



OHM Newsletter

Office of Hazardous Materials Operations

DEPARTMENT OF TRANSPORTATION / MATERIALS TRANSPORTATION BUREAU / WASHINGTON, D.C. 20590

VOL. V Number 45

August 1975

NOTICES AND AMENDMENTS PUBLISHED DURING JULY

HM-127 (40 FR 31976 - 7/30/75). The purpose of this Notice is to provide for processing of requests for administrative relief from the regulations governing the transportation of hazardous materials by air, highway, rail and water pending the issuance of permanent procedures which will reflect the recent consolidation of the authority to grant such relief and implement certain new mandated requirements. These interim procedures are canceled, effective October 16, 1975.

NOTE: The following amendments published by the Office of Secretary and the Materials Transportation Bureau are listed for your reference:

OST-1 Amendment 1-110 (40 FR 30821 - 7/23/75). This Amendment reflects certain organizational changes including the establishment of the Materials Transportation Bureau--effective July 7, 1975.

MTB-1 (40 FR 31767 - 7/29/75). This Docket establishes the Materials Transportation Bureau and Rule-making procedures for the Office of Hazardous Materials Operations and the Office of Pipeline Safety Operations--effective July 23, 1975.

NOTE: The following Notices were published during August 1975. However, they are listed in this Newsletter for your early reference and guidance:

HM-127; Notice No. 75-7 (40 FR 32758 - 8/4/75). This Notice of Proposed Rule Making proposes to establish a new Part 107 to the regulations as well as new Exemptions Procedures. Comment period closes September 12, 1975. Announcement is also made of a Public Hearing to be held on August 26, 1975 to discuss these proposals. The Hearing will open at 9:30 a.m. in the FAA third floor Auditorium at 800 Independence Avenue, S. W., Washington, D. C.

Notices and Amendments Cont.

The following Notice to Shippers and Carriers, published on August 6, 1975 (40 FR 33066), is quoted for your information and guidance:

OFFICE OF HAZARDOUS MATERIALS OPERATIONS

NOTICE TO SHIPPERS AND CARRIERS

"A recent accident of serious consequence relating to the transportation of a forbidden explosive makes it necessary for the Bureau to bring to the attention of all shippers and carriers of hazardous materials several requirements of the Department's Hazardous Materials Regulations.

"The Department's Hazardous Materials Regulations are found in Title 49, Code of Federal Regulations, Parts 170-179. Section 173.51 contains requirements governing the offering of certain explosives for transportation and specifies the criteria used to identify those explosives. In addition, paragraph (b) of this section states that "Explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 75°C. (167°F.)," are forbidden explosives. Also, § 173.21(b) states in part that "The offering for transportation of any package or container of any liquid, solid or gaseous material which under conditions incident to transportation may polymerize (combine or react with itself) or decompose so as to cause dangerous evolution of heat or gas is prohibited." Further, paragraph (c) of this section states "The offering for transportation of any package or container of any material which will cause a dangerous evolution of heat or gas under conditions normally incident to transportation is forbidden."

"All shippers of hazardous materials are instructed to take note of the above cited prohibitions and should take all steps necessary to ascertain that the materials they offer for transportation do not fall under any of the conditions specified above. It is requested that any person having knowledge of anyone manufacturing, preparing, or processing materials of this kind, who may be potential shippers, advise them of the prohibitions mentioned above.

"It is requested that all carriers handling hazardous materials bring these prohibitions to the attention of the shippers of

Notice to Shippers and Carriers Cont.

hazardous materials they serve and make them fully aware of the existence of the Department's Hazardous Materials Regulations. Copies of the Regulations may be obtained from the Superintendent of Documents, Washington, D. C. 20402 at a cost of \$7.20 per copy. They should request "49 Transportation, Parts 100 to 199." Copies of the Regulations may also be obtained from the Bureau of Explosives, Association of American Railroads, 1920 L Street, N. W., Washington, D. C. 20036 and from the Tariff Order Section, American Trucking Associations, Inc., 1616 P Street, N. W., Washington, D. C. 20036.

"Serious penalties may be imposed for violations of the Department's Hazardous Materials Regulations. Title 18 U.S.C. 834 (f), under which most of the existing regulations have been prescribed, states "Whoever knowingly violates any such regulation shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any person results from such violation, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both." New hazardous materials statutes enacted earlier this year increases the possible monetary fine to \$25,000 for each offense.

"(18 U.S.C. 831-835; 49 CFR 1.64 (g))

"Issued in Washington, D. C. on July 31, 1975."

/s/

Alan I. Roberts,
Director,
Office of Hazardous
Materials Operations

SPECIFICATION 2E BOTTLES

We have received information from several shippers indicating that tests made by them on Specification 2E bottles have resulted in some failure to meet the drop-test performance requests set forth in § 178.24a-5 of the Hazardous Materials Regulations. Shippers using Specification 2E bottles should contact their suppliers to determine that the required tests are being properly performed at the time of manufacture.

It has been pointed out that there appears to be some difference between bottles recently produced and those that are "aged." It is requested that anyone having specific data concerning this aspect, or recommendations concerning the 2E specification in its entirety, contact us as soon as practicable.

TEST DATE MARKING OF CYLINDER AT MANUFACTURE

One of the duties of the inspector of DOT cylinders at the time of manufacture is to "verify compliance of cylinders with all requirements including marking." The specifications specifically include the marking of the "date of test." When the inspector affixes his "official mark" he certifies, among other things, that the "date of test" (i.e., 6-75 for June 1975) stamped into the cylinder is the actual date on which the test was performed.

A cylinder marked with a "date of test" that is not representative of the actual month and year of such test is not in compliance.

VIOLATIONS OF HAZARDOUS MATERIALS REGULATIONS

| <u>Company</u> | <u>Violation</u> | <u>Fine</u> |
|--|--|-------------|
| Hysol Division The Dexter Corp. (Shipper by air) | Manufacturer offered for air transportation hazardous articles (flammable liquids) which were not properly packed, marked, labeled, and certified. | \$ 1,000.00 |

Violations of Hazardous Materials Regulations Cont.

| <u>Company</u> | <u>Violation</u> | <u>Fine</u> |
|--|--|-------------|
| Imperial Airways, Inc. (Air carrier) | Accepted shipment of hazardous materials which was not marked and labeled in accordance with regulations. Failed to notify pilot of hazardous materials aboard the aircraft. | \$ 200.00 |
| Minnesota Mining and Manufacturing Co. (Shipper by air) | Shipment was not marked and labeled in accordance with regulations. | 2,000.00 |
| Morehead Memorial Hospital (Shipper by air) | Shipment of radium, 0.085 curies, not properly certified and incomplete shipping papers. | 50.00 |

CHEMTREC -- FOUR YEARS OF OPERATION

Shortly after this edition is published, CHEMTREC, the Chemical Transportation Emergency Center, will be celebrating its fourth birthday. In the period since start-up on September 5, 1971, over 28,000 inbound calls have been processed and advice or assistance provided in about 5,250 emergencies. Eighty per cent of these involved transportation situations.

Operated as a public service by the Manufacturing Chemists Association (MCA), CHEMTREC is designed to provide immediate response information to those involved in a chemical transportation emergency, and to then contact the shippers to get their expertise into the problem. You are urged to discourage calling CHEMTREC on routine matters such as proper packaging, regulations, or to report a lost shipment.

On January 1, 1975, a second WATS line was activated on the national emergency number--800/424-9300. The single number will access both phones. As the duty communicator may be on the other line, at times several rings may occur before a call is answered. The 800 WATS system is predicated on direct dialing without an operator assist, this results in radiotelephone operations having to use the long-distance number, 202/483-7616, which is answered by the same communicator as the WATS line. Marine interests should be aware of this number.

CHEMTREC -- Four Years of Operation Cont.

When the CHEMTREC program was being established, it was anticipated that most of the emergency calls would originate with fire or police services. However, less than one-fourth of the activity comes from this group, while operations personnel of the carriers, including drivers, conductors, and dispatchers, account for the bulk of the inbound emergency activity.

While it is not a government agency, CHEMTREC's capabilities have been recognized by the Department of Transportation, and a close and continuing relationship is maintained between CHEMTREC and the Department.

The operation of CHEMTREC by MCA is an outstanding example of a public service conducted by an industry group at no expense to the taxpayers.

INTERMODAL HAZARDOUS MATERIALS SEMINARS PLANNED FOR SAN FRANCISCO AND LOS ANGELES THE FIRST AND SECOND WEEKS IN NOVEMBER

Unfortunately, final details regarding the seminars referred to in the July issue of the Newsletter have not been completed in time for this edition.

It is anticipated that each of the two-day sessions will follow the general format of the previous Intermodal Seminars which were held in Houston, Chicago and Newark. Following an opening general session, attendees will then have an opportunity to attend workshops of their choice. The workshops will include sessions conducted by each of the four modes and sessions on containers, radioactive materials, and basic regulations as well as how to use the regulations.

As plans are developed, you may obtain additional information by contacting either of the following:

Office of the Secretary's
Representative
U.S. Dept. of Transportation
Suite 610
2 Embarcadero Center
San Francisco, California 94111
TELEPHONE: (415) 556-5961

Office of Hazardous Materials
Operations (MTH-30)
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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
MATERIALS TRANSPORTATION BUREAU

Washington, D.C. 20590

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