



OHM Newsletter

Office of Hazardous Materials

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

VOL. II Number 13

July 1972

16219
5900

NOTICES AND AMENDMENTS PUBLISHED DURING JUNE

HM-22; Notice No. 72-6 (37 F.R. 11685 - 6/10/72). This Notice proposes to update the reference to the ASME Code.

HM-74; Notice No. 71-16 (37 F.R. 12645 - 6/27/72). The time for filing comments in this docket is extended from June 1 to October 3, 1972.

HM-102; Notice No. 72-7 (37 F.R. 11898 - 6/15/72). This Notice proposes to specify a new definition for "Flammable Liquid," create and define a new class of materials identified as "Combustible Liquids," and modify the definition for pyroforic liquids within the flammable liquid class.

HM-103; Advance Notice of Proposed Rule Making (37 F.R. 12660 - 6/27/72). This Notice requests comments regarding a new Hazard Information System.

HM-93; Amendment No. 173-63 (37 F.R. 12494 - 6/24/72). Class B Propellant Explosives in Fiber Drums are covered in this Amendment.

Request for Information--Certain Compressed Gas Cylinders--4B and 4BW manufactured by the Manchester Tank and Equipment Co. (37 F.R. 12336 6/22/72).

Request for Public Participation--Exemptions--sets the closing date for replies, September 14, 1972 (37 F.R. 12648 - 6/27/72).

The closing date for filing comments in the following dockets falls during July:

HM-22;	Notice No. 72-6	--	July 11, 1972
HM-99;	Notice No. 72-3	--	July 11, 1972
HM-100;	Notice No. 72-4	--	July 18, 1972
HM-101;	Notice No. 72-5	--	July 25, 1972

Notice of Special Permits issued or denied during June 1972 (37 F.R. 13568 - 7/11/72).

FEDERAL REGISTER

The Federal Register is a publication keyed to the Code of Federal Regulations which is published under 50 Titles. It is the means by which the public is notified of changes or proposals to make changes in these Titles. It is published daily, Tuesday through Saturday (no publications on Sundays, Mondays or the day after an official Federal holiday).

You may subscribe to the Federal Register by writing the Superintendent of Documents, Government Printing Office, Washington, D. C. 20402. The fee is \$2.50 per month or \$25.00 per year--payable in advance.

SPECIAL PERMITS - TRANSPORTATION BY AIR

Recent reports of shipping experience under special permits indicate that some shippers believe that permission in a special permit to ship hazardous materials by rail express infers permission to ship by cargo aircraft. This conclusion is erroneous.

When hazardous materials are shipped under the terms of a special permit, they are authorized for transportation only via the modes specified in the permit. If transportation by rail express is prescribed and cargo-only aircraft is not, it is incorrect to construe that transportation by cargo-only aircraft is simultaneously authorized by virtue of 14 CFR 103.9. Use of passenger-carrying aircraft or cargo-only aircraft is authorized only when these modes of transportation are specifically designated in the terms of a permit.

CYLINDER MANUFACTURER COMPLIANCE

As a result of visits by representatives of the Office of Hazardous Materials to manufacturing plants, it has become apparent that several manufacturers are not complying with the cylinder specifications. The industry is being informed of this situation by various means including participation in various State LP-Gas Association annual meetings.

One form of assurance that your cylinder supplier is complying with the regulations is to obtain copies of test reports when purchasing new cylinders and to carefully review them when they are received.

Our activities in the cylinder area will continue.

CYLINDER RETESTING, REPAIRING, AND REBUILDING

The last two newsletters contained articles on definition and interpretation of the DOT Regulations applying to cylinder retesting, repairing, and rebuilding. Shippers and owners of cylinders may wonder how they can ascertain that their supplier is authorized to perform these functions. The following are a few suggestions that will aid in making these determinations:

1. Ask the person that performs these functions to send you a copy of his Bureau of Explosives' approval.
2. Examine the approval to determine what the Bureau of Explosives has approved: Retesting? Repairs? and/or Rebuilding? If the approval is not clear as to what it covers, contact the Bureau of Explosives for clarification (1920 L Street, N. W., Washington, D. C. 20036).
3. Ask for and examine the test reports that are required to be provided the shipper or owner and the Bureau of Explosives. These same reports are to be kept on file by the rebuilder, or the repair facility.

RECONDITIONED STEEL DRUMS FOR CORROSIVE SOLIDS

An inquiry was received noting what was thought to be a prohibition against the use of reconditioned drums for the packaging of corrosive solids.

The limitations of 49 CFR 173.28(m) do not apply to the shipment of corrosive solids. This is because section 173.245b does not require the use of DOT specification drums. According to this section, any steel drum, new, used, or reconditioned, complying with § 173.24 and those applicable portions of § 173.28 is authorized for use in shipping corrosive solids. Paragraph (m) of § 173.28 only applies when DOT specification 17C, 17E, or 17H steel drums are initially required by the regulations for the shipment of the product in question.

PROSECUTION FOR FRAUDULENT CLAIM

A company was recently indicted for violating 18 U.S.C. 287, which relates to making false, fictitious or fraudulent claims against the United States. The indictment charged in three counts that the company had falsely claimed that it had performed certain hydrostatic tests on DOT specification cylinders for a government agency.

Prosecution for Fraudulent Claim Cont.

The defendant company pleaded "nolo contendere," and was fined \$25,000 of which \$10,000 was required to be paid.

The company's plant foreman was also charged and pleaded "nolo contendere" to three counts. He was sentenced to five years imprisonment and required to serve 60 days of the sentence with the remainder on probation.

"CORROSIVE" LABELS

The Bureau of Explosives, Association of American Railroads, 1920 L Street, N. W., Washington, D. C. 20036, has notified the Office of Hazardous Materials that they have the new "CORROSIVE" label available for sale. Prices are as follows:

UNGUMMED LABELS

500 - \$3.00
1,000 - \$5.00

GUMMED LABELS

500 - \$ 7.00
1,000 - \$12.00

The Office of Hazardous Materials also has actual size (4-inch) sample labels available which may be obtained upon request. Several people have requested a sample to enable them to place printing orders for a packaging that has the label included as part of the company product label.

AVAILABILITY OF OHM SPONSORED RESEARCH REPORTS

A new report on a research contract sponsored by this Office is available. It may be purchased from the:

National Technical Information Service
U. S. Department of Commerce
Springfield, Virginia 22151

at \$3.00 a copy or 95 cents for microfiche. The following title must be used when ordering:

"Classification of Hazards of Materials--
Water-Reactive Materials and Organic Peroxides"
Report No. TSA-20-72-2
Contract DOT - AS-0007
Access No. PB-209422
By: Pittsburgh Mining and Safety Research Center

SHIPPERS OF RADIOACTIVE MATERIALS

Many of our readers are aware of the very high degree of public interest which has developed recently with respect to the air transportation of radioactive materials. This interest has principally evolved as an aftermath of an incident on December 31, 1971 involving the leakage of a radioactive materials package in the cargo compartment of a commercial passenger aircraft, resulting in a significant spread of contamination. (Details of the incident are reported in Appendix A of the National Transportation Safety Board's (NTSB), "Special Study of the Carriage of Radioactive Materials by Air," issued on June 28, 1972.) Copies may be obtained by writing to: National Transportation Safety Board, Washington, D. C. 20591.

The cause of the leakage of radioactive materials will be of interest to all shippers of radioactive liquids. Based on the investigation of the incident by the Federal Aviation Administration (FAA), supplemented by the efforts of the Office of Hazardous Materials and the U. S. Atomic Energy Commission's Division of Compliance, the FAA has recently settled and completed a civil penalty assessment of \$3,000 against the shipper. The major part of this assessment involves the failure to properly package radioactive liquids as required by 49 CFR 173.393 (g) of the Hazardous Materials Regulations.

Shippers of radioactive liquids are reminded of these liquid packaging provisions. As stated in section 173.393 (g) they are as follows:

- "(g) Liquid radioactive material must be packaged in or within a leak-resistant and corrosion-resistant inner container. In addition--
 - "(1) The packaging must be adequate to prevent loss or dispersal of the radioactive contents from the inner container, if the package were subjected to the 30-foot drop test prescribed in § 173.398 (c) (2) (i); or
 - "(2) Enough absorbent material must be provided to absorb at least twice the volume of the radioactive liquid contents. The absorbent material may be located outside the radiation shield only if it can be shown that if the radioactive liquid contents were taken up by the absorbent material the resultant dose rate at the surface of the package would not exceed 1,000 millirem per hour."

Shippers of Radioactive Materials Cont.

Simply stated, the above provisions provide that if the absorbent material option of section 173.393 (g)(2) is not utilized, the package designer must have made an evaluation against the performance option of § 173.393 (g)(1).

If a shipper is relying on his compliance with § 173.393(g)(1), a documentation of the evaluation is highly recommended. You might be asked to supply one. If you do utilize the absorbent option, will the absorbent material function properly in the event of leakage from the innermost container? Is the positioning of the packaging materials such that liquid flowing from a vial could find its way around the absorbent material and through the closure of an inner lead shield? Has the capacity of the absorbent material been verified to ascertain compliance with § 173.393 (g)(2)?

These are highly important considerations. Our recent inspections of several shippers of radioisotopes lead us to conclude that many shippers of radioactive liquids should thoroughly re-examine their packaging methods for compliance with section 173.393 (g).

W. J. Burns

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