



OHM *Newsletter*

Office of Hazardous Materials Operations

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

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NOTICES AND AMENDMENTS PUBLISHED DURING OCTOBER

- HM-22; Notice 76-8 (41 FR 44711 - 10/12/76). This Notice of Proposed Rule Making proposes to update the reference to the addenda to Sections VIII (Division I) and IX of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code. Closing date for filing comments is November 10, 1976.
- HM-110; Notice 76-9 (41 FR 44712 - 10/12/76). This Notice of Proposed Rule Making proposes to prescribe the conditions under which repair and maintenance may be performed on motor vehicles containing hazardous material. Closing date for filing comments is January 10, 1977.

NOTICES AND AMENDMENTS PUBLISHED DURING NOVEMBER

- HM-139; Notice 76-10 (41 FR 48553 - 11/4/76). This Notice of Proposed Rule Making proposes to incorporate in the Hazardous Materials Regulations changes based on data and analysis supplied in selected exemption applications or on existing exemptions. Closing date for filing comments is November 30, 1976.
- HM-142; Advance Notice (41 FR 52086 - 11/26/76). This Advance Notice was published in an effort to obtain comments relating to whether or not the coverage of the regulations should be extended to cover a number of etiologic agents not presently covered in the regulations. Closing date for filing comments is January 21, 1976.
- HM-143; Notice 76-11 (41 FR 52083 - 11/26/76). The purpose of this Notice of Proposed Rule Making is

Notices and Amendments Published during November Cont.

to remove the shipping name "nitro carbo ni-
trate"; add a new shipping name, "Blasting
Agent n.o.s."; a new class, "Blasting Agent";
provide packagings, a new label and a new
placard for Blasting Agents. Closing date
for filing comments is March 25, 1977.

HM-144; Notice 76-12 (41 FR 52324 - 11/29/76). The
purpose of this Notice of Proposed Rule
Making is to modify the specifications for
uninsulated pressure tank car tanks (112 and
114 specifications) so as to improve design
and construction of new and existing cars.
Closing date for filing comments is Jan-
uary 13, 1977.

HM-139; Amendment 173-101 (41 FR 50262 - 11/15/76),
Conversion of Individual Exemptions to Regula-
tions of General Applicability. This amendment
is to incorporate in the regulations a number
of changes based on data and analysis supplied
in selected exemption applications, or from
existing special permits and exemptions.
Effective date: November 15, 1976.

HM-22; Amendment 171-35 (41 FR 52300 - 11/29/76),
Matter Incorporated by Reference. This amend-
ment updates the reference to Sections VIII
(Division I) and IX of the American Society of
Mechanical Engineers Boiler and Pressure Vessel
Code from December 31, 1975 to June 30, 1976.
Effective date: December 31, 1976.

REGULATIONS - QUESTIONS AND ANSWERS

Following is a list of questions and answers which has been
developed concerning the Department's Hazardous Materials Regu-
lations in order to assist the general public in understanding
and complying with these regulations:

Q. May the DANGEROUS placard be affixed to a compart-
mented cargo tank when different classes of materials,
weighing more than 1,000 pounds each are loaded and
transported in the cargo tank?

Regulations - Questions and Answers Cont.

A. No, the use of the DANGEROUS placard is not author-
ized at any time on a cargo tank. (See §§ 172.514
and 172.504(b).)

Q. Is it required to mark packages "ORM-D Consumer
Commodity" containing ORM-D classed materials and
shipped in sealed truckload or container lots by
one consignor to a ship or pier en route to a
foreign country?

A. Yes, materials that have been classed as ORM-D
materials must be marked "Consumer Commodity ORM-D"
when shipped by truckload or container lot under
all circumstances.

Q. When shipping Class B poisonous liquids, n.o.s. or
Class B poisonous solids, n.o.s., is it required
that the hazard class of "Poison B" be indicated on
the shipping paper following the required proper
shipping name for each of these materials?

A. The proper shipping name and hazard class must be
indicated on shipping papers when shipping Class B
poisonous liquids, n.o.s. or Class B poisonous
solids, n.o.s. However, a shipper has the option
of either indicating the hazard class separate from
and following the proper shipping name (e.g.,
Poisonous liquid, n.o.s., Poison B), or combining
the proper shipping name and hazard class (e.g.,
Poison B, liquid, n.o.s.) Section 172.202 authorizes
that when the words of the proper shipping name are
identical (excluding the "n.o.s." entry) with the
words of the class, the inclusion of the class is not
required.

Q. May compressed gases (both flammable and non-flammable)
in inside containers with capacities up to 50 cubic
inches or 27.7 fluid ounces be shipped as a consumer
commodity, ORM-D material?

A. No. In accordance with the provisions of 49 CFR
173.1200(a)(8)(i), compressed gases may be shipped as
an ORM-D material only when shipped in inside con-
tainers with capacities of 7.22 cubic inches or 4
fluid ounces each, and packed in strong outside pack-
agings. The 50 cubic inch or 27.7 fluid ounce

Regulations - Questions and Answers Cont.

limitation for inside containers shipped as an ORM-D material applies only to solutions of materials and compressed gas or gases which are not poisonous. This would include most aerosol products, but would not apply to containers containing only compressed gas.

Q. May materials classed as a flammable liquid but are also poisonous with a poison label be packaged in a reconditioned 17 series drum?

A. Yes, primary hazard is flammable.

Q. After a new explosive has been approved and classed by DOD or ERDA for their (military) use must it then be classed and approved by the Bureau of Explosives for commercial use?

A. Yes, all new explosives must be classed by the Bureau of Explosives for commercial use. This includes those new explosives that have already been classed and approved by ERDA or DOD for military use.

SECTION 172.506 OF TITLE 49

A number of questions have been asked recently regarding Section 172.506, as amended in Docket HM-112.

Section 172.506 pertains to requirements for providing and affixing placards to vehicles for shipments by highway. It provides that "...each person offering a motor carrier a hazardous material for transportation by highway shall provide to the motor carrier the required placards for the material being offered..."

Recent questions on this section deal with a motor carrier interlining a shipment to another carrier and who must provide the accepting motor carrier with the required placards. The Bureau has interpreted this section as non-applicable to an intermodal transfer or to a motor carrier transferring a shipment to another motor carrier even though the motor carrier offering the shipment is performing a function usually assigned to a shipper. In the case of transferring a shipment from one motor carrier to another, the motor carrier accepting the shipment must be responsible for providing the required placards.

20-GAUGE, 55-GALLON DRUMS

A recent change to the National Motor Freight Classification (NMFC) authorizes the use of all 20-gauge, 55-gallon drums for general freight. Inquiries to this Office indicate some confusion as to the effect of this change on the gauge requirements for steel drums made to Department of Transportation Specifications.

It must be remembered that the NMFC, as all tariff provisions is part of the contract of carriage. It cannot alter through a change in Item 260 the minimum requirements for hazardous materials as set forth in Title 49, Code of Federal Regulations, Parts 100-199. In fact, Item 540 of the NMFC states that containers for hazardous materials must meet the requirements of the Department of Transportation Specifications.

This change will have no effect on the manufacture, use, or reconditioning of DOT Specification drums.

STATUS OF THE EXEMPTIONS PROGRAM

Since adoption of the Exemption Procedures (49 CFR Part 107) on October 16, 1975, the Office of Hazardous Materials Operations (OHMO) has received a multitude of applications for conversion of existing special permits (including USCG and FAA grants of approval), new exemptions, and party to exemptions. The project of processing these applications has been given high priority. The following figures briefly describe the magnitude of the job and the progress made:

To date, 1,059 applications have been docketed and notice published in the Federal Register. These applications included 236 new exemptions, 727 renewals and 96 party to. Exemptions issued total 524; 75 applications have been denied; and 150 incomplete applications have been returned to the applicants.

Soon to be docketed and printed in the Federal Register are additional applications for 30 new exemptions, 345 renewals, and 80 parties to.

Applicants anxious to know the status of their application have delayed OHMO with telephone inquiries. Telephone requests take away valuable time from the project officer--time that can be better spent on handling the application. Under present demanding conditions, processing time is somewhat longer than normal. Applicants are asked to be patient. We seek their indulgence and request them to refrain from making status inquiries except

Status of the Exemptions Program Cont.

on most urgent matters. Cooperation and understanding will facilitate evaluation, processing, and final disposition of the applications and be mutually beneficial.

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, 1981.

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