



DEPARTMENT OF TRANSPORTATION  
HAZARDOUS MATERIALS REGULATIONS BOARD  
WASHINGTON, D.C. 20590

12261

**Hazardous Materials Regulations Board**  
**[ 49 CFR Parts 172, 173 ]**  
Docket No. HM-116; Notice No. 74-5]  
**TRANSPORTATION OF HAZARDOUS MATERIALS**

**Proposed Classification of New Explosives and Shipment of Samples of Explosives**

The Hazardous Materials Regulations Board (the Board) is considering amendment of § 173.86 of the Department's Hazardous Materials Regulations. The proposal has three purposes:

- (1) To permit the U.S. Atomic Energy Commission (USAEC) to examine, classify, and approve for its own activities new explosives as being safe for transportation;
- (2) To restructure the current regulations contained in § 173.86 for clarification; and
- (3) To provide a shipping name for samples of explosives shipped under § 173.86a.

The U.S. Atomic Energy Commission has petitioned the Board to amend § 173.86 to include the USAEC as an entity authorized to examine, classify, and approve for its own activities, new explosives for shipment. The USAEC states that it operates Government-owned laboratories and research facilities which are equivalent in experience and capability to the laboratories of the Bureau of Explosives and the Department of Defense for purposes of examining and testing explosives. Since the USAEC facilities are often used by the Department of Defense to examine, classify, and approve new explosives pursuant to Department of Defense authority under § 173.86, the Board believes that it is in the public interest to authorize the USAEC to perform these functions for its own explosives.

In addition, it is the Board's opinion that § 173.86 of the Hazardous Materials Regulations in its current format is a section of the regulations difficult to understand. The Board believes that the difficulty exists because the section covers both "shipments of samples of explosives," and "classification of new explosives" in an interchangeable manner, when in actuality they should be treated separately. For clarification, the Board proposes to restructure current § 173.86 into two separate §§ 173.86 and 173.86a.

Proposed § 173.86 addresses itself only to the classification of new explosives. Included in this section would be the definition of a new explosive, and the particular agency who must examine, classify, and approve a new explosive as safe for transportation.

Proposed § 173.86a addresses itself to the shipment of samples of explosives for laboratory examination. Included in the proposed sections would be a definition of a "sample for laboratory examination," and the packaging, marking, and labeling requirements for shipping samples for laboratory examination.

Since samples of explosives for laboratory examination are authorized for transportation under certain specified conditions, the Board proposes to change § 172.5 to require specific identification of these materials as samples when shipped under § 173.86a.

In accordance with section 102 of the National Environmental Policy Act (Pub. L. 91-90, (42 U.S.C. 4321 et seq.)) the Board has considered the environmental impact of this proposal. It has determined that the changes proposed in this notice would not have a significant impact upon the environment. Accordingly, it considers that an Environmental Impact Statement is not necessary and it does not intend to issue such a statement

with respect to this proposed amendment.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 172 and 173 as follows:

**PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170-189 OF THIS SUBCHAPTER**

In § 172.5 paragraph (a), the List of Hazardous Materials would be amended as follows:

**§ 172.5 List of hazardous materials.**

(a) \* \* \*

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
ADD				
Sample for laboratory examination.....	Expl. A, Expl. B, or Expl. C.	§ 173.86a.....	Expl. A, Expl. B, or Expl. C.	§ 173.86a(e).
CHANGE				
Explosive samples for laboratory examination.	See §§ 173.86, 173.86a.	.....	.....	.....
DELETE				
Samples of explosives.....	See § 173.86.....	.....	.....	.....
Samples, New explosives.....	See § 173.86.....	.....	.....	.....
Samples of explosives and explosive articles.	See § 173.86.....	.....	.....	.....

**PART 173—SHIPPERS**

(A) In Part 173 Table of Contents, § 173.86 would be amended; § 173.86a would be added to read as follows:

Sec. 173.86 New Explosives; definition, classification, and notification.  
173.86a Samples for laboratory examination.

(B) § 173.86 would be amended in its entirety to read as follows:

**§ 173.86 New explosives; definition, classification, and notification.**

(a) For the purpose of Parts 170-189 of this subchapter, "new explosives" means the product of a new manufacturing facility or any explosive device (including fireworks) of an essentially new composition.

(b) New explosives must be examined, classed, and approved as safe for transportation by one of the following agencies before being offered for shipment:

- (1) The Bureau of Explosives;
- (2) The Atomic Energy Commission (USAEC) in accordance with the Explosives Hazard Classification Procedures contained in DOD TB-700-2 (May 19, 1967) for new explosives made by, or under the direction or supervision of the USAEC; or
- (3) The Department of Defense (Army Material Command-AMCSF; Naval Ordnance Systems Command-ORD-048; HQ

USAF, IGD/SEOE) in accordance with the Explosives Hazard Classification Procedures contained in DOD TB-700-2 (May 19, 1967) [(NAVORDINST 8020.3, TO 11A-1-47, DSAR 8220.1)] for new Department of Defense (DOD) explosives. DOD explosives are explosives made by, or under the direction or supervision of the Department of Defense.

(c) Before a new explosive is offered for shipment, a written notification of classification and approval accompanied by a supporting laboratory report or equivalent data must be filed with the Department. This requirement does not apply to new DOD explosives (including chemical ammunition) of a security classification.

(C) § 173.86a would be added to read as follows:

**§ 173.86a Samples for laboratory examination.**

(a) For the purpose of Parts 170-189 of this subchapter, "Sample for Laboratory Examination" means an explosive for examination in a laboratory only, and not otherwise intended for use or demonstration.

(b) Before a sample for laboratory examination is offered for transportation, a tentative description and classification must be assigned each new explosive—

- (1) By the Bureau of Explosives;
- (2) By the Atomic Energy Commission

for explosives made by, or under the direction or supervision of the USAEC; or

(2) By the Department of Defense for DOD explosives.

(c) Samples of explosives must be made safe by removal of ignition elements prior to being offered for shipment.

(c) Samples of explosives, except the explosives covered by paragraph (i) of this section, offered for transportation by rail freight, highway, or water must not exceed five pounds net weight in one outside container unless packaged as provided in paragraph (e) of this section. These samples must be packaged in accordance with paragraph (e) or (h) of this section.

(e) Samples of explosives, except the explosives covered by paragraph (i) of this section, offered for transportation by express rail car or cargo-only aircraft, must be shipped in accordance with the following requirements:

(1) Samples of explosives including fireworks and explosive devices for laboratory examination must be packed in securely closed metal cans, glass bottles, rubber or compatible plastic packagings not subject to static electrical charge accumulation, or in strong water-proof paper or fiberboard packagings. Each inside packaging may not contain more than one-half pound of explosive. Inside packagings must be surrounded by at least a two-inch thickness of cushioning

material which is compatible with the explosive and must be placed in a DOT-14 or 15A (§§ 178.165, 178.168 of this subchapter) wooden box. If the inside packaging is made of metal, the packaging must be properly cushioned with sawdust or similar cushioning material and placed in a wooden box. This wooden box must then be packaged in a DOT-14 or 15A wooden box with cushioning between the boxes as described above.

(2) No more than 100 blasting caps may be shipped in an outside packaging for laboratory examination. They must be packed and cushioned as provided in paragraph (e) (1) of this section.

(3) No more than 20 half-pound samples of explosives for laboratory examination may be packed in an outside packaging or transported in a single transport vehicle at one time.

(f) Each outside package must be plainly marked by the shipper with the net weight of the explosive contents and with the words "SAMPLE FOR LABORATORY EXAMINATION."

(g) Each package must be labeled in accordance with § 173.402.

(h) Shipments of samples of explosives approved in accordance with § 173.86 intended for laboratory examination must be marked, labeled, and packaged as prescribed in this Part for the explosive contained therein or in accordance with paragraphs (c) through (g) of this section.

(i) Samples of nitroglycerin, nitrite and nitrate esters and other forbidden explosives (see § 173.51) may not be shipped unless desensitized and in accordance with special instructions from the Bureau of Explosives.

Interested persons are invited to give their views on these proposals. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Communications received before July 9, 1974 will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, room 6215, Buzzards Point Building, Second and V Streets, SW., Washington, D.C., both before and after the closing date for comments.

AUTHORITY: Transportation of Explosives Act, (18 U.S.C. 831-835), section 6 of the Department of Transportation Act, (49 U.S.C. 1655), and Title VI and section 902(h) of the Federal Aviation Act of 1958, (49 U.S.C. 1421-1430, 1472(h), and 1655(c)).

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W. J. BURNS,  
Director, Office  
Hazardous Mate

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