



OHM Newsletter

Office of Hazardous Materials

DEPARTMENT OF TRANSPORTATION / OFFICE OF THE SECRETARY / WASHINGTON, D.C. 20590

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NOTICES AND AMENDMENTS PUBLISHED DURING SEPTEMBER

HM-90; Notice 71-24--A supplemental Notice deleting § 179.103-5 from the original Notice. (36 F.R. 18874 - 9/23/71)

HM-22; Amendment 171-12--Incorporated Bureau of Explosives' Pamphlets and updated the ASME Code. (36 F.R. 17649 - 9/3/71)

HM-56; Miscellaneous Amendments--Made editorial changes and corrections to the current CFR. (36 F.R. 18468 - 9/15/71)

Notice of Special Permits issued or denied during September 1971. (36 F.R. 20315 - 10/20/71)

DEPARTMENT OF DEFENSE SALE OF SURPLUS EXPLOSIVES AND OTHER HAZARDOUS MATERIALS

Through the combined efforts of the Armed Services Explosives Safety Board, the Defense Supply Agency and OHM, "Invitations for Bids" for the sale of surplus hazardous materials now include specific references to the applicable Department of Transportation Hazardous Materials Regulations.

Before shipment, successful bidders in DOD sales of surplus hazardous materials must certify that those materials are classified, described, packaged, marked, and labeled in accordance with the applicable requirements of the DOT Hazardous Materials Regulations (49 CFR 170-189). This certification is a burden on the shipper, not the Department of Defense. If containers other than prescribed DOT specification containers are used, a DOT special permit is necessary before the material may be shipped. The exemption provided to the Department of Defense in 49 CFR 173.7 is not available to a shipper other than that Department.

SPECIAL PERMITS

Petitioners requesting special permits under 49 CFR 170.13 should not assume that permits will be automatically or immediately issued. Many petitions for special permits or renewals

Special Permits Cont.

of special permits lack sufficient technical information and justification necessary for proper evaluation. This often necessitates lengthy communications with petitioners leading to delays which could be avoided by the filing of more complete petitions.

Notice of denials as well as grants of special permits is now being published in the Federal Register as part of the monthly summary. It is hoped that this additional publication will further illustrate Board policies and will serve to guide future petitioners.

REDUCTION OF OUTSTANDING SPECIAL PERMITS

Special permits outstanding now number 1,586. Recent amendments of the regulations will reduce this figure by 265, and outstanding notices of proposed rule making will effect a further reduction of 555.

SHIPPERS OF RADIOACTIVE MATERIAL IN DOT SPEC. 55 PACKAGES

All shippers of radioactive materials in DOT Spec. 55 packages (49 CFR 178.250) are cautioned and reminded of the specific limitations on the use of shipping containers which meet this specification. These containers most often include lead or uranium, steel-encased "pigs" or gamma radiography cameras and source changers. Under the provisions of § 173.394 (a) (5) and (b) (1), these packages are authorized for DOMESTIC SHIPMENTS ONLY of not more than 300 curies of "special form" (49 CFR 173.389 (g)) radioactive materials. For domestic shipments of "normal form" radioactive materials, the applicable TYPE A quantity limit (49 CFR 173.389 (L)) based on the transport group of the material is authorized. For any export shipment, in quantities of normal or special form radioactive material exceeding the TYPE A quantity limit, an appropriate IAEA TYPE B Package Certificate of Competent Authority must be issued by DOT/OHM for the specific package, pursuant to Marginal C-6. 2.2 of the International Atomic Energy Agency's (IAEA) "Regulations for the Safe Transport of Radioactive Material, Safety Series No. 6." For domestic shipments of more than 300 curies of "special form" radioactive material, an appropriate DOT special permit is required (see 49 CFR 170.13).

SPECIFICATION CONVERSION OF CARGO TANKS

An inquiry was received as to whether or not it is permissible to convert a cargo tank from one obsolete MC specification to a different obsolete specification under the terms of 49 CFR 173.33(b).

Specification Conversion of Cargo Tanks Cont.

Such conversions are prohibited. Section 173.33 allows continued use of certain existing obsolete specification cargo tanks, but precludes new construction of obsolete specifications after specified dates. This rule was clearly intended to preclude the creation of cargo tanks complying with these obsolete specifications after given dates, but recognized the need for a phase-out period for existing tanks. It would be inconsistent with this purpose to permit such conversions.

SHIPPER'S RESPONSIBILITY FOR PACKAGING

Situations frequently arise in which shippers mistakenly use unauthorized containers. Many sections in Part 173 of the Hazardous Materials Regulations impose additional requirements on otherwise standard specification packagings. These additional requirements, which are related to specific products, may refer to a thicker wall, a special closure, a defined lining, a special cushioning material, etc. A supplier of packagings cannot be relied upon to furnish extras which are not part of the specification unless the shipper has specified them in his order.

FEDERAL AVIATION ADMINISTRATION NEWS ITEM

Questions most frequently asked about transportation of Dangerous Articles and Magnetized Materials by Air.

Q. What are dangerous articles?

A. Dangerous articles are the materials subject to the requirements of Title 14 CFR Part 103, Federal Aviation Regulations. They include materials that are defined in 49 CFR Part 173 of the Department of Transportation Hazardous Materials Regulations and are as follows:

1. Explosives; Classes A, B, and C.
2. Flammable liquids and solids.
3. Oxidizing materials.
4. Corrosive liquids.
5. Compressed gases.
6. Poisons (Poison A, B, and C).
7. Etiologic agents (not presently included in Title 49 CFR).
8. Radioactive materials.

Q. Who is responsible for the classification of dangerous articles and determining compliance with the packaging, marking and labeling requirements?

A. The responsibility for proper preparation of dangerous articles for shipment by air rests with the shipper, who is

required to prepare a certificate of compliance that must accompany each shipment. In the case of a shipment by passenger-carrying aircraft, the shipper must also certify that his shipment complies with the requirements of Part 103 FAR for carriage in passenger-carrying aircraft.

- Q. What dangerous articles are authorized for carriage in cargo-only aircraft?
- A. Those articles specified in Title 49 CFR Parts 172 and 173, as acceptable for shipment by rail express when packed and prepared in accordance with the requirements applicable to rail express.

- Q. What dangerous articles are authorized for carriage in passenger-carrying aircraft?

- A. (1) Articles specified in 49 CFR, Part 173 that are exempt from specification packaging, marking, and labeling requirements when those articles are shipped as required for the exemption; and (2) the following articles when packaged, marked, and labeled as specifically provided in 49 CFR Parts 171 through 173 for shipment by rail express:

- (a) Small arms ammunition and practice cartridge ammunition.
- (b) Class C explosives other than those permitted in (1) above with a net weight of not more than 50 pounds in each outside container.
- (c) Nonflammable compressed gases, except anhydrous ammonia, boron trifluoride, chlorine, hydrogen bromide, hydrogen chloride, nitrosyl chloride, and sulfur dioxide, with a net weight of not more than 150 pounds in an inaccessible cargo pit or bin.
- (d) X-ray film or motion picture film, with a nitrocellulose base, either exposed or unexposed.
- (e) Radioactive materials when the total transport index is not more than 50 for all packages and the minimum separation distance specified in Section 103.23, Part 103 FAR is maintained.

- Q. Do dangerous articles, when carried aboard aircraft, require labels?

- A. Yes. Except for shipments of radioactive materials that meet the exemption requirements in 49 CFR Parts 172 and 173, all dangerous articles must bear air labels when offered for air shipment, whether or not these items are exempted from the packaging, marking, and labeling requirements of Title 49 CFR. Air labels are specified in Sections 173.404 through 173.424 of Title 49 CFR.

- Q. What are the packaging requirements for air transport of dangerous articles?

- A. Except for liquids, all articles packaged for shipment by air shall be packaged in accordance with 49 CFR Parts 172, 173, and 178 applicable for rail express. Liquids must be packaged in securely closed containers that are strong enough to prevent leakage or distortion of the containers from temperature or pressure changes during shipment. The container must be filled in a manner that provides adequate outage. In the case of quantities of one quart or less in each inside container, the inside container must be overpacked in a strong outside container with cushioning and absorbent material to prevent breakage or leakage.

- Q. How is the pilot of an aircraft informed when he is carrying dangerous articles?

- A. The operator of the aircraft must inform the pilot in command of the name, type of label, quantity, and location within the aircraft of all dangerous articles.

- Q. To what aircraft does Part 103 FAR apply?

- A. Part 103 FAR prescribes rules for loading and carrying dangerous articles and magnetized materials in any civil aircraft in the United States, and in civil aircraft of United States registry anywhere in air commerce. These rules also apply to foreign civil aircraft operating in U.S. airspace and aircraft operating intrastate as well as interstate. Military and other public aircraft are not covered by the provisions of these regulations.

- Q. Is there a limit on the amount of magnetized materials that can be placed in a single package on an aircraft?

- A. No. However, shippers must:

1. Plainly mark the outside of each package "Magnetized Material."
2. Pack magnets or magnetized devices such as magnetrons and light meters so that the polarities of each unit oppose one another.
3. Install keeper bars on permanent magnets or shield them to prevent the magnetic field from affecting the magnetic compass.

HAZARDOUS MATERIALS SEMINARS

OHM and Portland State University co-sponsored a three-day seminar on the "Transportation of Hazardous Materials" on October 18-20, 1971. Participating in the course were representatives from carriers, shippers, container manufacturers, state, local, and Federal agencies.

Hazardous Materials Seminars Cont.

The next seminar will be held in the Detroit, Michigan area during the week of January 24, 1972. Further information may be obtained from:

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