



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-115; Advance Notice (39 F.R. 32624 - 9/10/74). This Notice changed the status of Notice No. 74-3 from a Notice of Proposed Rule Making to an Advance Notice. The closing date for filing comments was October 17, 1974.

HM-120; Notice No. 74-11 (39 F.R. 33808 - 9/20/74), Switching of Freight Cars Placarded "DANGEROUS." The closing date for filing comments in this Notice of Proposed Rule Making has been extended from September 20, 1974 to October 22, 1974.

HM-109; Amendment Nos. 173-83, 179-15 (39 F.R. 32912 - 9/12/74). This publication was a Denial of petitions for Reconsideration of the Amendments in HM-109, Tank Car Tank Head Shields.

HM-56; Amendment Nos. 172-27, 173-84, 174-23 (39 F.R. 33532 - 9/18/74). These amendments deleted certain incorrect references and corrected spelling and editorial errors. Effective date September 30, 1974.

HM-57; Amendment Nos. 172-28, 173-86 (39 F.R. 35172 - 9/30/74). This amendment adds a new § 173.283 to provide for the packaging of Fluoboric Acid.

HM-22; Amendment Nos. 173-85, 178-34 (39 F.R. 35173 - 9/30/74). This amendment updates the reference to The Chlorine Institute's standards for valves on chlorine tank motor vehicles. The effective date is December 31, 1974, with immediate compliance authorized.

Notice of Special Permits issued or denied during September 1974 (39 F.R. - 10/9/74).

NOTICES AND AMENDMENTS PUBLISHED DURING OCTOBER

HM-121; Notice No. 74-12 (39 F.R. 36596 - 10/22/74). This Notice of Proposed Rule Making proposes changes to the regulations covering certain Class A and Class B explosives, flammable liquids, flammable solids, oxidizing materials, corrosive materials, compressed gases, Class A and Class B poisons, as well as several steel drum specifications, DOT-2S and 2SL inside polyethylene packaging specifications, DOT-12B fiberboard box specification, and to the DOT-44C multiwall paper bag specification. Closing date for filing comments is November 12, 1974 for all proposals covering I-Bars. The remaining proposals have a closing date of January 21, 1975.

HM-102; Amendment Nos. 172-33, 173-78, 174-19, 177-29 (39 F.R. 37488 - 10/22/74). The mandatory effective date of these amendments has been changed from January 1, 1975 to July 1, 1975. However, voluntary compliance continues to be authorized except as the amendments pertain to the placarding of tank cars containing combustible liquids.

Notice of Special Permits issued or denied during October 1974 (39 F.R. - 11/12/74).

GOING METRIC?

There is no immediate rush over converting the regulations to metric measurements. However, we anticipate the passage of legislation in this area in the near future making several thousand conversions necessary. A petition has been filed by the International Air Transportation Association (IATA) requesting that the Hazardous Materials Regulations Board recognize the conversions of English measurements to metric measurements specified in Section II of the IATA Restricted Articles Regulations. Section 173.26 of the Department's Hazardous Materials Regulations authorizes use of metric equivalent to a limited extent. A small working group has been established by the Manufacturing Chemists Association to develop recommendations.

We believe we should be prepared to convert to standard metric measurements--not just a simple mathematical conversion. Anyone having information, suggestions, or comments that will assist us in this project, which may lead to rule-making action, is invited to make submissions which should be marked "Metric-File 129."

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>
Air Products and Chemicals, Inc. (motor carrier)	Filing a false summary of experience in a petition to the Hazardous Materials Regulations Board for extension of a Special Permit in violation of 49 CFR 171.6(b)(3) and 18 U.S.C. 1001, and failure to require drivers to have in their possession a shipping paper showing the classification "Flammable Compressed Gas" on shipments of Liquid Hydrogen.	\$7,000.00
Armour Oil Company (motor carrier)	Failing to report a hazardous material incident, permitting drivers to operate company vehicles an excessive number of hours and failing to maintain a written inspection report.	\$3,500.00
Dorn's Transportation (motor carrier)	Failing to mark or placard a motor vehicle transporting over 1,000 pounds of hazardous materials.	\$ 500.00
Eastman Kodak Company (shipper by air)	Failing to mark a container with the appropriate DOT specification identification number and an indication of the position of inside containers in accordance with § 173.401(c) and (d).	\$2,000.00
Interstate Supply, Inc. (motor carrier)	Failing to require driver to have in his possession a shipping paper properly describing shipment of hazardous materials.	\$ 400.00
Keystone Fire-works Manufacturing Co., Inc. (shipper by motor carrier)	Failing to show on shipping paper name and classification of hazardous material.	\$ 750.00

Violations of Hazardous Materials Regulations Cont.

<u>Company</u>	<u>Violation</u>	<u>Fine</u>
Southern Maryland Oil Company (motor carrier)	Failing to require drivers to have in their possession shipping documents properly describing hazardous materials. Failing to have on file manufacturer's certificate for a MC 306 cargo tank used to transport hazardous materials. Permitting drivers to drive without having valid medical certificates on file.	\$1,800.00
Western Transportation, Inc. (motor carrier)	Failing to have on file a report of visual inspection for cargo tank used in the transportation of hazardous materials.	\$ 250.00

LIMITED QUANTITY EXEMPTION FOR DANGEROUS CARGO ON BOARD VESSELS (46 CFR 146)

The following is provided as guidance on marking packages containing hazardous materials which are exempt from specification packaging, marking (other than name of contents), and labeling requirements for shipment via carrier by water:

1. Discussion.

a. In 46 CFR 146, there exists numerous paragraphs headed by the phrase "limited quantity..." An example is § 146.21-70. In each of these cases "limited quantities" are exempt from specification packaging, labeling, and marking requirements other than the name of contents. There have been questions regarding what is the acceptable marking for the name of contents appearing on the outside container, especially for those materials shipped under one of the several "n.o.s." (not otherwise specified) entries in 46 CFR 146.04-5.

2. Requirements.

a. Limited quantity exemptions appear in the following paragraphs: 146.21-65, 146.21-70, 146.21-75, 146.21-77, 146.21-79, 146.22-25, 146.23-30, 146.24-20, 146.24-21, 146.24-22, 146.25-55. The quantity limitations differ in the

Limited Quantity Exemption for Dangerous Cargo on Board Vessels (46 CFR 146) Cont.

paragraphs listed above; therefore, these paragraphs should be consulted when applying the limited quantity exemption.

- b. When shipped by land or water, "limited quantities" must be described on the shipping paper by the proper shipping name as it appears in § 146.04-5 and the classification prescribed in § 146.04-5. In addition, the words "no label required" must follow the description as required in § 146.05-12(f)(6). When the proper shipping name of a "limited quantity" is an n.o.s. entry, the chemical name, required by § 146.05-12(f)(5), is not needed.
- c. When shipped by water, "limited quantities" must also have the name of contents marked on the outside container. The shipping name as specified on the shipping paper is acceptable for marking name of contents. When the proper shipping name of a "limited quantity" is an n.o.s. entry the chemical name, required by § 146.05-15(e)(1), is not needed.
- d. To better illustrate this matter, an example follows covering an aerosol product:

Shipping Paper Description

Compressed gas, n.o.s., Non-flammable compressed gas. (No label required.)

Marking on the Outside Container

Compressed gas, n.o.s.

[The above article is based on Navigational and Vessel Inspection Circular No. 1-74 issued by the Chief, Office of Merchant Marine Safety, United States Coast Guard on February 7, 1974.]

IAEA PANEL ON RADIOACTIVE MATERIALS

On December 9-13, 1974, the International Atomic Energy Agency (IAEA) is convening a panel of experts in Vienna, Austria. The United States participants will include a representative of

IAEA Panel on Radioactive Materials Cont.

the Office of Hazardous Materials as the official U.S. delegate, accompanied by two advisors from the U.S. Atomic Energy Commission. The purpose of the panel is twofold, with respect to the IAEA's 1973 edition of Safety Series No. 6, "Regulations for the Safe Transport of Radioactive Material," i.e., to --

1. Consider any minor inconsistencies, omissions, or errors that have been revealed in the National and International application of the 1973 revised edition of Safety Series No. 6, and to recommend any changes of detail that it may be necessary to introduce into the regulations, and
2. To advise the Agency on those regulatory prescriptions, the implementation of which would require the development in member states of additional material for inclusion in the document entitled "Advisory Materials for the Application of the IAEA Transport Regulations" (Safety Series No. 37).

Interested persons are encouraged to submit to:

Office of Hazardous Materials
Technology Division (TES-22)
Department of Transportation
Washington, D. C. 20590

any suggested items for consideration and possible presentation by the U.S. Representative.

This Department and the USAEC are well along in the development of notices of proposed rule making to effect the adoption of 1973 revised IAEA standards into U.S. regulations. Such notices are expected to be published early in 1975. The subject panel will provide a timely forum to discuss problems that have been identified in drafting these notices.

COLORADO COMMITTEE ON HAZARDOUS MATERIALS SAFETY--SEMINAR

A seminar devoted to the preparation of training programs for police, fire, highway personnel and others having a need to know how to handle transportation accidents involving hazardous material, will be held in Denver, Colorado, January 21 to 24, 1975.

For information contact: Milnore Senior
(Telephone: (303) 892-2077) Colorado Division of Highway Safety
1845 Sherman Street
Denver, Colorado 80203

EMERGENCY ORDER NO. 5 - FEDERAL RAILROAD ADMINISTRATION

The Federal Railroad Administration has issued Emergency Order No. 5 which restricts the handling of certain railroad tank cars used for the transport of flammable compressed gas. The Order was effective at 12:01 a.m. on October 27, 1974.

The Order provides that flammable compressed gas may be carried in DOT-112A and DOT-114A type tank cars only under the following conditions: (1) such cars shall not be cut off while in motion (2) no other car moving under its own momentum shall be allowed to strike a loaded 112A or 114A car (3) no such car shall be coupled with more force than is necessary to complete the coupling. Cars equipped with headshields meeting the Federal regulations are exempt from the special handling requirements.

ARIZONA ASSOCIATION OF INDUSTRIES AND THE PHOENIX TRAFFIC CLUB SEMINAR

The Arizona Association of Industries and the Phoenix Traffic Club are sponsoring a one-day seminar on December 4, 1974, regarding the transportation of hazardous materials. The seminar will be conducted by the Federal Aviation Administration and the Federal Highway Administration. Registration fee is \$2.00 per person. This fee includes handout materials.

Location: The Roadway Inn
1202 South 24th Street
Phoenix, Arizona 85034
Telephone: (602) 273-1211

Persons interested in attending the seminar should contact any one of the following:

Mr. August Tekniepe AiResearch Manufacturing Co. 402 South 36th Street Phoenix International Airport Phoenix, Arizona 85034 Telephone: (602) 266-4343	Mr. Rudy Black Federal Highway Administration Federal Building, Room 8134 300 North Los Angeles Street Los Angeles, California 90012 Telephone: (213) 688-4846
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Mr. Leon J. Janky Federal Aviation Administration P. O. Box 92007 Worldway Postal Center Los Angeles, California 90009 Telephone: (213) 536-6499
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GENERAL BENJAMIN O. DAVIS, ASSISTANT SECRETARY FOR ENVIRONMENT, SAFETY AND CONSUMER AFFAIRS, OPENS THE PUBLIC CONFERENCE ON "TRANSPORTATION OF HAZARDOUS MATERIALS BY AIR." SHARING THE PLATFORM ARE THE DEPUTY SECRETARY OF TRANSPORTATION, JOHN W. BARNUM, AND THE FEDERAL AVIATION ADMINISTRATOR, ALEXANDER P. BUTTERFIELD.

Over 600 persons attended the air conference on hazardous materials held in Washington, D. C. on October 2 and 3, 1974. The comments received have been universally favorable. The following comments are indicative of some of those received:

"I just wanted to say that we've attended seminars and hearings throughout the last four years, almost, and we are indeed happy with this one. I'm sure its the best one that I've ever been to..."

"As a citizen/layman I want very much to let you know how greatly impressed I was with the proceedings. I must admit that as a typical 'skeptical citizen,' I expected to hear nothing but two days worth of 'politician talk' with absolutely nothing being said despite millions of words being spoken. I was surprised--no, amazed--to see that the DOT and FAA representatives were obviously sincere and conscientious people who wanted to hear opinions, who wanted to hear facts, and who were truly dedicated to fulfilling their role as public servants to the best of their individual and collective abilities."

RECONDITIONED DRUMS NOT BEARING REQUIRED MARKINGS

Many hazardous materials incident reports indicate that leaking Specification 17 series drums were old and reused, supporting that allegation by including the date of manufacture (such as 1965). These same reports gave no indication that such reused drums bore the required reconditioner markings. Our field observations indicate that the lack of required reconditioner markings is even more prevalent than the incident reports indicate.

Shippers of hazardous materials who use reconditioned Specification 17 series drums are reminded to be certain such drums have been properly reconditioned and meet all the requirements of section 173.28(m) of the Hazardous Materials Regulations including the required reconditioner markings. Shipper use of non-marked used drums may subject such shipper to penalties prescribed for use of non-authorized containers. Shippers are also reminded that Specification 17 series drums must be reconditioned prior to EACH reuse.

INTERMODAL HAZARDOUS MATERIALS TRANSPORTATION SEMINAR AND WORKSHOP -- HOUSTON, TEXAS, NOVEMBER 20 AND 21, 1974

The Office of Hazardous Materials will sponsor a two-day program at the Rice Hotel, Houston, Texas, November 20 - 21, 1974.

The first day, November 20, will include an overview of the DOT Hazardous Materials Regulations as they apply to shippers in all modes of transport. Areas to be covered will include proper shipping names, classification, marking, labeling, certification, documentation, shipper and carrier responsibilities, incident reporting program, selection of authorized containers and the filling and closing of such containers. Techniques for visual inspection of the completed packages to determine compliance with the Hazardous Materials Regulations will be demonstrated.

On the second day, November 21, concurrent workshops will be conducted by DOT and industry representatives and will be repeated at different times in order that attendees may plan a schedule to fit their own particular interests. These sessions are specifically designed for shippers, for air, highway, rail, and water carriers, as well as for those interested in radioactive materials, hazardous materials packaging and for those interested in further discussion on the use of the regulations.

In addition, a hazardous materials "Movie House," "Packaging Exhibit," and an "Incident Report Information Center" will be

Intermodal Hazardous Materials Transportation Seminar
and Workshop -- Houston, Texas, November 20 and 21, 1974 Cont.

available. The latter will have various ADP printouts available for perusal and a microfilm reader-printer so copies of particular incident reports may be obtained. The "Exhibit" and "Information Center" will also be open on Tuesday evening to accommodate those arriving early.

Questions concerning hazardous materials on which attendees desire answers at the seminar may be submitted in advance to:

Operations Division (TES-24)
Office of Hazardous Materials
Department of Transportation
Washington, D. C. 20590

The registration fee is \$15.00 per person. The fee covers lunch and coffee breaks each day. All checks covering registration fees should be made payable to the "Rice Hotel" and mailed to:

Ms. Lucille Pye
The Rice Hotel
Main at Texas
Post Office Box 53028
Houston, Texas (713) 227-2111

Hotel reservations may also be made through the above Houston address.

ADVANCE NOTICE -- HAZARDOUS MATERIALS SEMINAR
TO BE HELD IN CHICAGO IN JANUARY 1975

Plans are being made for a hazardous materials seminar (similar to the Houston Seminar described above) to be held in Chicago, Illinois in January 1975. Details covering the Seminar will be published in a subsequent Newsletter.

Advance Notice -- Hazardous Materials Seminar
To Be Held in Chicago in January 1975 Cont.

Information concerning this Seminar may be obtained from:

Mr. E. W. Pritchard
Federal Railroad Administration
Room 210, 536 South Clark Street
Chicago, Illinois 60605
Telephone: (312) 353-6203



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.