



# 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 JANUARY

HM-87; Amendment No. 178-23 (37 F.R. 444 - 1/12/72). This amendment is for the purpose of clarification and amendment of the requirements for accessory attachments to specifications MC 306, MC 307, and MC 312 cargo tanks.

HM-88; Notice of Board Action (37 F.R. 149 - 1/6/72). This Board action establishes the date of June 30, 1972 as the expiration date of special permits authorizing the transportation of propylene having a pressure in the tank car over 255 psig but not over 259 psig at 115 degrees F.

Unnum- bered Request for Public Participation (37 F.R. 149 - 1/6/72), on Exemptions. Comments are to be addressed to: "If at all, at what maximum weight or volume should each of the various classes of hazardous materials be totally exempt from the requirements of the Hazardous Materials Regulations and under what circumstances?"

Notice of Special Permits issued or denied during January 1972. (37 F.R. 3083 - 2/11/72)

## NOTICES AND AMENDMENTS PUBLISHED DURING FEBRUARY

HM-74; Notice No. 71-16 (37 F.R. 2588 - 2/3/72). Cylinders Manufactured Outside the United States; Reopening for Additional Comments. The comment period will run until June 1, 1972.

HM-38; Amendment No. 179-11 (37 F.R. 3058 - 2/11/72). This amendment authorizes the use of additional interlocking couplers.

HM-68; Amendment Nos. 173-60, etc., (37 F.R. 2885 - 2/9/72). These amendments provide for two new specifications for portable tanks.

Notice of Special Permits issued or denied during February 1972. (37 F.R. 5137 - 3/10/72)

## INCIDENT REPORTS FILED DURING 1971

The January 1972 edition of the OHM Newsletter gave a modal breakdown of the 2,255 hazardous materials incident reports (Form F 5800.1) received during 1971. The following table shows the "classification" breakdown of those reports:

<u>CLASSIFICATION</u>	<u>NO. REPORTS SUBMITTED</u>
Class A explosives .....	17
Class B explosives .....	8
Class C explosives .....	8
Corrosive liquid.....	634
Flammable compressed gas.....	76
Flammable liquid.....	1,090
Flammable solid.....	21
Nonflammable compressed gas .....	56
Oxidizing material.....	88
Poison gas or liquid, Class A .....	0
Poisonous liquid or solid, Class B ....	203
Radioactive materials.....	9
Tear gas, Class C .....	1
None shown (unknown or non-hazardous) .	44

## NEW CODE AVAILABLE SOON

The 1972 edition of the Code of Federal Regulations containing the Hazardous Materials Regulations will be available for sale in early April. This reprint covers all amendments published during 1971.

In order that the Government Printing Office may expedite your order, please indicate the correct title:

Code of Federal Regulations  
Title 49--Transportation  
Parts 100 to 199

Enclose your check in the amount of \$3.75 per copy and mail to:

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## RETESTING DOT 3A AND 3AA CYLINDERS - SPECIAL PERMITS

On October 27, 1971, the Hazardous Materials Regulations Board published an Amendment to 49 CFR 173.34 (e)(15) under Docket No. HM-76, (36 F.R. 20604) extending to ten years the retest period for certain DOT 3A and 3AA cylinders. That portion of the docket was based on many outstanding special permits previously issued by the Board authorizing a ten-year retest period. No mention was made of the status of these outstanding permits following the effective date of the amendment.

A question has been raised regarding the validity of the permits and their actual expiration date. The Board members' designees who issue special permits have decided that the following will apply:

1. Any permit issued is valid until its stated expiration date or December 31, 1972, whichever occurs first. Up to the date that applies, cylinders may be tested and shipped in accordance with all the terms of the applicable permit.
2. After the date that applies, the holder of the permit may no longer retest a cylinder under the terms of the special permit and must retest it in accordance with the regulations. However, a cylinder tested prior to the date that applies may be shipped under the terms of the permit until the next required retest date if the special permit number is displayed. Compliance with all the terms of the permit is required during the period it is utilized.
3. At any time prior to the expiration of a special permit, a permittee may change the status of a cylinder from compliance with his special permit to full compliance with section 173.34 as amended in HM-76. When this occurs, the special permit marking must be removed from the cylinder.

Permittees will be notified by mail concerning the revision of their special permits within the next few months.

## MARKING OF CYLINDERS

Repeated questions have been raised in regard to the permanency of metal plates being used for marking of cylinders.

Section 173.34(c) of the Hazardous Materials Regulations, as amended by Docket No. HM-76 (36 F.R. 20604 - 10/27/71), provides that retest dates or restored markings may be on a metal plate which must be permanently secured to the cylinder.

Webster's dictionary defines permanent as "lasting or intended to last indefinitely without change." It is our position that the means of attachment should be sufficient to retain the marking throughout the service life of the cylinder or, in the case of inspection and test dates, at least until the next retest date.

## CERTIFICATION OF "SPECIAL FORM" RADIOACTIVE MATERIALS

Many of our readers who are shippers of "special form" radioactive materials are well aware of the position which has been taken by the USA with respect to IAEA Competent Authority Certifications of "special form" radioactive material. That position has been that such certificates would not be issued by the Office of Hazardous Materials as an IAEA Competent Authority function. During the development of the present revisions to the IAEA's "Regulations for the Safe Transport of Radioactive Materials (Safety Series No. 6)," the USA delegation to the recent IAEA Regulatory Review Panels strongly recommended the deletion of special form certifications as a function of the competent authority. At each of these panels, the USA recommendation was not accepted by a very narrow vote.

In view of the above, it is expected that a limited program for issuance of IAEA Competent Authority Certificates for "special form" radioactive materials will necessarily have to be implemented by OHM. A certificate will only be issued upon receipt of a specific petition and only when a certificate is required by a shipper to fulfill a need. Such need will be in the case of foreign shipments only, pursuant to Marginal C-6.1 of the IAEA Regulations or sections 6.2.6 and 9.2.3(i) of the IATA Regulations. It should be noted, however, that for air shipments, the "special form" certification as prescribed in Part 6, subparagraph 2F, of the Official Air Transport Restricted Articles Tariff No. 6-D, applies only to air shipments made from the USA to a foreign destination.

Petitions for certificates must include the following:

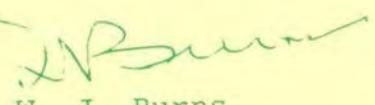
## Certification of "Special Form" Radioactive Materials Cont.

1. A detailed description of the material, or if encapsulated, the contents. Particular reference must be made to both physical and chemical states;
2. A detailed statement of the design of any capsule to be used, including engineering drawings and schedules of materials and methods of construction used; and
3. A statement of the tests which have been performed (pursuant to 49 CFR 173.398(a) and IAEA Marginal C-6.1) including their results or, evidence based upon calculative methods showing that the material is capable of meeting the tests, or other evidence that the "special form" material meets the test requirements.

It should be further noted that the expected 1972 revisions to IAEA Regulations will require certification of both encapsulated and massive solid special form materials.

Although the efforts of the USA to have this IAEA requirement deleted were unsuccessful, it is believed that it will eventually be deleted. It has been the position of OHM that competent authority certification of "special form" radioactive materials does not contribute significantly to transportation safety.

In the U.S. regulatory scheme, the shipper's certification (49 CFR 173.430, 14 CFR 103.3, and 46 CFR 146.05-11) is believed to be adequate since such certification also includes the "special form" considerations.



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