



OHM Newsletter

Office of Hazardous Materials Operations

DEPARTMENT OF TRANSPORTATION / MATERIALS TRANSPORTATION BUREAU / WASHINGTON, D.C. 20590

VOL. V Number 48

November/December 1975

NOTICES AND AMENDMENTS PUBLISHED DURING OCTOBER

HM-128; Notice 75-9 (40 FR 45197 - 10/1/75). This Notice of Proposed Rule Making is a series of proposed amendments to 14 CFR 103 which would codify into that body of permanent regulations authority which in the past has been granted by FAA in the form of administrative relief from various regulatory restrictions. Closing date for filing comments--November 6, 1975.

HM-110; Amendment No. 177-34 (40 FR 46106 - 10/6/75), Use of Catalytic Heaters. This Amendment permits the use of catalytic heaters in motor vehicle cargo compartments during the transportation of flammable liquid or flammable gas. Effective date--October 1, 1975.

HM-127; Amendment (40 FR 48466 - 10/15/75), Exemption Procedures. This Amendment establishes new exemption procedures under Title 49 Code of Federal Regulations in a new Part 107. It also revokes the authority to deviate under 14 CFR Part 103, and amends the exemption procedures in 46 CFR Part 146. Effective date--October 16, 1975.

Notice of Special Permits issued or denied during October 1975 (40 FR - 11/19/75).

NOTICES AND AMENDMENTS PUBLISHED DURING NOVEMBER

HM-22; Amendment No. 171-31 (40 FR 52037 - 11/7/75), Matter Incorporated by Reference. This Amendment updates the reference to sections VIII (Division I) and IX of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code. Effective date is December 30, 1975, with immediate compliance authorized.

Notices and Amendments Published During November Cont.

HM-129; Amendment No. CGD 74-276 (40 FR 52027 - 11/7/75), Portable Tank Markings. The purpose of this Amendment is to make the portable tank marking requirements for water transportation compatible with the portable tank marking requirements for land transportation. Effective--December 31, 1975.

HM-130; Amendment No. CGD 74-292 (40 FR 52027 - 11/7/75), Portable Tank Gross Weights. This Amendment is to allow the carriage of a portable tank having a gross weight of 55,000 pounds or less on board a vessel. Effective date--December 31, 1975.

CONTAINERIZED SHIPMENTS OF
HAZARDOUS MATERIALS UNDER IMCO

The International Maritime Dangerous Goods Code (IMCO Code) was recently amended. The amendment which became effective on July 1, 1975, includes a new section on freight container traffic. This section deals specifically with the carriage of hazardous materials in such containers and imposes several requirements that did not previously exist. Specifically, requirements for a "Container Packing Certificate" and "special labeling."

The "Container Packing Certificate" is required to be completed by the person responsible for the packing ("stuffing") of the hazardous materials into the container. The "Certificate" must, in addition to certifying that the "stuffing" operation has been properly carried out, state that:

1. The container was clean, dry and apparently fit to receive goods;
2. No incompatible substances had been packed into the container (incompatible substances are those which are required to be segregated one from the other);
3. All packages have been properly packed in the container and secured;

Containerized Shipments of Hazardous
Materials Under IMCO Cont.

4. The container and packages are properly marked and labeled, and
5. The Dangerous Goods Declaration required in Volume 1, section 9.3 of the 1975 IMCO Code has been received for each hazardous materials consignment packed in the container. (The shipper's certification required by 49 CFR 173.430 meets the requirements of section 9.3 of the IMCO Code.)

The "Container Packing Certificate" may be a part of the shipping papers.

The "special labeling" requirements involve the placement on the external surface of the container three enlarged size IMCO labels for each class of hazardous material within the container. The enlarged size labels must be at least 150 mm (6 inches) on a side and must be placed in a conspicuous place one on each side and one on the door end.

The Code goes on to say that "It is preferable that the container should also bear externally the correct technical name of each of the dangerous substances packed therein." This labeling requirement is compatible with current U.S. regulations, 46 CFR 146.07-25 (b), in that the Coast Guard requires the placing of at least one DOT label (they are the same as the IMCO labels) on the exterior of the container for each class of hazardous material within, and 49 CFR 173.404(d), which restricts labels to a minimum size of four inches on a side. No maximum size is prescribed.

The current Department of Transportation's Hazardous Materials Regulations allow for optional compliance with these new IMCO requirements.

AN INCIDENT LOOKING FOR A PLACE TO HAPPEN

In addition to markings required by DOT's Hazardous Materials Regulations, shippers often include other precautionary information on the outside of cartons.

Some recently received hazardous materials incident reports indicate that the tops of the fiber boxes were imprinted with a notation reading "TIGHTEN CAPS BEFORE REMOVING JUGS FROM CARTON."

An Incident Looking for a Place to Happen Cont.

Such a notation appears to indicate that the shipper anticipates the caps will back-off or loosen between origin and final destination. If they do back-off or loosen during transportation, they would not be in compliance with the portion of § 173.24 (c)(6) of the Hazardous Materials Regulations which reads:

"Closures shall be adequate to prevent inadvertent leakage of the contents under normal conditions incident to transportation."...

SHIPPING PAPER EXEMPTIONS

Questions frequently arise regarding the applicability of "partial" exemptions from the Hazardous Materials Regulations relative to the shipping paper requirements of 49 CFR 173.427(a).

It should be noted that the "partial" exemptions provided in such sections as § 173.118 (a) for flammable liquids; § 173.244 (a) for corrosive liquids; § 173.391 (a) for radioactive materials, etc., provide relief from, in the form of exemptions, specification packaging, marking, and labeling. These partial exemptions do not provide a relief from the shipping paper requirements of § 173.427 (a). Specifically, this paragraph among other things provides the extremely important additional notification "no label required" to be entered immediately following the description on the shipping paper.

VIOLATIONS OF HAZARDOUS MATERIALS REGULATIONS

<u>Company</u>	<u>Violation</u>	<u>Fine</u>
Alaska, State of Dept. of Fish and Game (Shipper by air)	Knowingly offered containers of flammable compressed gas for air shipment without clear and visible statement that they complied with requirements of Part 103. Containers were not properly labeled.	\$ 250.00
Bristol Myers Co. (Shipper by air)	Shipped 22 drums of corrosive material in drums found to be inadequately sealed.	3,000.00

Violations of Hazardous Materials Regulations Cont.

<u>Company</u>	<u>Violation</u>	<u>Fine</u>
Binks Manufacturing Company (Shipper by air)	Shipment of hazardous materials was not certificated to indicate that shipment complied with requirements of Part 103. No labels affixed.	\$1,000.00
Eastman Kodak Co. (Shipper by air)	Shipping improperly identified, packed, marked and labeled flammable liquid.	15,000.00
ETC-Division of ITT (Shipper by air)	Failed to comply with applicable certification, packing, and marking requirements when shipping hazardous material.	250.00
Frontier Airlines, Inc. (Air carrier)	Failure to notify pilot in command of presence and location, proper shipping name, or quantity of hazardous material aboard; manifest was not marked to indicate hazardous material was aboard.	3,700.00
General Instrument Corp. (Shipper by air)	Failed to properly package and mark containers of flammable liquids.	1,000.00
Lamotte Chemical Products Corp. (Shipper by air)	Failed to mark, label, and properly pack six cartons of corrosive and poisonous chemicals.	4,000.00
Mallinckrodt Chemical Works (Private motor carrier)	Failing to mark vehicle transporting radioactive materials.	500.00
Minnesota Mining & Manufacturing Co. (Shipper by air)	Shipped hazardous material not properly packed--container leaked.	2,000.00
Pittsburgh Testing Laboratory (Shipper by air)	Failing to properly package a shipment of radioactive material; shipment exceeded the maximum allowable transport index.	1,000.00

Violations of Hazardous Materials Regulations Cont.

<u>Company</u>	<u>Violation</u>	<u>Fine</u>
Seaboard World Airlines (Air carrier)	Failing to properly load hazardous material. Pilot in command was not informed of the material being aboard.	\$2,500.00
Uniroyal, Inc. (Shipper by air)	Shipped hazardous material which did not comply with applicable 49 CFR regulations.	500.00
University of Maryland (Shipper by air)	Failed to label, properly pack and certify two wooden crates containing corrosive liquid for air transportation.	1,000.00
W.I.M. Co. (Shipper by motor)	Failing to label explosives and failing to describe hazardous materials on shipping paper.	150.00

REGIONAL OFFICES--CHANGES IN THE OCTOBER NEWSLETTER LISTING

The following changes are to be made in the list of Regional Offices published in the October issue of the OHM Newsletter:

Under the Federal Aviation Administration:

Rocky Mountain Region--change the telephone number to read:

(303) 837-4459

Southwest Region--correct the spelling of Glenn Harris and add

extension 543. Delete the listing of the Dallas Office.

Under the Federal Highway Administration:

Regions 1 and 2--change to read:

Ralph E. Johnson
Leo W. O'Brien Federal Office Building, Room 729
Clinton Avenue and North Pearl Street
Albany, New York 12207
(Phone: (518) 472-7866 or 7509)

A REMINDER TO SHIPPERS OF RADIOACTIVE MATERIALS

Shippers of Type A radioactive materials packages, special form radioactive materials, and users of the DOT Specification 6L package are reminded that certain previously published amendments in Docket HM-111 (39 FR 45238) on December 31, 1974 and (40 FR 44327) on September 26, 1975 are to become fully effective on December 31, 1975 (refer to February 1974 Newsletter). Although mandatory compliance with most of the amendments contained in HM-111 was March 31, 1975, certain provisions relating to §§ 173.394(a)(1), 173.398(a), and 178.103-3(c)(1) were provided with a one-year implementation date after publication of the amendments.

These matters involve the new requirements for user documentation of the determination of compliance with the DOT Specification 7A performance specification and special form safety analysis, and certain structural modifications to the inside construction of the DOT Specification 6L. Also, the continued usage of the listed DOT Type A Specifications other than the Spec. 7A or the Spec. 55 will no longer be authorized.

With respect to the coordination of Spec. 7A packages, interested persons should obtain a copy of the following technical report published by the Energy Research and Development Administration (ERDA):

"Certification of ERDA Contractors' Packaging with Respect to Compliance with DOT Specification 7A Performance Requirements" Phase II Summary Report, June 12, 1975 MLM-2228

It may be purchased from the:

National Technical Information Service
Springfield, Virginia 22161

at \$5.45 per copy.

The subject report was prepared by the Monsanto Research Corporation (Mound Laboratory) under an ERDA contract. It is an up-to-date summary of a study conducted by the Mound Laboratory to determine which of the packages currently listed in 49 CFR § 173.395(a)(1) to (5) meet the performance requirements of DOT Spec. 7A (§ 178.350).

AIRCRAFT OPERATORS--INSPECTION AND MONITORING
REQUIREMENTS FOR RADIOACTIVE MATERIALS

Interested persons, particularly aircraft operators and suppliers of radiation survey instruments, should be aware of two recent Federal Register items which were published by the Materials Transportation Bureau on December 11, 1975, as Amendment 103-26 (Docket No. 13668) and Notice No. 75-10 (Docket No. HM-131) affecting certain sections of 14 CFR Part 103. These matters deal with a revocation of that portion of the earlier FAA amendments regarding inspection and monitoring of radioactive materials packages by aircraft operators, and a proposal to revise those earlier provisions, as they relate to the specifications and use of radiation monitoring instrumentation.

The Secretary of Transportation has determined that publication of this periodical is necessary in the transaction of the public business required by law of this Department. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget through November 30, 1976.

DEPARTMENT OF TRANSPORTATION
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