

§ 171.7 of this subchapter) and the requirements of this subpart;

* * * * *

(iii) Be designed and manufactured according to the ASME Code (IBR, see § 171.7 of this subchapter) or a pressure vessel design code approved by the Associate Administrator;

* * * * *

■ 21. In § 173.31, the first sentence in paragraph (b)(5) is revised to read as follows:

§ 173.31 Use of tank cars.

* * * * *

(b) * * *

(5) *Bottom-discontinuity protection requirements.* No person may offer for transportation a hazardous material in a tank car with bottom-discontinuity protection unless the tank car has bottom-discontinuity protection that conforms to the requirements of E9.00 and E10.00 of the AAR Specifications for Tank Cars (IBR, see § 171.7 of this subchapter). * * *

* * * * *

■ 22. In § 173.32, paragraphs (c)(4) introductory text and (c)(4)(i) are revised to read as follows:

§ 173.32 Requirements for the use of portable tanks.

* * * * *

(c) * * *

(4) Any portable tank container constructed prior to May 15, 1950, complying with the requirements of either the ASME Code for Unfired Pressure Vessels, 1946 Edition, or the API ASME Code for Unfired Pressure Vessels, 1943 Edition, may be used for the transportation of liquefied compressed gas, provided it fulfills all the requirements of the part and specifications for the particular gas or gases to be transported. Such portable tanks must be marked "ICC Specification 51X" on the plate required by the specification, except as modified by any or all of the following:

(i) Portable tanks designed and constructed in accordance with Pars. U-68, U-69, or U-201 of the ASME Code, 1943 and 1946 editions, may be used. Portable tanks designed and constructed in accordance with Par. U-68 or Par. U-69 may be re-rated at a working pressure 25 percent in excess of the design pressure for which the portable tank was originally constructed. If the portable tank is re-rated, the re-rated pressure must be marked on the plate as follows: "Re-rated working pressure—psig".

* * * * *

■ 23. In § 173.56, paragraphs (b)(2)(i), (b)(3)(i), (b)(4), and (j)(1) are revised to read as follows:

§ 173.56 New explosives—definition and procedures for classification and approval.

* * * * *

(b) * * *

(2) * * *

(i) U.S. Army Technical Center for Explosives Safety (SMCAC-EST), Naval Sea Systems Command (SEA-9934), or Air Force Safety Agency (SEW), when approved by the Chairman, DOD Explosives Board, in accordance with the DOD Explosives Hazard Classification Procedures (IBR, see § 171.7 of the subchapter); or

* * * * *

(3) * * *

(i) Examined by the DOE in accordance with the DOD Explosives Hazard Classification Procedures, and must be classed and approved by DOE; or

* * * * *

(4) For a material shipped under the description of "ammonium nitrate-fuel oil mixture (ANFO)", the only test required for classification purposes is the Cap Sensitivity Test—Test Method 5(a) prescribed in the Explosive Test Manual (UN Manual of Tests and Criteria) (IBR, see § 171.7 of the subchapter). The test must be performed by an agency listed in paragraph (b)(1), (b)(2), or (b)(3) of this section, the manufacturer, or the shipper. A copy of the test report must be submitted to the Associate Administrator before the material is offered for transportation, and a copy of the test report must be retained by the shipper for as long as that material is shipped. At a minimum, the test report must contain the name and address of the person or organization conducting the test, date of the test, quantitative description of the mixture, including prill size and porosity, and a description of the test results.

* * * * *

(j) * * *

(1) The fireworks are manufactured in accordance with the applicable requirements in APA Standard 87-1 (IBR, see § 171.7 of this subchapter);

* * * * *

■ 24. In § 173.57, paragraph (a) introductory text is revised to read as follows:

§ 173.57 Acceptance criteria for new explosives.

(a) Unless otherwise excepted, an explosive substance must be subjected to the Drop Weight Impact Sensitivity Test (Test Method 3(a)(i)), the Friction

Sensitivity Test (Test Method 3(b)(iii)), the Thermal Stability Test (Test Method 3(c)) at 75 °C (167 °F) and the Small-Scale Burning Test (Test Method 3(d)(i)), each as described in the Explosive Test Manual (UN Manual of Tests and Criteria) (IBR, see § 171.7 of this subchapter). A substance is forbidden for transportation if any one of the following occurs:

* * * * *

■ 25. In § 173.58, paragraph (a) introductory text is revised to read as follows:

§ 173.58 Assignment of class and division for new explosives.

(a) *Division 1.1, 1.2, 1.3, and 1.4 explosives.* In addition to the test prescribed in § 173.57 of this subchapter, a substance or article in these divisions must be subjected to Test Methods 6(a), 6(b), and 6(c), as described in the UN Manual of Tests and Criteria (IBR, see § 171.7 of this subchapter), for assignment to an appropriate division. The criteria for assignment of class and division are as follows:

* * * * *

■ 26. In § 173.63, paragraph (f)(2) is revised to read as follows:

§ 173.63 Packaging exceptions.

(f) * * *

(2) IME Standard 22 container (IBR, see § 171.7 of this subchapter) or compartment is used as the outer packaging;

* * * * *

■ 27. In § 173.120, paragraphs (a)(3), (a)(4), and (b)(3) are revised to read as follows:

§ 173.120 Class 3—Definitions.

(a) * * *

(3) Any liquid with a flash point greater than 35 °C (95 °F) that does not sustain combustion according to ASTM D 4206 (IBR, see § 171.7 of this subchapter) or the procedure in appendix H of this part.

(4) Any liquid with a flash point greater than 35 °C (95 °F) and with a fire point greater than 100 °C (212 °F) according to ISO 2592 (IBR, see § 171.7 of this subchapter).

* * * * *

(b) * * *

(3) A combustible liquid that does not sustain combustion is not subject to the requirements of this subchapter as a combustible liquid. Either the test method specified in ASTM D 4206 or the procedure in appendix H of this part may be used to determine if a material sustains combustion when heated under