 178.253 of this subchapter). Steel portable tank. Authorized only for acetic acid, glacial; acetic acid solutions; compound, cleaning liquid; compound, lacquer, paint, or varnish removing, liquid; compound, rust preventing or compound, rust removing; orthochlorophenol; and phosphoric acid not exceeding 85 percent strength. For acid solutions, tanks constructed of a steel other than stainless steel must have a polyethylene liner impervious to the solution. Authorized for transportation by water when having a minimum design pressure of 9 psig and equipped in accordance with § 178.253-4, except that flammable devices are not authorized. Also, for water transportation, no pressure relief device may open at less than 5 psig.

12. In § 173.256, paragraph (b) is added to read as follows:

§ 173.256 Compounds, cleaning, liquid.

(b) Compounds, cleaning, liquid containing not more than 20 percent hydrofluoric acid, by weight, may also be shipped in specification containers as follows:

1) Specification 57 (§ 178.253 of this subchapter). Steel portable tank. Authorized for transportation by water when having a minimum design pressure of 9 psig and equipped in accordance with § 178.253-4, except that flammable devices are not authorized. Also, for water transportation, no pressure relief device may open at less than 5 psig. Tanks constructed of a steel other than stainless steel must have a polyethylene liner impervious to the solution. Vented closures are authorized.

16. In § 173.301, paragraph (k) is amended by revising (k) introductory text as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders.

(k) Outside packagings. Specification 2P, 2Q, 3E, 3HT, 4BA spherical type, 4D, 4DS, 9E, 39, 40, and 41* must be shipped in strong outside packagings, except that the 4BA spherical type may
be securely mounted on pallets to provide protection for the spheres and any attachments.

17. In §173.357, paragraph (b)(3) is revised to read as follows:

§173.357 Chloropirin and chloropirin mixtures containing no compressed gas or Poison A liquid.

18. In §173.365, paragraph (a)(11) is added to read as follows:

§173.365 Poison B solids not specifically provided for.

19. In §173.375, paragraph (a)(3) is added to read as follows:

§173.375 Sodium azide.

20. In §173.505, paragraph (b) is revised to read as follows:

§173.505 Exceptions for Other Regulated Material (ORM).

21. In §175.310, paragraph (c)(1) is revised to read as follows:

§175.310 Transportation of flammable liquid fuel in small, passenger-carrying aircraft.

22. In §176.340, the entire section is revised to read as follows:

§176.340 Combustible liquids in portable tanks.

23. In §178.51-2, §§178.51-3, 178.51-10 (b) and (c) revised and (d) added. 178.51-12, 178.51-13 (heading and paragraph (a)) and 178.51-19 ((c) revised) are revised to read as follows:

§178.51-2 Type, size, and service pressure.

(a) Type. Cylinders may be spherical or cylindrical in shape. Closures made by the spinning process are not authorized.

(b) Spherical type cylinders must be made from two seamless hemispheres joined by the welding of one circumferential seam.

(c) Cylindrical type cylinders must be of circumferentially welded or brazed construction.

(d) Size. The capacity of the cylinder must be 1,000 pounds water capacity or less.

(c) Service pressure. The service pressure must be at least 225 and not over 500 pounds per square inch gauge.

§178.51-10 Wall thickness.

(a) For cylinders that are cylindrical in shape must have the wall stress calculated by the formula:

\[ S = \frac{P(1.3D^2 + 0.4d^2)}{D^2 - d^2} \]

Where:

- \( S \) = wall stress in pounds per inch
- \( P \) = minimum test pressure prescribed for the water jacket test
- \( D \) = outside diameter in inches
- \( d \) = inside diameter in inches.

(b) For cylinders with wall thickness less than 0.100 inch, the ratio of tangential length to outside diameter shall not exceed 4.0.

§178.51-12 Openings in cylinders.

(a) Any opening must be placed on other than a cylindrical surface.

(b) Each opening in a spherical type cylinder must be provided with a fitting, boss, or pad of weldable steel securely attached to the container by fusion welding.

(c) Each opening in a cylindrical type cylinder must be provided with a fitting, boss, or pad, securely attached to the container by brazing or by welding.

(d) If threads are used, they must comply with the following:

(1) Threads must be clean-cut, even, without checks and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required; adequate to prevent leakage.
§ 178.51–13 is revised to read as follows:

§ 178.51–13 Pressure relief devices and protection for valves, safety devices, and other connections, if applied.

(a) Must be as required by the Department of Transportation's regulations that apply (see §§ 173.34(d), 173.124(e), 173.301(g), and 173.301(k) of this subchapter).

§ 178.51–19 is amended by revising (c) to read as follows:

§ 178.51–19 Marking.

(c) Location of markings. Markings may be stamped plainly and permanently in the following locations on the cylinder:

1. On shoulders and top heads not less than 0.037 inch thick.
2. On side wall adjacent to top head for side wall not less than 0.090 inch thick.
3. On a cylindrical portion of the shell which extends beyond the recessed bottom of the cylinder constituting an integral and non-pressure part of the cylinder.
4. On a plate attached to the top of the cylinder or permanent part thereof; sufficient space must be left on the plate to provide for stamping at least six retest dates; the plate must be at least ⅛ inch thick and must be attached by welding, or by brazing at a temperature of at least 1100°F, throughout all edges of the plate.

24. In § 176.118, the introductory text of § 176.118–10(a) introductory text is revised to read as follows:

§ 176.118–10 Marking.

(a) Marking requirements for new or altered drums are as follows: New drums. Marking on each drum by embossing on the permanent head, with raised marks, or by embossing or die stamping on footing, if equipped, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter. Altered drums. Drums which have been altered to Specification 17H from an all 18-gauge tight head drum may be embossed on the body of the drum, no more than six inches from top curl.


Note.—The Materials Transportation Bureau has determined that this document will not result in a “major rule” under the terms of E.O. 12291 and is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C., et seq.) A regulatory evaluation and an environmental assessment are available for review in the docket. I certify that this final rule will not have a significant economic impact on a substantial number of small entities.

Issued in Washington, D.C. on November 25, 1981.

L. D. Samban,
Director, Materials Transportation Bureau
[FR Doc. 81-31645 Filed 11-2-81; 8:45 am
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INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. No. 1499]

Chicago and North Western Transportation Company Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee) [CNW] is authorized to use tracks and/or facilities of the Chicago and North Western Transportation Company (CNW) to operate MILW lines between Jefferson and Herndon, Iowa, as part of a program to provide interim service over the MILW as agreed to by the Trustee.

(a) Chicago and North Western Transportation Company authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee) [CNW] is authorized to use tracks and/or facilities of the Chicago and North Western Transportation Company (CNW) to operate MILW lines between Jefferson and Herndon, Iowa, as part of a program to provide interim service over the MILW as agreed to by the Trustee.

(b) The Trustee shall be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by section 122(g) Pub. L. 96-254.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by section 122(g) Pub. L. 96-254.

(d) The interim operator, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) The interim operator, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the MILW Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of this operation over the MILW lines, the interim operator shall be responsible for preserving the value of the lines, associated with this interim operation, to the MILW estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized