practices, and a revised Uniform System of Accounts.

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INTERSTATE COMMERCE COMMISSION

49 CFR Part 1047

[No. MC-C-3437 (Sub-No. 7)]

Petition To Amend Interpretation of Operating Rights Authorizing Service at Designated Airports

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Interstate Commerce Commission is considering amending the regulation at 49 CFR 1041.22(a) so that carriers with authority to serve a named airport would have that authorization expanded to include all points within the air terminal zone of that airport. As that regulation now reads, an air freight motor carrier holding authority to perform line-haul operations between specific airports may perform that service only to and from the airports themselves *or* the particular air freight terminals utilized by the air carriers in connection with the movement of air freight to or from the specified airports.

DATES: Comments (an original and 11 copies) must be received on or before January 25, 1980.

ADDRESSES: Send comments to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Donald Shaw, 202-275-7292 or Joseph O'Malley, 202-275-7928.

SUPPLEMENTARY INFORMATION: By petition filed October 3, 1978, Pinto Trucking Service, Inc., a motor common carrier specializing in the transportation of air freight between airports, sought the institution of a rulemaking to amend the Commission's regulations in the manner described above. Notice of the filing of the petition was published in the Federal Register on October 24, 1978 at 43 FR 49601, and the Commission invited comments from all interested parties.

Although we are somewhat surprised at the low number of responses to our Federal Register notice, a number of comments were received, both in favor of, and in opposition to the proposed amendment. Generally speaking, the motor carriers now providing the airport-to-airport service involved favor the proposal; the airlines, the airport pickup and delivery carriers, and non-air freight line-haul motor carriers oppose it.

Based on the comments we have received so far, it is possible that amendment of the regulation to allow line-haul air-freight carriers broader service opportunities could potentially stimulate intermodal freight movement, help ensure efficient allocation of traffic among carrier modes, and result in potential energy conservation. On the other hand, it is also possible that these potential benefits could be outweighed by harmful effects on services of those opposing the amendment. Before we make a final determination as to adopting the proposal and amending the regulation, we would like to have more input from the shipping public and the particular portion of the transportation industry involved.

Although parties should feel free to comment on any aspect of the proposed change which would affect them, from the comments already received we have identified several areas about which we would find additional information particularly useful. We would like to hear from present or potential air-freight shippers concerning how they believe amendment of the regulation would affect their own operations. Also helpful would be information from line-haul air-freight carriers and the pickup and delivery carriers concerning the type equipment they operate, the extent to which, if any, their traffic is containerized, and some data regarding the sizes of those containers. We would find useful information about the effect that recent expansion of air terminal zones has had on regulated and non-regulated pickup and delivery carriers. Specific data rather than general allegations is needed. Finally, an assessment of the impact this amendment would have on competition among small and medium air-freight motor carriers would be of assistance.

Because of its long-standing expertise on matters related to the transportation of air-freight, we specifically request that the Civil Aeronautics Board participate in this proceeding by filing comments on the proposal. Its views on the issues described above or any other matters related to this proceeding would be appreciated. Accordingly, a copy of this notice will be served on the Board.

§ 1041.22 [Amended]

The Interstate Commerce Commission is considering amending the regulation at 49 CFR 1041.22(a) to read as follows:

(a) A certificate or permit issued to a motor carrier of property pursuant to 49 U.S.C. 10521 et seq. (formerly Part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.)) authorizing service at a named airport shall be construed as authorizing service in the transportation of freight having a prior or subsequent movement by air at all points or places located within the air terminal zone (as described in § 1047.40 of this chapter) of the airport authorized to be served by the motor carrier.

* * * * *

As that regulation now reads, an air freight motor carrier holding authority to perform line-haul operations between specific airports may perform that service only to and from the airports themselves *or* the particular air freight terminals utilized by the air carriers in connection with the movement of air freight to or from the specified airports. Airport-to-airport authority does not now permit the line-haul motor carrier to serve the shipper or the consignee in the air terminal zone. Instead, it may, in effect, serve only the air carriers. If the regulation were amended, carriers with authority to serve a named airport would have that authorization expanded to include all points within the air terminal zone of that airport.

Decided: October 26, 1979.

By the authority of 49 U.S.C. § 10321 and 5 U.S.C. § 553.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins and Alexis. Vice Chairman Stafford dissenting.

Agatha L. Mergenovich,
Secretary.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 173

[Docket No. HM-163D; Notice No. 79-15]

Withdrawal of Certain Bureau of Explosives Delegations of Authority

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Materials Transportation Bureau (MTB) proposes to issue an amendment to the Department's Hazardous Materials Regulations withdrawing or cancelling the remaining delegations of authority to the Bureau of Explosives (B of E) in Part 173 of 49 CFR. However, the B of E would continue to play a role in the testing of explosives and other hazardous materials for MTB. This action is being taken to conform existing programs with the purposes of

the Hazardous Materials Transportation Act.

DATE: Comments must be received on or before January 15, 1980.

ADDRESS: Comments must be addressed to Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Five copies of comments are requested.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Office of Hazardous Materials Regulation, 400 7th St. S.W., Washington, D.C. 20590, 202–472–2726.

SUPPLEMENTARY INFORMATION: On August 17, 1978, the Materials Transportation Bureau published Docket No. HM–163; Amdt. Nos. 171–41, 173–119, 178–49 (43 FR 36445). These referenced amendments constituted the first action in an overall program to withdraw all of the delegations of authority to the B of E in 49 CFR Parts 100–199.

On March 26, 1979, the MTB published Docket No. HM–163A; Amdt. No. 171–45 (44 FR 18027) to recognize certain approvals and authorizations issued by the B of E.

On May 7, 1979, the MTB published Docket No. HM–163B; Notice 79–7 (44 FR 26772) proposing to withdraw or cancel certain delegations of authority to the B of E in Part 178 of 49 CFR. The final rule is expected to be published in the very near future.

Docket No. HM–163C; Amdt. Nos. 171–50, 173–132, 178–57 [44 FR 55577] was published on September 27, 1979, to transfer from the Transportation Systems Center, Cambridge, Massachusetts, to the Bureau's Associate Director for Operations and Enforcement the responsibility for: (1) Approving cigarette lighters or other ignition devices; (2) registering container manufacturers' marks or symbols; and (3) receiving and maintaining reports required to be filed in connection with hazardous materials shipping containers and packagings.

The MTB plans to continue use of the service and expertise of the B of E laboratory for the testing of explosives and other hazardous materials. However, consideration will be given to the use of additional laboratories, such as the Bureau of Mines, when acceptable arrangements can be made. Results of tests performed by the B of E will be forwarded to the Associate Director for Operations and Enforcement, Materials Transportation Bureau, Washington, D.C. 20590 by the applicant for review and final disposition. The preamble to the August 17, 1978, amendment clearly stated the reasons for the action taken as well as those to be consider in future rulemaking. In view of the above referenced preamble, repeating it again in this notice is not deemed necessary.

These proposed changes should have little or no economic impact on the private sector, consumers, State or local governments since these proposals would merely require the final approval to be granted by the Associate Director for Operations and Enforcement instead of the B of E. In some instances the requirement for B of E examination and approval by MTB would be deleted.

Primary drafters of this document are Darrell L. Raines, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, and George W. Tenley, Office of the Chief Counsel, Research and Special Programs Administration.

In consideration of the foregoing, 49 CFR Parts 171 and 173 would be amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. Section 171.20 would be added to read:

§ 171.20 Submission of Examination Reports.

(a) When it is required in this subchapter that the issuance of an approval by the Associate Director for OE be based on an examination by the Bureau of Explosives (or any other test facility recognized by MTB), it is the responsibility of the applicant to submit the results of the examination to the Associate Director for OE.

(b) Applications for approval submitted under paragraph (a) of this section, must by submitted to the Associate Director for Operations and Enforcement, Materials Transportation Bureau, Washington, D.C. 20590.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. Each section referenced in the first column would be amended to read as indicated in the third column:

Regulation affected	Present wording	Proposed amendment
§ 173.28(h)(1)	(1) Single-trip containers inspected and tested prior to January 1, 1971, that have been approved for reuse by the Bureau of Explosives may be used until July 1, 1971, under the terms and conditions specified.	(1) [Deleted].
§ 173.31(d)(4) Retest Table 1 Footnote[1].	[1] Tanks and safety relief devices in hydrocyanic acid service must be retested and inspected by a written procedure filed with and approved by the Bureau of Explosives.	[1] Tanks and safety relief devices in hydrocyanic acid service must be retested and inspected by a written procedure filed with and approved by the Associate Director for OE.
§ 173.32(b)(3)	(3) Tanks having capacities of between 750 pounds and 1,000 pounds of water shall be considered as portable tank containers for the purposes of this part. In lieu of using safety relief valves on such containers they may be equipped with fusible plugs only when the container is filled by weight. Size, number, and location, as well as character and physical properties of fusible plugs shall be approved by the Bureau of Explosives. These containers shall be marked "ICC Specification 51S".	(3) Tanks having capacities of between 750 pounds and 1,000 pounds of water shall be considered as portable tank containers for the purposes of this part. In lieu of using safety relief valves on such containers they may be equipped with fusible plugs only when the container is filled by weight. Size, number, and location, as well as character and physical properties of fusible plugs shall be examined by the Bureau of Explosives and approved by the Associate Director for OE. These containers shall be marked "DOT Specification 51S."
§ 173.34(c)(1)	(1) Additional markings not affecting any of the prescribed markings may be made in accordance with marking requirements of the specification.	*Note:* This paragraph will be handled by a separate Docket in the very near future.
§ 173.34(c)(3)(i) First sentence.	(i) Marked service pressure may be changed only upon application to the Bureau of Explosives and receipt of written instructions as to the procedure to be followed.	(i) Marked service pressure may be changed only upon application to the Associate Director for OE and receipt of written instructions as to the procedure to be followed.
§ 173.34(c)(3)(ii)	(ii) Changes may be made in serial numbers and in the identification symbols by the owners. Identification symbols must be registered and approved by the Bureau of Explosives. Serial numbers and identification symbols may be changed only by the owner upon his receipt of written approval from the Bureau of Explosives. The request for approval must identify the existing markings (including serial numbers) that correspond with the proposed new markings.	*Note:* This paragraph will be handled by a separate Docket in the very near future.
§ 173.34(d) First sentence.	(d) *Safety relief devices.* Each cylinder charged with compressed gas, unless expected in this paragraph, must be equipped with one or more safety relief devices approved, as to type, location, and quantity, by the Bureau of Explosives and must be capable of preventing explosion of the normally charged cylinder when it is placed in a fire.	(d) *Safety relief devices.* Each cylinder charged with compressed gas, unless excepted in this paragraph, must be equipped with one or more safety relief devices, examined as to type, location, and quantity, by the Bureau of Explosives and approved by the Associate Director for OE. The safety relief devices must be capable of preventing explosion of the normally charged cylinder when it is placed in a fire.
§ 173.34(g)(4)(ii)	(ii) The permanent expansion shall not be less than 3 percent nor more than 10 percent of the total expansion in the hydrostatic retest, in which case the flattening and physical tests are not required. For this alternative method the hydrostatic retest pressure shall not exceed 115 percent of the minimum prescribed test pressure except with specific approval of the Bureau of Explosives.	(ii) The permanent expansion shall not be less than 3 percent nor more than 10 percent of the total expansion in the hydrostatic retest, in which case the flattening and physical tests are not required. For this alternative method the hydrostatic retest pressure may not exceed 115 percent of the minimum prescribed test pressure except with specific approval of the Associate Director for OE.

Regulation affected	Present wording	Proposed amendment
§ 173.34(f) Introductory text.	(f) *Repair by welding or brazing of DOT-4 series, and DOT-8, welded or brazed cylinders.* Repairs on DOT-4 series and DOT-8 series welded or brazed cylinders are authorized to be made by welding or brazing. Such repairs must be made by a manufacturer of these types of DOT cylinders or by a repair facility authorized by the Bureau of Explosives and by a process similar to that used in its manufacturer and under the following specific requirements.	(f) *Repair by welding or brazing of DOT-4 series and DOT-8, welded or brazed cylinders.* Repairs on DOT-4 series and DOT-8 series welded or brazed cylinders are authorized to be made by welding or brazing. Such repairs must be made by a manufacturer of these types of DOT cylinders or by a repair facility approved by the Associate Director for OE and by a process similar to that used in its manufacture and under the following specific requirements:
§ 173.34(f)(4)(i)	(i) Must be done by a manufacturer of these types of DOT cylinders or by a repair facility authorized by the Bureau of Explosives.	(i) Must be done by a manufacturer of these types of DOT cylinders or by a repair facility approved by the Associate Director for OE.
§ 173.34(i) Introductory text.	(i) *Rebuilding of DOT-4 series and DOT-8, welded or brazed cylinders.* Rebuilding of DOT-4 series and DOT-8 series, welded or brazed cylinders is authorized. Such rebuilding must be done by a manufacturer of these types of DOT cylinders or by a repair facility authorized by the Bureau of Explosives and by a process similar to that used in its original manufacture and under the following specific requirements:.	(i) *Rebuilding of DOT-4 series of DOT-8, welded or brazed cylinders.* Rebuilding of DOT-4 series and DOT-8 series, welded or brazed cylinders is authorized. Such rebuilding must be done by a manufacturer of these types of DOT cylinders or by a repair facility approved by the Associate Director of OE and by a process similar to that used in its original manufacture and under the following specific requirements:
§ 173.53(h) Introductory text.	(h) *Type 8.* Any solid or liquid compound, mixture or device which is not specifically included in any of the above types, and which under special conditions may be so designated and approved by the Bureau of Explosives. Example: Shaped charges, commercial.	(h) *Type 8.* Any solid or liquid compound, mixture or device which is not specifically included in any of the above types, and which under special conditions may be so designated and examined by the Bureau of Explosives and approved by the Associate Director for OE. Example: Shaped charges, commercial.
§ 173.(h)(1)	A shaped charge, commercial, consists of a plastic, paper, or other suitable container comprising a charge of not to exceed 8 ounces of a high explosive containing no liquid explosive ingredient and with a hollowed-out portion (cavity) lined with a rigid material. Detonators or other initiating elements shall not be assembled in the device unless approved by the Bureau of Explosives.	(1) A shaped charge, commercial, consists of a plastic, paper, or other suitable container comprising a charge of not to exceed 8 ounces of a high explosive containing no liquid explosive ingredient and with a hollowed-out portion (cavity) lined with a rigid material. Detonators or other initiating elements may not be assembled in the device unless examined by the Bureau of Explosives and approved by the Associate Director for OE.
§ 173.53(j)	(j) *Ammunition for cannon with projectiles.* Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, or shell is fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer, and the projectiles, or shell, fuzed or unfuzed. Detonating fuzes, tracer fuzes, explosives or ignition devices, or fuze parts with explosives contained therein must not be assembled in ammunition or included in the same outside package unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government or unless of a type approved by the Bureau of explosives.	(j) *Ammunition for cannon with projectiles.* Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, or shell is fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer, and the projectiles, or shell, fuzed or unfuzed. Detonating fuzes, tracer fuzes, explosive or ignition devices, or fuze parts with explosives contained therein may not be assembled in ammunition or included in the same outside package unless shipped by or for the Department of Defense (DOD) and in accordance with established practices and procedures specified by DOD.
§ 173.56(a)	(a) Detonating fuzes, tracer fuzes, explosive or ignition devices, bouchons, or fuze parts with explosives contained therein, must not be assembled in explosive projectiles, grenades, explosive bombs, explosive mines, or explosive torpedoes, or included in the same outside package with them unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government, or unless of a type approved by the Bureau of Explosives.	(a) Detcnating fuzes, tracer fuzes, explosive or ignition devices, bouchons, or fuze parts with explosives contained therein, must not be assembled in explosive projectiles, grenades, explosive bombs, explosive mines or explosive torpedoes, or included in the same outside package with them unless shipped by or for the Department of Defense (DOD) and in accordance with established practices and procedures specified by DOD.
§ 173.56(c)	(c) Explosive projectiles, explosive torpedoes, explosive mines, or explosive bombs, exceeding 90 pounds in weight, and explosive projectiles of not less than 4½ inches in diameter, may be shipped without being boxed only by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government when securely blocked and braced in accordance with methods approved by the Bureau of Explosives.	(c) Explosive projectiles, explosive torpedoes, explosive mines, or explosive bombs, exceeding 90 pounds in weight, and explosive projectiles of not less than 4½ inches in diameter, may be shipped without being boxed only when shipped by or for the Department of Defense (DOD) and in accordance with established practices and procedures specified by DOD.
§ 173.56(c)(1)	(1) Explosive projectiles less than 4½ inches in diameter may be shipped without being boxed, when palletized, only by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government when securely blocked and braced in accordance with methods approved by the Bureau of Explosives.	(1) Explosive projectiles less than 4½ inches in diameter may be shipped without being boxed, when palletized, and only when shipped by or for the Department of Defense (DOD) and in accordance with established practices and procedures specified by DOD.
§ 173.56(d)	(d) Gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, gas bombs, smoke bombs, incendiary bombs, gas grenades, smoke grenades, incendiary grenades, and gas mines, explosive, containing a bursting charge must be packed and properly secured in strong wooden boxes. Detonating fuzes, boosters or bursters, bouchons or ignition elements must not be assembled in these articles or included in the same package with them unless shipped by, for, or to the Departments of the Army, Navy, or Air Force of the United Government, or unless of a type approved by the Bureau of Explosives. (See §§ 173.190, 173.330, 173.350, and 173.383 for non-explosive chemical or poisonous ammunition.).	(d) Gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, gas bombs, smoke bombs, incendiary bombs, gas grenades, smoke grenades, incendiary grenades, and gas mines, explosive, containing a bursting charge must be packed and properly secured in strong wooden boxes. Detonating fuzes, boosters or bursters, bouchons or ignition elements may not be asembled in these articles or included in the same package with them unless shipped by or for the Department of Defense (DOD) and in accordance with established practices and procedures specified by DOD.
§ 173.57(a)	(a) Rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, or illuminating projectiles, must be well packed and properly secured in strong wooden or metal containers or in preformed fiber glass resin impregnated containers approved by the Bureau of Explosives.	(a) Rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, or illuminating projectiles, must be well packed and properly secured in strong wooden, metal, preformed fiber glass resin impregnated container, or other packagings of approved military specifications which comply with § 173.7(a).
§ 173.65(h) Third sentence.	Other methods of packaging for devices of which shaped charges are a component part may be employed when approved by the Bureau of Explosives.	Other methods of packaging for devices of which shaped charges are a component part may be employed when examined by the Bureau of Explosives and approved by the Associate Director for OE.
§ 173.79(a)(2)	(2) Wooden boxes, wooden crates, of other packagings or approved military specifications which comply with § 173.7(a), or other packagings approved by the Bureau of Explosives.	(2) Wooden boxes, wooden crates, or other packagings of approved military specifications which comply with § 173.7(a).
§ 173.79(c)	(c) Jet thrust units Class A explosives or rocket motors, Class A explosives, may be packaged in the same outside packaging with their separately packaged igniters (or igniter components), Class A, B, or C explosives only in packagings approved by the Bureau of Explosives or of approved military specifications complying with § 173.7(a).	(c) Jet thrust units Class A explosives or rocket motors, Class A explosives, may be packaged in the same outside packaging with their separately packaged igniters (or igniter components), Class A, B, or C explosives only when shipped by or for the Department of Defense (DOD) and in accordance with established practices and procedures specified by DOD.
§ 173.86(b), (b)(1), (b)(2), and (b)(3).	(b) No person may offer a new explosive for transportation unless it has been examined, classed, and approved by one of the following agencies:.	(b) No person may offer a new explosive for transportation unless it has been examined by one of the following agencies, and classed and approved by the Associate Director for OE.
	(1) Bureau of Explosives;.	(1) Bureau of Explosives;
	(2) The U.S. Energy Research and Development Administration (ERDA) for new explosives made by, or under the direction or supervision of ERDA when tested in accordance with the Explosives Hazard Classification Procedures contained in DOD TB 700-2 (May 19, 1967), or.	(2) U.S. Department of Energy (DOE) for new explosives made by, or under the direction or supervision of DOE when tested in accordance with the Explosives Hazardous Classification procedures contained in DOD TB 700-2 (May 19, 1967), or
	(3) U.S. Army Material Development and Readiness Command (DRCFS), Naval Sea Systems Command (NAVSEA 04H), or HQUSAF (IGD)/SEV) for new explosives made by, or under the direction or supervision of the Department of Defense when tested in accordance with the Explosives Hazard Classification procedures contained in DOD TB 700-2 (May 19, 1967), (NAVORDINST 8020.3 to 11A-47, DSAR 8220.1).	(3) U.S. Army Material Development and Readiness Command (DRCFS), Naval Sea Systems Command (NAVSEA 04H), or HQUSAF (IGD)/SEV/ for new explosives made by, or under the direction or supervision of the Department of Defense when tested in accordance with the Explosives Hazardous Classification procedures contained in DOD TB 700-2 (May 19, 1967), (NAVSEAINST 8020.8 AFTO 11A-47, DSAR 8220.1).
§ 173.88(g) Last sentence.	The devices must not rupture on functioning and must be of a type approved by the Bureau of Explosives, except as otherwise provided in §§ 173.51(q) and 173.86(a).	The devices must not rupture on functioning and must be of a type examined by the Bureau of Explosives and approved by the Associate Director for OE, except as otherwise provided in § 173.51(a)(16) and § 173.86(a).
§ 173.92(a)(4)	(4) Wooden boxes, wooden crates, or other packagings of approved military specification which comply with § 173.7(a), or other packagings approved by the Bureau of Explosives.	(4) Wooden boxes, wooden crates, or other packagings of approved military specification which comply with § 173.7(a).

Regulation affected	Present wording	Proposed amendment
§ 173.92(c)	(c) Jet thrust units, Class B explosives, or rocket motors, Class B explosives, may be packaged in the same outside packaging with their separately packaged igniters (or igniter components), Class A, B, or C explosives, only in packagings approved by the Bureau of Explosives or of approved military specifications complying with § 173.7(a).	(c) Jet thrust units, Class B explosives, or rocket motors, Class B explosives, may be packaged in the same outside packaging with their separately packaged igniters (or igniter components), Class A, B, or C explosives, only when shipped by or for the Department of Defense (DOD) and in accordance with established practices and procedures specified by DOD.
§ 173.94(A) *Introductory text.*	(a) Explosive power devices, Class B, must not be shipped with igniters, assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government or unless of a type approved by the Bureau of Explosives. Explosive power devices, Class B, must be packed in outside containers complying with the following specifications:	(a) Explosive power devices, Class B may not be shipped with igniters assembled therein unless shipped by or for the Department of Defense (DOD) and in accordance with established practices and procedures specified by DOD. Explosive power devices, Class B, must be packed in outside containers complying with the following specifications:
§ 173.94(b)	(b) Explosive power devices, Class B, packed in any other manner must be in containers of a type approved by the Bureau of Explosives.	(b) Explosive power devices, Class B, packed in any other manner must be in containers of a type examined by the Bureau of Explosives and approved by the Associate Director for OE.
§ 173.95(a)(2)	(2) Wooden boxes or metal packagings of approved military specification which comply with § 173.7(a), or other packagings approved by the Bureau of Explosives.	(2) Wooden boxes or metal packagings of approved military specification which comply with § 173.7(a).
§ 173.95(b)	(b) Rocket engines (liquid), Class B explosives, must not be shipped with igniters or initiators assembled therein unless shipped by, for, or to the Department of the Army, the Department of the Navy, or the Department of the Air Force, and only when authorized by the Department of Defense or by the Bureau of Explosives.	(b) Rocket engines (liquid), Class B explosives, may not be shipped with igniters or initiators assembled therein unless shipped by or for the Department of Defense (DOD) and in accordance with established practices and procedures specified by DOD.
§ 173.95(c)	(c) Rocket engines (liquid), Class B explosives, may be packed in the same outside packaging with separately packaged igniters, jet thrust, Class B explosives when authorized by the Department of Defense or when packagings are approved by the Bureau of Explosives.	(c) Rocket engines (liquid), Class B explosives, may be packed in the same outside packaging with separately packaged igniters, jet thrust, Class B explosives when shipped by or for the Department of Defense (DOD) and in accordance with established practices and procedures specified by DOD.
§ 173.100(p) Second sentence.	Unless greater weight of composition is approved by the Bureau of Explosives, the number of caps in these inside packages shall be limited so that not more than 10 grains of explosive composition shall be packed into one cubic inch of space and not exceeding 17.5 grains of the explosive composition of toy caps shall be packed in any inside container.	(p) The number of caps in these inside packages shall be limited so that not more than 10 grains of explosive composition shall be packed into one cubic inch of space and not exceeding 17.5 grains of the explosive composition of toy caps shall be packed in any inside container.
§ 173.100(r) Sixth sentence.	Any new device, not enumerated in this paragraph, must be approved by the Bureau of Explosives before being offered for transportation as Common Fireworks.	(r) Any new device, not enumerated in this paragraph, must be examined by the Bureau of Explosives and approved by the Associate Director for OE, before being offered for transportation as Common Fireworks.
§ 173.100(r)(11)	(11) Novelties consisting of two or more devices enumerated in this paragraph when approved by the Bureau of Explosives.	(11) Novelties consisting of two or more devices enumerated in this paragraph when examined by the Bureau of Explosives and approved by the Associate Director for OE.
§ 173.100(u)	(u) Toy propellant devices and toy smoke devices consist of small paper or composition tubes or containers containing a small charge of slow burning propellant powder or smoke producing powder. These devices must be so designed that they will neither burst nor produce external flame on functioning and ignition elements, if attached, must be of a design approved by the Bureau of Explosives.	(u) Toy propellant devices and toy smoke devices consist of small paper or composition tubes or containers containing a small charge of slow burning propellant powder or smoke producing powder. These devices must be so designed that they will neither burst nor produce external flame on functioning and ignition elements, if attached, must be of a design examined by the Bureau of Explosives and approved by the Associate Director for OE.
§ 173.100(x) Introductory text.	(x) Cigarette loads, trick matches, and trick noise makers, explosive, must be of a type approved by the Bureau of Explosives and are described as follows:	(x) Cigarette loads, trick matches, and trick noise makers, explosive, must be of a type examined by the Bureau of Explosives and approved by the Associate Director for OE and are described as follows:
§ 173.100(y)	(y) Smoke candles, smokepots, smoke grenades, smoke signals, signal flares, hand signal devices, and Very signal cartridges are devices designed to produce visible effects for signal purposes. These devices must contain no bursting charges and no more than 200 grams of pyrotechnic composition each (see Note 1), exclusive of smoke composition (see Note 2), unless greater weight of composition is approved by the Bureau of Explosives.	(y) Smoke candles, smokepots, smoke grenades, smoke signals, signal flares, hand signal devices, and Very signal cartridges are devices designed to produce visible effects for signal purposes. These devices must contain no bursting charges and no more than 200 grams of pyrotechnic composition each (see Note 1), exclusive of smoke composition (see Note 2), unless greater weight of composition is examined by the Bureau of Explosives and approved by the Associate Director for OE.
§ 173.100(aa)	(aa) Explosive power devices, Class C, are devices designed to drive generators or mechanical apparatus by means of propellant explosives, Class B. The devices consist of a housing with a contained propellant charge and an electric igniter or squib. The devices must be of a type examined by the Bureau of Explosives for this classification.	(aa) Explosive power devices, Class C, are devices designed to drive generators or mechanical apparatus by means of propellant explosives, Class B. The devices consist of a housing with a contained propellant charge and an electric igniter or squib. The devices must be of a type approved by the Bureau of Explosives and approved by the Associate Director for OE for this classification.
§ 173.100(ee) Second sentence.	(ee) The starter cartridge is used to activate a mechanical starter for jet engines and must be of a type approved by the Bureau of Explosives except as provided in § 173.51(q) and § 173.86(a).	(ee) The starter cartridge is used to activate a mechanical starter for jet engines and must be of a type examined by the Bureau of Explosives and approved by the Associate Director for OE, except as provided in § 173.51(a)(16) and § 173.86(a).
§ 173.102(a)(2)	(2) In addition to specification containers prescribed in this section, explosive cable cutters, explosive power devices, Class C, explosive release devices, or starter cartridges, jet engines, Class C may be shipped when packed in strong wooden or metal boxes, or other containers approved by the Bureau of Explosives. Starter cartridges, jet engine, must have igniter wires short-circuited when packed for shipment.	(2) In addition to specification containers prescribed in this section, explosive cable cutters, explosive power devices, Class C, explosive release devices, or starter cartridges, jet engines, Class C may be shipped in strong wooden or metal boxes. Starter cartridges, jet engine, must have igniter wires short-circuited when packed for shipment.
§ 173.120(c)	(c) *Truck bodies or trailers on flat cars.* Truck bodies or trailers with automatic heating or refrigerating equipment of the flammable liquid type may be shipped with fuel tanks filled and equipment operating or inoperating, when used for the transportation of other freight and loaded on flat cars as part of a joint rail highway movement, provided the equipment and fuel suply are of a type approved by the Bureau of Explosives. The heating or refrigerating units are not subject to any other requirements of this subchapter and are considered as carriers' equipment, not as shipments.	(c) *Truck bodies or trailers on flat cars.* Truck bodies or trailers with automatic heating or refrigerating equipment of the flammable liquid type may be shipped with fuel tanks filled and equipment operating or inoperating, when used for the tranaportation of other freight and loaded on flat cars as part of a joint rail highway movement, provided the equipment and fuel supply are of a type examined by the Bureau of Explosives and approved by the Associate Director for OE. The heating or refrigerating units are not subject to any other requirements of this subchapter and are considered as carriers' equipment, not as shipments.
§ 173.124(a)(1) Fifth sentence.	(1) Each inside container must be completely insulated, except for top closure, with two coats of heat-retardant paint, of type approved by the Bureau of Explosives, applied over suitable primer and finished with suitable waterproof paint; or with other equally efficient insulation approved by the Bureau of Explosives. Not more than 12 inside containers nor more than one layer of containers may be packed in one outside container.	(1) Each inside container must be completely insulated, except for top closure, with two coats of heat-retardant paint, of type examined by the Bureau of Explosives and approved by the Associate Director for OE, applied over suitable primer and finished with suitable waterproof paint; or with other equally efficient insulation examined by the Bureau of Explosives and approved by the Associate Director for OE. Not more than 12 inside containers nor more than one layer of containers may be packed in one outside container.
§ 173.124(a)(2) Eighth sentence.	Cylinders having a water capacity in excess of 1 gallon must be insulated with at least three coats of heat-retardant paint, of a type approved by the Bureau of Explosives, applied over suitable primer and finished with suitable waterproof paint; or with other equally efficient insulation aproved by the Bureau of Explosives.	(2) Cylinders having a water capacity in excess of 1 gallon must be insulated with at least three coats of heat-retardant paint, of a type examined by the Bureau of Explosives and approved by the Associate Director for OE, applied over suitable primer and finished with suitable waterproof paint; or with other equally efficient insulation examined by the Bureau of Explosives and approved by the Associate Director for OE.
§ 173.162(h) Last sentence.	(h) On recommendation of the Bureau of Explosives, other methods of loading shown to be at least equally efficient in securing the necessary ventilation will be authorized.	(h) [Delete last sentence].
§ 173.197a	Smokeless powder for small arms in quantities not exceeding 100 pounds net weight transported in one car or motor vehicle may be classed as a flammable solid when approved for this classification by the Bureau of Explosives. Maximum quantity in any inside packaging must not exceed 8 pounds and inside packagings must be arranged and protected to prevent simultaneous ignition of the contents. The complete package must be a type approved by the Bureau of Explosives. Each outside package must bear a flammable solid label.	Smokeless powder for small arms in quantities not exceeding 100 pounds net weight transported in one car or motor vehicle may be classed as a flammable solid when examined for this classification by the Bureau of Explosives and approved by the Associate Director for OE. Maximum quantity in any inside packaging must not exceed 8 pounds and inside packagings must be arranged and protected to prevent simultaneous ignition of the contents. The complete package must be a type examined by the Bureau of Explosives and approved by the Associate Director for OE. Each outside package must bear a flammable solid label.

Regulation affected	Present wording	Proposed amendment
§ 173.202(a)(1)	(1) Spec. 15A or 15B (§ 178.168 or § 178.169 of this subchapter). Wooden boxes with inside metal containers of a type approved by the Bureau of Explosives cushioned with incombustible cushioning material. Each container must have been tested hydrostatically to a pressure of not less than 60 pounds per square inch. Closing devices must be protected from injury. Not more than 300 pounds of sodium or potassium liquid alloy may be shipped in one outside container.	(1) Spec. 15A or 15B (§ 178.168 or § 178.169 of this subchapter). Wooden boxes with inside metal containers of a type examined by the Bureau of Explosives and approved by the Associate Director for OE. Inside containers must be cushioned with incombustible cushioning material. Each container must have been tested hydrostatically to a pressure of not less than 60 pounds per square inch. Closing devices must be protected from injury. Not more than 300 pounds of sodium or potassium liquid alloy may be shipped in one outside container.
§ 173.218(a)(1)	(1) Spec. 15A, 15B, 15C, 16A or 19A (§ 178.168, § 178.169, § 178.170, § 178.185 or § 178.190 of this subchapter). Wooden boxes, or other equally efficient container when approved by the Bureau of Explosives, with glass, metal, or earthenware inside containers of not over 2 gallons capacity each which must be maintained at a temperature below 0°F. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.	(1) Spec. 15A, 15B, 15C, 16A or 19A (§ 178.168, § 178.169, § 178.170, § 178.185 or § 178.190 of this subchapter). Wooden boxes, with glass, metal, or earthenware inside containers of not over 2 gallons capacity each which must be maintained at a temperature below 0°F. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.
§ 173.225(a)(1)	(1) Spec. 15A or 15B (§ 178.168 or 178.169 of this subchapter). Wooden boxes with metal inside containers hermetically sealed (soldered) or watertight metal cans with screwtop closures. Other closures if approved by the Bureau of Explosives will be permitted.	(1) Spec. 15A or 15B (§ 178.168 or 178.169 of this subchapter). Wooden boxes with metal inside containers hermetically sealed (soldered) or watertight metal cans with screwtop closures.
§ 173.237(a)(2)	(2) Containers and means of refrigeration providing equal efficiency, when approved by the Bureau of Explosives, are authorized for shipments by private carrier by motor vehicle.	(2) [Delete.]
§ 173.238(a)	(a) Aircraft rocket engines (commercial) and their igniters may be offered for transportation when of a type approved by the Bureau of Explosives to be so described and classed, and when packaged as follows:	(a) Aircraft rocket engines (commercial) and their igniters may be offered for transportation when of a type examined by the Bureau of Explosives and approved by the Associate Director for OE to be so described and classed, and when packaged as follows:
§ 173.238(a)(1)	(1) Spec. 15A, 15B, 15E or 16A (§ 178.168, 178.169, 178.172 or 178.185 of this subchapter). Wooden boxes. Igniters must be packaged in sealed metal containers approved by the Bureau of Explosives and packed in wooden boxes as specified above when shipped separately from the Aircraft rocket engines.	(1) Spec. 15A, 15B, 15E or 16A (§ 178.168, 178.169, 178.172 or 178.185 of this subchapter). Wooden boxes. Igniters must be packaged in sealed metal containers examined by the Bureau of Explosives and approved by the Associate Director for OE and packed in wooden boxes as specified above when shipped separately from the Aircraft rocket engines.
§ 173.238(a)(2)	(2) Aircraft rocket engines (commercial), when approved by the Bureau of Explosives, may be packed in the same outside shipping container with their separately packaged igniters. Igniters must be packed in separate sealed metal containers in strong inside containers.	(2) Aircraft rocket engines (commercial), when examined by the Bureau of Explosives and approved by the Associate Director for OE may be packed in the same outside shipping container with their separately packaged igniters. Igniters must be packed in separate sealed metal containers in strong inside containers.
§ 173.238(a)(3)	(3) Aircraft rocket engines (commercial) and/or their igniters, packed in any other manner than specified in paragraphs (a) (1) and (2) of this section, must be in containers of a type approved by the Bureau of Explosives.	(3) Aircraft rocket engines (commercial) and/or their igniters, packed in any other manner than specified in paragraphs (a) (1) and (2) of this section, must be in containers of a type examined by the Bureau of Explosives and approved by the Associate Director for OE.
§ 173.245(a)(25)	(25) Spec. 12A or 12B (§ 178.210 or 178.205 of this subchapter). Fiber board boxes with inside aluminum containers not over 5 pounds capacity each. Aluminum containers must be approved by the Bureau of Explosives.	(25) Spec. 12A or 12B (§ 178.210 or 178.205 of this subchapter). Fiber board boxes with inside aluminum containers. Aluminum containers must be examined by the Bureau of Explosives and approved by the Associate Director for OE.
§ 173.252(g)(1) Last sentence.	Each drum must be completely emptied and dried before reuse and must be equipped with gaskets of a material approved by the Bureau of Explosives.	Each drum must be completely emptied and dried before reuse and must be equipped with gaskets of a material examined by the Bureau of Explosives and approved by the Associate Director for OE.
§ 173.256(a)(3)	(3) Spec. 22B (§ 178.197 of this subchapter). Plywood drums equipped with molded liner of type and material approved by the Bureau of Explosives.	(3) Spec. 22B (§ 178.197 of this subchapter). Plywood drums equipped with molded liner of type and material examined by the Bureau of Explosives and approved by the Associated Director for OE.
§ 173.260(g)	(g) Electric storage batteries, containing electrolyte or corrosive battery fluid in a coil from which it is injected into the battery cells by a gas generator and initiator assembled with the battery, and which are nonspillable and leakproof, are exempt from Parts 170–189 of this title when approved by the Bureau of Explosives.	(g) Electric storage batteries, containing electrolyte or corrosive battery fluid in a coil from which it is injected into the battery cells by a gas generator and initiator assembled with the battery, and which are nonspillable and leakproof, are excepted from Parts 110–189 of this title when examined by the Bureau of Explosives and approved by the Associate Director for OE.
§ 173.266(f)(2) Last sentence.	Designs for venting and pressure relief devices must be approved by the Bureau of Explosives.	Designs for venting and pressure relief devices must be examined by the Bureau of Explosives and approved by the Associate Director for OE.
§ 173.268(f)(4)	(4) Cushioning for carboys must be incombustible mineral material, elastic wooden strips, natural cork blocks or rubber blocks. Other materials may be used if approved by the Bureau of Explosives. The use of hay, excelsior, loose ground cork, or similar materials, whether treated or untreated, is prohibited.	(4) Cushioning for carboys must be incombustible mineral material, elastic wooden strips, natural cork blocks or rubber blocks. The use of hay, excelsior, loose ground cork, or similar materials, whether treated or untreated, is prohibited.
§ 173.269(b)	(b) Cushioning for carboys must be incombustible mineral material, elastic wooden strips, natural cork blocks or rubber blocks. Other materials may be used if approved by the Bureau of Explosives. The use of hay, excelsior, loose ground cork, or similar materials, whether treated or untreated, is prohibited.	(b) Cushioning for carboys must be incombustible mineral material, elastic wooden strips, natural cork blocks or rubber blocks. The use of hay, excelsior, loose ground cork, or similar materials, whether treated or untreated, is prohibited.
§ 173.272(i)(18)	(18) Specification 17F (§ 178.117 of this subchapter). Metal barrels or drums (single-trip only). Drums equipped with vented closures of an experimental type approved by the Bureau of Explosives are also authorized for export shipments. Authorized for sulfuric acid of 77.5 percent to 98 percent concentrations with or without an inhibitor, provided such acid has a corrosive effect on steel no greater than 93.2 percent sulfuric acid, measured at 100°F.	(18) Specification 17F (§ 178.117 of this subchapter). Metal barrels or drums (single-trip only). Drums equipped with vented closures of an experimental type examined by the Bureau of Explosives and approved by the Associate Dorector for OE are also authorized for export shipments. Authorized for sulfuric acid of 77.5 percent to 98 percent concentrations with or without an inhibitor, provided such acid has a corrosive effect on steel no greater than 93.2 percent sulfuric acid, measured at 100°F.
§ 173.300(b)(1)	(1) Either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure. The method of sampling and test procedure shall be acceptable to the Bureau of Explosives.	(1) Either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure. The method of sampling and test procedure shall be acceptable to the Bureau of Explosives and approved by the Associate Director for OE.
§ 173.303(a)	(a) *Cylinder, fitter and solvent requirements.* (Refer to applicable parts of Specs. DOT 8 and DOT 8AL) Acetylene gas must be shipped in cylinders, Spec. 8 or 8AL (§ 178.59 or § 178.60 of this subchapter). The cylinders shall consist of metal shells filled with a porous material that has been tested with satisfactory results by the Bureau of Explosives, and this material must be charged with a suitable solvent.	(a) *Cylinder, filler and solvent requirements.* (Refer to applicable parts of Specs. DOT 8 and DOT 8AL) Acetylene gas must be shipped in Spec. 8 or 8AL cylinders (§ 178.59 or § 178.60 of this subchapter). The cylinders shall consist of metal shells filled with a porous material that has been examined by the Bureau of Explosives and approved by the Associate Director for OE, and this material must be charged with a suitable solvent.
§ 173.305(c)(1)	(1) Spec. 2P (§ 178.33 of this subchapter). Inside metal containers equipped with safety relief devices of a type approved by the Bureau of Explosives and packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 psi absolute at 70°F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130°F., without evidence of leakage, distortion or other defect. Each outside shipping container must be plainly marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED SPECIFICATIONS.".	(1) Spec. 2P (§ 178.33 of this subchapter). Inside metal containers equipped with safety relief devices of a type examined by the Bureau of Explosives and approved by the Associate Director for OE, and packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container may not exceed 85 psi absolute at 70°F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130°F., without evidence of leakage, distortion or other defect. Each outside shipping container must be plainly marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED SPECIFICATIONS."
§173.306(d)(1)	(d) *Truck bodies or trailers on flat cars; automobiles, motorcycles, tractors, or other self-propelled vehicles.* (1) Truck bodies or trailers with automatic heating or refrigerating equipment of the gas burning type may be shipped with fuel tanks filled and equipment operating or inoperative, when used for the transportation of other freight and loaded on flat cars as part of a joint rail-highway movement, provided the equipment and fuel supply are of a type approved by the Bureau of Explosives. The heating or refrigerating units are not subject to any other requirements of this subchapter and are to be considered as carriers equipment not as shipments.	(d) *Truck bodies or trailers on flat cars; automobiles, motorcycles, tractors, or other self-propelled vehicles.* (1) Truck bodies or trailers with automatic heating or refrigerating equipment of the gas burning type may be shipped with fuel tanks filled and equipment operating or inoperative, when used for the transportation of other freight and loaded on flat cars as part of a joint rail-highway movement, provided the equipment and fuel supply are of a type examined by the Bureau of Explosives and approved by the Associate Director for OE. The heating or refrigerating units are not subject to any other requirements of this subchapter and are to be considered as carriers equipment not as shipments.

Regulation affected	Present wording	Proposed amendment
§173.315(i)(12)	(12) Subject to conditions of paragraph (a)(1) of this section for the methyl chloride and sulfur dioxide optional portable tanks, one or more fusible plugs approved by the Bureau of Explosives may be used on these tanks in place of safety relief valves of the spring-loaded type. The fusible plug or plugs must be in accordance with CGA Pamphlet S-1.2, to prevent a pressure rise in the tank of more than 120 percent of the design pressure. If the tank is over 30 inches long, each end must have the total specified safety discharge area.	(12) Subject to conditions of paragraph (a)(1) of this section for the methyl chloride and sulfur dioxide optional portable tanks, one or more fusible plugs examined by the Bureau of Explosives and approved by the Associate Director for OE may be used on these tanks in place of safety relief valves of the spring-loaded type. The fusible plug or plugs must be in accordance with CGA Pamphlet S-1.2, to prevent a pressure rise in the tank of more than 120 percent of the design pressure. If the tank is over 30 inches long, each end must have the total specified safety discharge area.
§173.332(d)	(d) Spec. 105A500-W or 105A600-W (§ 179.100 and 179.101 of this subchapter). *Tank cars.* Tank must be restenciled 105A300-W and be equipped with safety valves of the type and size used on spec. 105A300-W (§§ 179.100 and 179.101 of this subchapter) tank car. Tank car tank must be equipped with approved dome fittings and safety devices, and with cork insulation at least 4 inches in thickness. Each tank car must be marked "HYDROCYANIC ACID" in accordance with the requirements of § 172.330 of this subchapter. Written procedure covering details of tank car appurtenances, dome fittings and safety devices, and marking, loading, handling, inspection, and testing practices shall be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of hydrocyanic acid. The maximum permitted filling density is 63 percent of the water capacity of the tank.	(d) Spec. 105A500-W or 105A600-W (§§ 179.100 and 179.101 of this subchapter). *Tank cars.* Tank must be restenciled 105A300-W and be equipped with safety valves of the type and size used on spec. 105A300-W (§§ 179.100 and 179.101 of this subchapter) tank car. Tank car tank must be equipped with approved dome fittings and safety devices, and with cork insulation at least 4 inches in thickness. Each tank car must be marked "HYDROCYANIC ACID" in accordance with the requirements of § 172.330 of this subchapter. Written procedure covering details of tank car appurtenances, dome fittings and safety devices, and marking, loading, handling, inspection, and testing practices shall be examined by the Bureau of Explosives and approved by the Associate Director for OE before any tank car is offered for transportation of hydrocyanic acid. The maximum permitted filling density is 63 percent of the water capacity of the tank.
§173.333(a)(2)	(2) Specification 106A500X (§§ 179.300, 179.301 of this subchapter) tanks. Authorized only for phosgene. Each tank must be approved by the Bureau of Explosives. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130°F. (55°C.) (See §§ 174.200 and 177.834(m) of this subchapter for special requirements for rail and highway shipments.).	(2) Specification 106A500X (§§ 179.300, 179.301 of this subchapter) tanks. Authorized only for phosgene. Tanks may not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130°F. (55°C.) (See §§ 174.200 and 177.834(m) of this subchapter for special requirements for rail and highway shipments.)
§173.336(a)(3)	(3) Specification 106A500X or 110A500W (§§ 179.300, 179.301 of this subchapter) tanks. Each tank must be equipped with gas tight valve protection caps which must be approved by the Bureau of Explosives. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130°F. (55°C.) (See §§ 174.600 and 177.834(m) of this subchapter for special requirements for rail and highway shipments.) Specification 110A500W tanks must be stainless steel.	(3) Specification 106A500X or 110A500W (§§ 179.300, 179.301 of this subchapter) tanks. Each tank must be equipped with gas tight valve protection caps. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130°F. (55°C.) (See §§ 174.600 and 177.834(m) of this subchapter for special requirements for rail and highway shipments.) Specification 110A500W tanks must be stainless steel.
§ 173.336(a)(4) Last sentence.	(4) Written procedure covering details of tank car appurtenances, dome fittings and safety devices, and marking, loading, handling, inspection, and testing practices shall be filed with and approved by the Bureau of Explosives before any tank is offered for transportation of nitrogen tetroxide.	(4) Written procedure covering details of tank car appurtenances, dome fittings, safety devices, marking, loading, handling, inspection, and testing practices must be examined by the Bureau of Explosives and approved by the Associate Director for OE before any tank car is offered for transportation of nitrogen tetroxide.
§ 173.366(a)(3)	(3) In addition to specification containers prescribed in this section, arsenic (arsenic trioxide) or arsenic acid (solid) may be shipped when packed in portable, collapsible, rubber containers, not over 70 cubic feet capacity, of a type approved by the Bureau of Explosives. Authorized for carload or truckload shipments only.	(3) In addition to specification containers prescribed in this section, arsenic (arsenic trioxide) or arsenic acid (solid) may be shipped when packed in portable, collapsible, rubber containers, not over 70 cubic feet capacity, of a type examined by the Bureau of Explosives and approved by the Associate Director for OE. Authorized for carload or truckload shipments only.
§ 173.370(a)(13)	(13) Bulk in strong, water-tight, metal portable containers of not over 70 cubic feet capacity each approved by the Bureau of Explosives.	(13) Bulk in strong, water-tight, metal portable containers of not over 70 cubic feet capacity each and approved by the Associate Director for OE.
§ 173.385(b)	(b) These articles must not be assembled with or packed in the same compartment with mechanically or manually operated firing, igniting, bursting, or other functioning elements, unless of a type or design approved by the Bureau of Explosives.	(b) These articles must not be assembled with or packed in the same compartment with mechanically or manually operated firing, igniting, bursting, or other functioning elements, unless of a type or design examined by the Bureau of Explosives and approved by the Associate Director for OE.
§ 173.385(c)	(c) Pending approval by the Department of regulations classifying the numerous devices within the general descriptions of this section, and providing appropriate restrictions to be observed in the transportation thereof, no shipment of packages containing articles under this section shall be made until samples thereof have been examined by the Bureau of Explosives or by other competent testing laboratory in the presence of representative of the Bureau of Explosives, and the shipment is shown to possess such resistance to shocks of transportation and protection against leakage of contents as are afforded by standard types of packages described in Part 178 of this chapter, and the packages are labeled or marked to show compliance with this Part.	(c) No shipment of packages containing articles under this section may be made until samples thereof have been examined by the Bureau of Explosives, or examined under their supervision, and approved by the Associate Director for OE.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not have a major impact under Executive Order 12044 and DOT implementing procedures (44 FR 11034), nor an environmental impact under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation is available for review in the docket.

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Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

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