

June 14, 1926, as amended, 43 U.S.C. 869; 869-4.

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Assistant Secretary of the Interior.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 178

[Docket No. HM-163B; Amdt. No. 178-59]

Withdrawal of Certain Bureau of Explosives Delegations of Authority

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

ACTION: Final rule.

SUMMARY: The purpose of these amendments to the Department's Hazardous Materials Regulations is to withdraw or cancel the remaining delegations of authority to the Bureau of Explosives (B of E) in Part 178 of 49 CFR. **EFFECTIVE DATE:** November 19, 1979.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, Washington, D.C. 20590, phone 202-472-2726.

SUPPLEMENTARY INFORMATION: On May 7, 1979, the Materials Transportation Bureau (MTB) published a Notice of Proposed Rulemaking, Docket HM-163B; Notice 79-7 (44 FR 26772) which proposed these amendments. The background and the basis for incorporating these amendments into the regulations were discussed in that notice. Interested persons were invited to give their views prior to the closing date of June 30, 1979.

The Bureau received only four comments on Notice 79-7, all of which were favorable to the proposed changes.

One commenter, in addition to expressing his approval of the format used for Notice 79-7, recommended the deletion of the last portion of proposed § 178.236-2(e), § 178.237-2(e), § 178.238-2(e), and § 178.239-2(e) which reads, "in accordance with your former freight classification (UFC) Rule 40, or National Motor Freight Classification (NMFC) item 200." The commenter further stated that the strength of the bags is already well-covered in the specifications mentioned, and the tests required are all performance tests which will adequately

prove the performance of the bag without reference to the freight classification data. In view of the above, and upon further considerations, the Bureau agrees that reference to Rule 40 of the Uniform Freight Classification or Item 200 of the National Motor Freight Classification is unnecessary.

The second commenter suggested that the reference to the Associate Director for HMR and Associate Director for OE be changed to the Director, MTB because of frequent organizational changes within MTB. The Bureau agrees that the possibility of an organizational change affecting the Associate Director for HMR and Associate Director for OE is greater than a change affecting the Director, MTB. However, the Bureau maintains that our regulations should specify the office within the Bureau that is charged with a particular function. For this reason, the rule change is being incorporated as proposed in Notice 79-7.

The third comment received was a brief statement expressing approval of the format in which HM-163B and HM-166A notices of proposed rulemaking were prepared.

The last commenter stated that there appears to be a contradiction between §§ 178.118-6(a)(2) and 178.118-8(b). Docket HM-140 revised footnote 3 of § 178.118-6(a) to authorize the use of a 18-gauge removable head on 55-gallon DOT Specification 17H steel drums under certain specified conditions. The change being adopted by this rulemaking, in § 178.118-8(b), does not authorize the use of an 18-gauge head unless specifically approved by the Associate Director for OE. On the other hand, when a 14-gauge or 16-gauge head is used, other types of closing devices are authorized if they perform without failure under the tests required by §§ 178.118-12 and 178.118-13, and a record of such tests is retained during the period the closure is in use.

Although these amendments do not add anything that was not proposed in the notice, it is anticipated that there may be questions regarding the sentence "Equally efficient means of testing may be authorized upon approval by the Associate Director for OE" which appears in most of the paragraphs entitled "Leakage test." Prior to these amendments the B of E was authorized to approve alternate methods of testing. Two fairly well known methods approved by the B of E are identified as the T-Zone test and the Pocket tester. Use of the Pocket tester is limited to drums of approximately 5-gallons capacity. These previously approved test methods will continue in effect until December 31, 1984, in accordance with 49 CFR 171.19. However, this does not

mean that the Associate Director for OE will approve these same test methods in the future. For test methods other than those required in the regulations or approved earlier by the B of E, an approval must be obtained in writing from the Associate Director for OE.

The MTB intends to publish a notice of proposed rulemaking at a later date requesting comments on the best way to incorporate into the regulations those approvals and authorizations that were issued by the B of E for alternate leakage test methods. The MTB intends to complete action on the proposed rulemaking in sufficient time to avoid further extension of the December 31, 1984 deadline.

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

In consideration of the foregoing, 49 CFR Part 178 is amended as follows:

1. In § 178.1, § 178.1-9 paragraph (a) and the introductory text of paragraph (d) are revised; § 178.1-10 the heading and the introductory text of paragraph (a) is revised, paragraph (a)(2) is revised, paragraphs (a)(3), (a)(4) and (a)(5) are deleted as follows:

§ 178.1 Specification 1A; boxed carboys.

§ 178.1-9 Tests.

(a) *Apparatus.* Standard required. Detailed prints may be obtained from the Associate Director for HMR.

* * * * *

(d) *When required.* By each manufacturer, at intervals not to exceed 6 months; separate tests are required for:

* * * * *

§ 178.1-10 Boxes of veneer, plywood and laminated wood.

(a) Boxes of veneer, plywood, laminated wood, or any combination thereof, which comply with this section (except § 178.1-7 (a), (c), and (d)), are authorized provided:

* * * * *

(2) That these boxed carboys pass the regular test prescribed in § 178.1-9. A copy of the most recent test report must be retained until further tests are made or for five years from the date of test.

(3) [Deleted]

(4) [Deleted]

(5) [Deleted]

2. In § 178.4, § 178.4-8 paragraphs (a), and (g) and the introductory text of paragraph (d) are revised as follows:

§ 178.4 Specification 1D; boxed glass carboys.

§ 178.4-8 Tests.

(a) *Apparatus.* Standard required. Detailed prints may be obtained from the Associate Director for HMR.

(d) *When required.* By each manufacturer, at intervals not to exceed 6 months; separate tests are required for:

(g) *Internal pressure test.* Bottles shall be capable of withstanding a sustained internal pressure of 20 psig for a 15-day period.

3. In § 178.5, § 178.5-9 paragraph (a) and the introductory text of paragraph (d) are revised as follows:

§ 178.5 Specification 1X; boxed carboys, 5 to 6½ gallons, for export only.

§ 178.5-9 Tests.

(a) *Apparatus.* Standard required. Detailed prints may be obtained from the Associate Director for HMR.

(d) *When required.* By each manufacturer, at intervals not to exceed 6 months; separate tests are required for:

4. In § 178.6, § 178.6-7 is deleted; § 178.6-10 paragraphs (a) and (d) are revised to read as follows:

§ 178.6 Specification 1EX; glass carboys in plywood drums.

§ 178.6-7 [Deleted].

§ 178.6-10 Tests.

(a) *Apparatus.* Standard required. Detailed prints may be obtained from the Associate Director for HMR.

(d) *When required.* By each manufacturer, at intervals not to exceed 6 months; separate tests are required for:

5. In § 178.13, § 178.13-3 paragraph (a) the first sentence is amended; § 178.13-4 paragraph (a)(1) is revised as follows:

§ 178.13 Specification 1H; polyethylene carboys in low carbon steel or other equally efficient metal crates.

§ 178.13-3 Polyethylene carboys.

(a) Carboys shall be made of polyethylene with no plasticizers or additives and have a maximum melt index value of 2.5 grams. * * *

§ 178.13-4 Outside containers.

(a) * * *

(1) Specifications for each size container must be kept on file by each manufacturer.

6. In § 178.14, § 178.14-8 paragraph (a) and the introductory text of paragraph (d) are revised as follows:

§ 178.14 Specification 1K; glass carboys cushioned with expandable polystyrene in wooden wirebound box outside containers.

§ 178.14-8 Tests.

(a) *Apparatus.* Standard required. Detailed prints may be obtained from the Associate Director for HMR.

(d) *When required.* By each manufacturer, at intervals not to exceed 6 months; separate tests required for:

7. In § 178.21, § 178.21-3 paragraph (a) Note 1 is revised as follows:

§ 178.21 Specification 2T; polyethylene container.

§ 178.21-3. Material.

(a) * * *

Note 1.—Other materials may be added if they do not affect the properties specified in paragraph (a) of this section.

8. In § 178.24, § 178.24-2, paragraph (a) Note 1 is revised as follows:

§ 178.24 Specification 2U; molded or thermoformed polyethylene containers having rated capacity of over one gallon. Removable head containers or containers fabricated from film not authorized.

§ 178.24-2 Material.

(a) * * *

Note 1.—Other materials may be added if they do not affect the properties specified in paragraph (a) of this section.

9. In § 178.27, § 178.27-1 paragraph (a) Note 1 is revised as follows:

§ 178.27 Specification 2TL; polyethylene container.

§ 178.27-1 Material requirements.

(a) * * *

Note 1.—Other materials may be added if they do not affect the properties specified in paragraph (a) of this section.

10. In § 178.59, § 178.59-16 paragraph (a) the last sentence is amended and the first sentence of paragraph (b); § 178.59-21 is deleted as follows:

§ 178.59 Specification 8; steel cylinders with approved porous filling for acetylene.

§ 178.59-16 Porous filling.

(a) * * * In all cases, the filling material as installed in the cylinder

must be examined by the Bureau of Explosives and approved by the Associate Director for OE.

(b) Porosity of filling to be 80 percent or less except that filling with a porosity in excess of 80 percent but not in excess of 92 percent, may be used when tested with satisfactory results under the supervision of the Bureau of Explosives and approved by the Associate Director for OE. * * *

§ 178.59-21 [Deleted]

11. In § 178.60, § 178.60-20 paragraph (a) the last sentence is amended and the first sentence of paragraph (b) as follows:

§ 178.60 Specification 8AL; steel cylinders with approved porous filling for acetylene.

§ 178.60-20 Porous filling.

(a) * * * In all cases, the filling material as installed in the cylinder must be examined by the Bureau of Explosives and approved by the Associate Director for OE.

(b) Porosity of filling to be 80 percent or less except that filling with a porosity in excess of 80 percent but not in excess of 92 percent, may be used when tested with satisfactory results under the supervision of the Bureau of Explosives and approved by the Associate Director for OE. * * *

12. In § 178.80, § 178.80-7 paragraph (a) Table footnote 1 is revised; § 178.80-9 the last sentence of paragraph (d) is amended; § 178.80-14 paragraph (a) is revised as follows:

§ 178.80 Specification 5; steel barrels or drums.

§ 178.80-7 Parts and dimensions.

(a) * * *

¹Rolling hoops may be of pliable solid rubber, metal, or other suitable material provided that equivalent protection to drum integrity is afforded.

§ 178.80-9 Closures.

(d) * * * Other types of closures are authorized if they perform without failure under the tests required by this section and a record of the tests is retained during the period the closure is in use.

§ 178.80-14 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for

OE. Leakers shall be rejected or repaired and retested without failure. Removable head containers need not be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every 4 months. Samples last tested must be retained until further tests are made or for 1 year.

13. In § 178.81, § 178.81-7 paragraph (a) Table footnote 1 is revised; § 178.81-9 paragraph (e) is revised; § 178.81-14 paragraph (a) is revised as follows:

§ 178.81 Specification 5A; steel barrels or drums.

§ 178.81-7 Parts and dimensions.

(a) * * *

¹Rolling hoops may be of pliable solid rubber, metal, or other suitable material provided that equivalent protection to drum integrity is afforded:

* * * * *

§ 178.81-9 Closures.

* * * * *

(e) Other types of closures are authorized if they perform without failure under the tests required by this section and a record of the tests is retained during the period the closure is in use.

* * * * *

§ 178.81-14 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure.

14. In § 178.82, § 178.82-7(a) Table footnote 1 is revised; § 178.82-9 paragraph (c) is revised and the last sentence of paragraph (d) is amended; § 178.82-14 paragraph (a) is revised as follows:

§ 178.82 Specification 5B; steel barrels or drums.

§ 178.82-7 Parts and dimensions.

(a) * * *

¹Rolling hoops may be of pliable solid rubber, metal, or other suitable material provided that equivalent protection to drum integrity is afforded.

* * * * *

§ 178.82-9 Closures.

* * * * *

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug or cap, must have 3 or more complete threads; two drainage holes of not over

5/16-inch diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 3 threads when tightened with gasket in place. Other types of closures are authorized if they perform without failure under the tests required by this section and a record of the tests is retained during the period the closure is in use.

(d) * * * Other types of closures are authorized if they perform without failure under the tests required by this section and a record of such tests is retained during the period the closure is in use.

* * * * *

§ 178.82-14 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure. Removable head containers need not be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every 4 months. Samples last tested must be retained until further tests are made or for 1 year.

15. § 178.83, § 178.83-7 paragraph (a) Table footnote 1 is revised; § 178.83-9 paragraph (e) is revised; § 178.83-14 paragraph (a) is revised as follows:

§ 178.83 Specification 5C; steel barrels or drums.

§ 178.83-7 Parts and dimensions.

(a) * * *

¹Rolling hoops may be of pliable solid rubber, metal, or other suitable material provided that equivalent protection to drum integrity is afforded.

* * * * *

* * * * *

§ 178.83-9 Closures.

* * * * *

(e) Other types of closures are authorized if they perform without failure under the tests required by this section and a record of the tests is retained during the period the closure is in use.

* * * * *

§ 178.83-14 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing may be authorized upon

approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure.

16. In § 178.84, § 178.84-7 paragraph (a) Table footnote 1 is revised; § 178.84-14 paragraph (a) is revised as follows:

§ 178.84 Specification 5D; steel barrels or drums, lined.

§ 178.84-7 Parts and dimensions.

(a) * * *

¹Rolling hoops may be of pliable solid rubber, metal, or other suitable material provided that equivalent protection to drum integrity is afforded.

* * * * *

§ 178.84-14 Leakage test.

(a) Each container, with lining material applied, shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure. Removable head containers need not be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every 4 months. Samples last tested must be retained until further tests are made or for 1 year.

* * * * *

17. In § 178.85, § 178.85-13 paragraph (a) is revised as follows:

§ 178.85 Specification 5F; steel drums.

§ 178.85-13 Leakage test.

(a) Each drum shall be tested with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 100 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure.

18. In § 178.87, § 178.87-7 paragraph (a) Table footnote 1 is revised; § 178.87-13 paragraph (a)(3) is revised; § 178.87-14 paragraph (a) is revised as follows:

§ 178.87 Specification 5H; steel barrels or drums, lead lined.

§ 178.87-7 Parts and dimensions.

(a) * * *

¹Rolling hoops may be of pliable solid rubber, metal, or other suitable material provided that equivalent protection to drum integrity is afforded.

* * * * *

§ 178.87-13 Type tests.

(a) * * *

(3) Periodic drop tests are not required after initial drop tests at start of manufacture, on containers of a construction in excess of minimum specification requirements approved by the Associate Director for OE. Any change in construction of drum, lining, or closure must be approved by the Associate Director for OE.

§ 178.87-14 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure.

19. In § 178.88, § 178.88-6 paragraph (a) Table footnote 1 is revised; § 178.88-8 paragraph (e) is revised; § 178.88-13(a) is revised as follows:

§ 178.88 Specification 5K; nickel barrels or drums.

§ 178.88-6 Parts and dimensions.

(a) * * *

¹Rolling hoops may be of pliable solid rubber, metal, or other suitable material provided that equivalent protection to drum integrity is afforded.

§ 178.88-8 Closures.

(e) Other types of closures are authorized if they perform without failure under the tests required by this section and a record of the tests is retained during the period the closure is in use.

§ 178.88-13 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure.

20. In § 178.89, § 178.89-5 paragraph (c) is revised; § 178.89-12 paragraph (a) is revised as follows:

§ 178.89 Specification 5L; steel barrels or drums.

§ 178.89-5 Seams.

(c) Flanged spout for filling and emptying container welded in place or

attached in a manner approved by the Associate Director for OE.

§ 178.89-12 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 5 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE.

21. In § 178.90, § 178.90-6 paragraph (a) Table footnote 1 is revised; § 178.90-8 paragraph (e) is revised; § 178.90-13 paragraph (a) is revised as follows:

§ 178.90 Specification 5M; monel drums.

§ 178.90-6 Parts and dimensions.

(a) * * *

¹Rolling hoops may be of pliable solid rubber, metal, or other suitable material provided that equivalent protection to drum integrity is afforded.

§ 178.90-8 Closures.

(e) Other types of closures are authorized if they perform without failure under the test required by this section and a record of the tests is retained during the period the closure is in use.

§ 178.90-13 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure.

22. In § 178.91; § 178.91-7 paragraph (a) Table footnote 1 is revised; § 178.91-14 paragraph (a) is revised as follows:

§ 178.91 Specification 5X; steel drums, aluminum lined.

§ 178.91-7 Parts in dimensions.

(a) * * *

¹Rolling hoops may be of pliable solid rubber, metal, or other suitable material provided that equivalent protection to drum integrity is afforded.

§ 178.91-14 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for

OE. Leakers shall be rejected or repaired and retested without failure.

23. In § 178.92, § 178.92-9 paragraph (a) is revised as follows:

§ 178.92 Specification 5P; lagged steel drums.

§ 178.92-9 Safety devices.

(a) Each drum must have safety devices approved as to type and location by the Associate Director for OE. See § 173.124 (a)(4) of this subchapter.

24. In § 178.97, § 178.97-12 paragraph (a) is revised as follows:

§ 178.97 Specification 6A; steel barrels or drums.

§ 178.97-12 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure. Removable head containers need not be tested with heads in place except that samples taken in random and closed as for use, of each type and size, must be tested at start or production and repeated every 4 months. Samples last tested must be retained until further tests are made or for 1 year.

25. In § 178.98, § 178.98-12 paragraph (a) is revised as follows:

§ 178.98 Specification 6B; steel barrels or drums.

§ 178.98-12 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure. Removable head containers need not be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every 4 months. Samples last tested must be retained until further tests are made or for 1 year.

26. In § 178.99, § 178.99-12 paragraph (a) is revised as follows:

§ 178.99 Specification 6C; steel barrels or drums.

§ 178.99-12 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure. Removable head containers need not be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every 4 months. Samples last tested must be retained until further tests are made or for 1 year.

27. In § 178.101, § 178.101-12 paragraph (a) is revised as follows:

§ 178.101 Specification 6K; steel barrels or drums.

§ 178.101-12 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 7 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure. Removable head containers need not be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every 4 months. Samples last tested must be retained until further tests are made or for 1 year.

28. In § 178.107, § 178.107-12 paragraph (a) is revised as follows:

§ 178.107 Specification 42B; aluminum drums.

§ 178.107-12 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure.

29. In § 178.108, § 178.108-12 paragraph (a) is revised as follows:

§ 178.108 Specification 42C; aluminum barrels or drums.

§ 178.108-12 Leakage test.

(a) Each container shall be tested, with seams under water or covered with

soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure.

30. In § 178.109, § 178.109-7 paragraph (a) is revised; § 178.109-12 paragraph (a) is revised as follows:

§ 178.109 Specification 42D; aluminum drums.

§ 178.109-7 Closures.

(a) Of screw-thread type or secured by screw-thread device; openings over 2.3 inches not authorized; suitable gaskets required. Vented closing devices must be approved by the Associate Director for OE.

§ 178.109-12 Leakage test.

(a) Each drum shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 10 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure.

31. In § 178.110, § 178.110-11 paragraph (a) is revised as follows:

§ 178.110 Specification 42F; aluminum barrels or drums.

§ 178.110-11 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure. Removable head containers need not be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every 4 months. Samples last tested must be retained until further tests are made or for 1 year.

32. In § 178.115, § 178.115-8 the introductory text of paragraph (c) is revised; paragraph (c)(1) is deleted; the last sentence of paragraph (d) is amended; § 178.115-13 paragraph (a) is revised as follows:

§ 178.115 Specification 17C; steel drums.

§ 178.115-8 Closures.

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug or cap, must have 3 or more complete threads; two drainage holes of not over 1/16-inch diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 3 threads when tightened with gasket in place. Other types of closures are authorized if they perform without failure under the tests required by this section and a record of the tests is retained during the period the closure is in use.

(1) [Deleted]

(d) Other types of closures are authorized if they perform without failure under the tests required by this section and a record of the tests is retained during the period the closure is in use.

§ 178.115-13 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure. Removable head containers need not be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every 4 months. Samples last tested must be retained until further tests are made or for 1 year.

33. In § 178.116, § 178.116-8 paragraph (d) is revised; § 178.116-13 paragraph (a) is revised as follows:

§ 178.116 Specification 17E; steel drums.

§ 178.116-8 Closures.

(d) Other types of closures are authorized if they perform without failure under the tests required by this section and a record of the tests is retained during the period the closure is in use.

§ 178.116-13 Leakage test.

(a) Each drum shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 7 pounds per square inch for containers over 12 gallons capacity and at least 5 pounds for others. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure.

34. In § 178.117, § 178.117-14 paragraph (a) is revised as follows:

§ 178.117 Specification 17F; steel drums.

§ 178.117-14 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure.

35. In § 178.118, § 178.118-8 paragraph (b) the last sentence is amended; paragraph (c)(1) is revised; § 178.118-13 paragraph (a) is revised as follows:

§ 178.118 Specification 17H; steel drums.

§ 178.118-8 Closures.

(b) * * * Other types of closures are authorized if they perform without failure under the tests required by this section and a record of the tests is retained during the period the closure is in use.

(c) * * *
(1) Other types of closures are authorized if they perform without failure under the tests required by this section and a record of the tests is retained during the period the closure is in use.

§ 178.118-13 Leakage test.

(a) Each drum shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 7 pounds per square inch for containers over 12 gallons capacity and at least 5 pounds for others. Equally efficient means of testing may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected or repaired and retested without failure. Drums need not be tested with heads in place, except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every 4 months. Samples last tested must be retained until further tests are made or for 1 year.

36. In § 178.119, § 178.119-13 paragraph (a) is revised as follows:

§ 178.119 Specification 17X; steel barrels or drums.

§ 178.119-13 Leakage test.

(a) Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 7 pounds per square inch. Equally efficient means of testing

may be authorized upon approval by the Associate Director for OE. Leakers shall be rejected and retested without failure.

37. In § 178.131, § 178.131-6 paragraph (a) Table footnote 2, is revised as follows:

§ 178.131 Specification 37A; steel drums.

§ 178.131-6 Capacities, weights, type, and gauges.

(a) * * *
2 Other types of closures are authorized if they perform without failure under the tests required by this section and a record of the tests is retained during the period the closure is in use.

38. In § 178.132, § 178.132-7 paragraph (a) is revised as follows:

§ 178.132 Specification 37B; steel drums.

§ 178.132-7 Closures.

(a) Closures shall be of any type that will withstand prescribed drop tests without leakage, see § 178.132-11 of this section. Openings shall not exceed 9 inches in diameter in containers of 16-gallon capacity and larger nor 6½ inches in diameter in containers less than 16-gallon capacity. Larger openings may be used when approved by the Associate Director for OE.

39. In § 178.133, § 178.133-6 paragraph (b)(1) is revised as follows:

§ 178.133 Specification 37P; steel drums with polyethylene liner.

§ 178.133-6 Liner.

(b) * * *
(1) Resin should have maximum melt index value of 1.8 plus 0.4 per 10 minutes, and shall have a minimum average molecular weight of 21,000.

40. In § 178.136, § 178.136-7 paragraph (a) is revised as follows:

§ 178.136 Specification 42E; aluminum drums.

§ 178.136-7 Closures.

(a) Of screw-thread type or secured by screw-thread device; openings over 2.3 inches not authorized; suitable gaskets required; head openings only permitted. Vented closing devices must be approved by the Associate Director for OE.

41. In § 178.182, § 178.182-2 paragraph (b) is deleted; § 178.182-3 paragraph (b) is added as follows:

§ 178.182 Specification 15P; glued plywood, or wooden box for inside containers.

§ 178.182-2 Construction requirements.

(b) [Deleted]

§ 178.182-3 Tests.

(b) Records of tests performed under this specification must be retained by the manufacturer for a period of one year following discontinuance of production.

42. In § 178.205, § 178.205-37 paragraph (d) is revised as follows:

§ 178.205 Specification 12B; fiberboard boxes.

§ 178.205-37 Special box; authorized polyethylene or other suitable plastic bags for packaging of electrolyte (acid) or alkaline corrosive battery fluid only.

(d) Tests to be conducted by or for each plant assembling and filling boxes at the initial start of production and at intervals of four months thereafter. Samples last tested must be dated with date of test and must be retained until further tests are made.

43. In § 178.211, § 178.211-3 paragraph (a)(1)(v) is revised as follows:

§ 178.211 Specification 12P; fiberboard boxes. Nonreusable containers for one inside plastic container greater than 1-gallon capacity, as prescribed in Part 173 of this chapter.

§ 178.211-3 Design limitations.

(a) * * *
(1) * * *
(v) Other perforated or die cut areas of a size and location may be used when approved by the Associate Director for OE.

44. Section 178.214, § 178.214-8 paragraph (a) the last sentence is amended as follows:

§ 178.214 Specification 23F; fiberboard boxes.

§ 178.214-8 Type authorized.

(a) * * * Boxes having handholes may be used when approved by the Associate Director for OE.

45. In § 178.218, § 178.218-8 is deleted as follows:

§ 178.218 Specification 23G; special cylindrical fiberboard box for high explosives.

§ 178.218-8 [Deleted].

46. In § 178.224, § 178.224-3 is deleted as follows:

§ 178.224 Specification 21C; fiber drum.

§ 178.224-3 [Deleted].

* * * * *

47. In § 178.236, § 178.236-2 the introductory text of paragraph (e) is revised as follows:

§ 178.236 Specification 44B; multiwall paper bags.

§ 178.236-2 Paper.

* * * * *

(e) Conformance of sacks with paper strength requirements shall be established by comparing the sums of the test values for all the walls of the new and unused sack with the sums of the respective strength values specified in paragraphs (a) and (b) of this section for the different walls of the sack.

* * * * *

48. In § 178.237, § 178.237-2 the introductory text of paragraph (e) is revised as follows:

§ 178.237 Specification 44C; multiwall paper bags.

§ 178.237-2 Paper.

* * * * *

(e) Conformance of sacks with paper strength requirements shall be established by comparing the sums of the test values for all the walls of the new and unused sack with the sums of the respective strength values specified in paragraphs (a) and (b) of this section for the respective papers specified for the different walls of the sack.

* * * * *

49. In § 178.238, § 178.238-2 the introductory text of paragraph (e) is revised as follows:

§ 178.238 Specification 44D; multiwall paper bags.

§ 178.238-2 Paper.

* * * * *

(e) Conformance of sacks with paper strength requirements shall be established by comparing the sums of the test values for all the walls of the new and unused sack with the sums of the respective strength values specified in paragraphs (a) and (b) of this section for the respective papers specified for the different walls of the sack.

* * * * *

50. In § 178.239, § 178.239-2 the introductory text of paragraph (e) is revised as follows:

§ 178.239 Specification 44E; multiwall paper bags.

§ 178.239-2 Paper.

* * * * *

(e) Conformance of sacks with paper strength requirements shall be established by comparing the sums of the test values for all the walls of the new and unused sack with the sums of the respective strength values specified in paragraphs (a) and (b) of this section for the respective papers specified for the different walls of the sack.

* * * * *

51. In § 178.255, § 178.255-8 paragraph (a) is revised as follows:

§ 178.255 Specification 60; steel portable tanks.

§ 178.255-8 Safety devices.

(a) Safety devices must be approved by the Associate Director for OE.

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

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.

Issued in Washington, D.C., on November 13, 1979.

L. D. Santman,

Director, Materials Transportation Bureau.

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