



# OHM Newsletter

Office of Hazardous Materials

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

VOL. IV Number 34

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## NOTICES AND AMENDMENTS PUBLISHED DURING JUNE

HM-117; Notice No. 74-8 (39 F.R. 20805 - 6/14/74). This Notice of Proposed Rule Making proposes to provide a specification for glass carboys in polystyrene packaging, to authorize use of this packaging with various commodities, and to clarify a shipper's responsibility for compliance with specifications involving certain packagings. Comment period closes September 30, 1974.

HM-115; Notice No. 74-3 (39 F.R. 21166 - 6/19/74), Cryogenic Liquids. The closing date for filing comments in this Notice of Proposed Rule Making has been extended from June 18, 1974 to September 17, 1974.

On June 11, 1974, an unnumbered Notice was published (39 F.R. 20521) designating Rear Admiral William M. Benkert to serve as the Coast Guard member on the Hazardous Materials Regulations Board. Admiral Benkert replaces Rear Admiral William F. Rea III.

HM-105; Amendment No. 173-80 (39 F.R. 22425 - 6/24/74). This amendment adds Specification 111A100W3 tank car which was erroneously omitted from the subject Docket published on April 30, 1974.

Notice of Special Permits issued or denied during June 1974 (39 F.R. - 7/10/74).

PUBLIC CONFERENCE ANNOUNCED IN FEDERAL REGISTER

The following Notice appeared at page 20522 of the Federal Register on June 11, 1974:

Transportation of Hazardous Materials in Air Commerce

Interested persons are invited to participate in a public conference to be held by the Department of Transportation on October 2nd to discuss what can be done to improve on the safe transportation of hazardous materials shipments via aircraft. The conference will begin at 9 a.m. and will be held at the Shoreham Americana Hotel, Washington, D. C.

Our purpose in conducting the conference is to review the growing concern of the Congress and the Department of Transportation with respect to the carriage of hazardous materials and to explore with interested persons the need for more definitive action. Recent experience in the transportation of hazardous materials and evidence of non-compliance with applicable standards for packaging, labeling, documentation and handling of such materials, has given rise to varied recommendations for legislative and regulatory actions. Some recommended actions include proposed restrictions concerning the acceptability of such products for transportation by aircraft, particularly when the carriage of passengers is also involved.

We desire to consider the need for further refinement of Federal Regulations taking into account the feasibility of developing new mechanisms for industry surveillance and self-policing. Should the creation of industry screening and checking systems acceptable to the Department prove feasible, acceptance of hazardous materials may be conditioned upon evidence of conformance with such screening and checking procedures.

We would also like to consider means for increasing the effectiveness of Federal surveillance, including inspections at shippers' plants, freight forwarder facilities, the activities of brokers, and sample inspections of the contents of packages presented for shipment. In other words, what regulatory or other programs could we employ to be assured that all persons participating in the giving, handling, and moving of hazardous materials into air commerce are performing their functions in a manner that will preclude unsafe conditions when such materials are carried aboard aircraft?

Public Conference Announced in Federal Register Cont.

Prior documentation concerning the views of interested persons would be especially helpful for this conference. Accordingly, it is requested that the Department be furnished a statement of interested persons containing their views as to the dimensions of the problem of hazardous materials shipment particularly, and the most effective solutions of the problems which have been identified. Such statements should be transmitted to the Office of Hazardous Materials, Department of Transportation, Washington, D. C. 20590, not later than August 1, 1974. Persons desiring to participate and to receive subsequent documentation which may be considered at the conference are requested to notify the Department at the above address not later than August 1, 1974. A detailed agenda of the conference will be distributed to persons intending to participate by August 22, 1974.

/s/ Benjamin O. Davis  
Assistant Secretary for  
Environment, Safety and  
Consumer Affairs

NOTE: The location of the conference has been changed since publication of the above notice in the Federal Register. It will be held in the Departmental Auditorium which is located on Constitution Avenue between 12th and 14th Streets, N. W., Washington, D. C. Also, the conference will be for two days - October 2nd and 3rd.

FREEDOM OF INFORMATION (First in a Series of Articles)

Part 7 of Title 49, Code of Federal Regulations contains the Department's regulations pertaining to the availability of information to the public. It implements section 552 of Title 5, United States Code, commonly referred to as "The Freedom of Information Act."

Section 7.59 of Part 7 contains the criteria for the protection of trade secrets and commercial or financial information that shall be considered privileged or confidential. In order to assist us in determining the applicability of the criteria, petitioners for special permits or rule making are requested to notify the Secretary, Hazardous Materials Regulations Board, when they are submitting information considered by them to fall under the criteria specified in the regulation. Such a notification does not automatically invoke confidentiality; however, it would cause a full review to be undertaken if a request for inspection is received.

### Violations of Hazardous Materials Regulations Cont.

#### VIOLATIONS OF HAZARDOUS MATERIALS REGULATIONS

The following violations are examples of DOT enforcement actions concerning the transportation of hazardous materials:

| <u>Company</u>                           | <u>Violation</u>   | <u>Fine</u> |
|--|--|-------------|
| American Airlines<br>(air carrier)       | Accepting shipment of hazardous materials with improper labeling, packaging, and without shipper certification.  | \$4,000.00  |
| Northwest Airlines<br>(air carrier)      | Accepting shipment of hazardous materials with no shipper certification. Failing to notify pilot in command of hazardous materials on board, and failure to timely report an incident involving hazardous materials. | \$2,000.00  |
| Ozark Airlines<br>(air carrier)          | Transporting unacceptable explosives; failure to notify pilot in command of hazardous materials on board.  | \$ 500.00   |
| Eaton Corporation<br>(shipper via air)   | Tendering shipment of hazardous materials with improper labels and documentation.  | \$1,500.00  |
| Faberge Corporation<br>(shipper via air) | Tendering shipment of hazardous materials without shipper certification; improper labels and documentation.  | \$5,000.00  |
| Foster & Company<br>(shipper via air)    | Tendering shipment of hazardous materials without shipper certification; improper documentation and marking of packages.   | \$5,000.00  |
| Graf Brothers, Inc.<br>(motor carrier)   | Failing to mark or placard a vehicle transporting radioactive materials requiring a radioactive yellow-III label.  | \$ 300.00   |
| LeeWay Motor Freight<br>(motor carrier)  | Failing to placard a vehicle transporting hazardous materials.   | \$ 600.00   |

| <u>Company</u>                                | <u>Violation</u>   | <u>Fine</u> |
|---|--|-------------|
| Maislin Transport,<br>Inc.<br>(motor carrier) | Transporting a Class B poison in the same vehicle with a foodstuff intended for human consumption.   | \$ 150.00   |
| Matlack, Inc.<br>(tank truck operator)        | Failing to make timely reports of incidents involving hazardous materials, and violation of Motor Carrier Safety Regulations.  | \$3,000.00  |
| Navajo Freight Lines<br>(motor carrier)       | Leaving a truck containing Class A explosives unattended.  | \$1,000.00  |
| Oneida Motor Freight<br>(motor carrier)       | Accepting shipment of hazardous materials not properly described on the shipping papers, and failing to require driver to have shipping papers properly describing and classifying a non-flammable compressed gas. | \$1,000.--  |
| Southern Forwarding<br>Co.<br>(motor carrier) | Failure to require drivers to have proper documents for shipments of hazardous materials.  | \$1,500.00  |
| Northern Tank Lines<br>(tank truck operator)  | Operating a vehicle without parts and accessories necessary for safe operation. Failing to inspect and maintain a vehicle, and failure to mark a cargo tank with date of visual inspection.                        | \$ 500.00   |

NEWS ON NEWLY AVAILABLE PUBLICATIONS AND  
FILM ON TRANSPORTATION OF RADIOACTIVE MATERIALS

Readers of this Newsletter may be interested in information on the availability of the following publications and film relating to transportation of radioactive materials:

Film -- "On the Move" is a 28-minute film recently produced by the Sandia Laboratories, Albuquerque, New Mexico, under a contract to the U. S. Atomic Energy Commission, Division of Waste Management and Transportation. This film, intended for a general audience, depicts the broad range of types of radioactive materials shipments, ranging from the small medical radioisotope packages to large irradiated fuel casks. Copies of the film may be obtained on loan from:

TIC Film Library  
U. S. Atomic Energy Commission  
Post Office Box 62  
Oak Ridge, Tennessee 37830  
Phone: (615) 483-8611  
Ext. 34161

Publication -- "Transportation of Radioactive Materials in the Western States." This is a report prepared by the Western Interstate Nuclear Board (WINB), Committee on Transportation of Radioactive Materials, and issued by WINB in March 1974. Copies of this report may be purchased from:

Western Interstate Nuclear Board  
Post Office Box 10538  
Lakewood, Colorado 80215  
Phone: (303) 238-8383

Publication -- "Advisory Material for the Application of the IAEA Regulations, Safety Series No. 37." This publication, STI/PUB/324, was recently issued by the International Atomic Energy Agency (IAEA), Vienna, Austria, as a companion to the 1973 Edition of IAEA Safety Series No. 6 "Regulations for the Safe Transport of Radioactive Materials." (See June 1973 OHM Newsletter.) Copies of either Safety Series No. 6 or Safety Series No. 37 may be purchased in the United States from:

UNIPUB, Inc.  
Post Office Box 433  
New York, New York 10016

ALUMINUM CYLINDERS - SPECIAL PERMIT 5091

The following special notice appeared in the Federal Register on June 26, 1974 (39 F.R. 23082):

High Pressure Seamless Aluminum Cylinders  
DOT Special Permit 5091

DOT Special Permit 5091 expired March 30, 1971, and was not reissued by the Hazardous Materials Regulations Board. The permit authorized shipment of compressed air, argon, carbon dioxide, helium, nitrogen, and oxygen in non-DOT specification high-pressure aluminum cylinders manufactured by the Kaiser Aluminum and Chemical Corporation. Each cylinder was required to be marked "DOT SP 5091."

The purpose of this notice is to advise all shippers that aluminum cylinders made under the subject special permit, and marked accordingly, are not authorized for the transportation of any hazardous material via any carrier engaged in interstate or foreign commerce. Also, it is recommended that persons in possession of these cylinders contact the Kaiser Aluminum and Chemical Corporation, Post Office Box 619, Erie, Pennsylvania 16512, concerning their disposal.

Issued in Washington, D. C., on June 19, 1974.

/s/ Alan I. Roberts  
Secretary  
Hazardous Materials  
Regulations Board

MINIMUMS

From time to time, questions are raised concerning the meaning of certain requirements that contain measurements, e.g., are the measurements considered to be average or nominal or, are deviations below a specified minimum measurement permitted? The answer to both questions, as they pertain to the Department's Hazardous Materials Regulations, is no, unless a particular regulation includes such a provision. For example: § 178.150-3(a)(1) specifies the nominal capacity of bottles.

In its publication of amendments under Docket No. HM-9 (34 F.R. 12588 - August 1, 1969), the Hazardous Materials Regulations

Minimums Cont.

Board made the following statement in the preamble relative to the new Specification 2E polyethylene bottle:

"13. A commenter suggested that the Board provide up to a 1 percent variation from the 0.015-inch minimum wall thickness specified in § 173.348 to take into account certain inherent variations in the manufacturing process. The commenter's proposal is not adopted because it is inconsistent with the intent of this regulation which is to express a minimum packaging criteria. To meet a minimum wall thickness requirement of 0.015 inch for each bottle manufactured for use under this authorization, it may be necessary for a manufacturer to use thicker material."

The above statement applies to many of the Department's specifications for packagings including the materials used in making packagings. For example, when 18-gauge steel sheets are required for a drum, their minimum thickness must be 0.0428-inch and deviations below that measurement are not permitted.

HAZARDOUS MATERIALS SEMINAR--  
PACKAGING AND TRANSPORTATION,  
ATLANTA, GEORGIA, OCTOBER 9 AND 10, 1974

The Office of Hazardous Materials will conduct its second in a series of two-day intermodal Hazardous Materials Seminars on October 9 and 10, 1974, in Atlanta, Georgia. These seminars are designed to assist carriers, freight forwarders, shippers, container manufacturers, firefighting and law enforcement personnel, Federal, state, and local agencies and other interested persons to understand the Hazardous Materials Regulations.

Pre-registration for this seminar is necessary as attendance will be limited to two hundred. Registrations will be handled on a "first-come, first-serve" basis.

Hazardous Materials Seminar--Packaging and Transportation,  
Atlanta, Georgia, October 9 and 10, 1974 Cont.

| <u>Location and Time</u>   | <u>Contact</u>  |
|--|---|
| Center for Disease Control<br>U.S. Public Health Service<br>1600 Clifton Road<br>Atlanta, Georgia<br>8:30 a.m. - 5:00 p.m. | Operations Division (TES-24)<br>Office of Hazardous Materials<br>Department of Transportation<br>Washington, D. C. 20590<br>TELEPHONE: (202) 426-2301 |

*Mr. W. J. Burns*  
W. J. Burns  
Director  
Office of Hazardous Materials

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

OFFICE OF THE SECRETARY

Washington, D.C. 20590

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