DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS REGULATIONS BOARD
WASHINGTON, D.C. 20590

[Docket No. HM-20; Amdt. 173-12]

PART 173—SHIPPERS

Hydrofluoric Acid

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize shipments of hydrofluoric acid in specifications 2S and 2SL polyethylene liners inside specification 37M cylindrical steel overpacks.

On April 12, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, docket HM-20; notice No. 69-8 (34 F.R. 6444), which proposed to authorized additional inside liners 2S and 2SL with specification 37M steel overpacks for hydrofluoric acid. It was proposed to cancel § 173.264 (a)(18) and combine the provisions thereof with paragraph (a)(17) of that section. Interested persons were afforded an opportunity to participate in this rule making.

Several comments were received concerning the notice. One commenter raised the point that the proposal would have the effect of permitting the use of specification 37M overpacks having capacities up to 55 gallons and doubted that it was the intent of the proposal to so provide. This commenter indicated that its experience would not justify a capacity of 55 gallons in a drum of 20 gauge thickness. Another commenter raised the question of disposal of "single-trip drums" in this service. Since the 37M drum is a nonreusable" drum rather than a "single-trip" drum, it is assumed that the commenter meant to refer to the former.

Authorizing the use of specifications 2S and 2SL liners inside specification 37M overpacks would permit the composite package to have capacities up to 55 gallons. This was the intent of the notice, and of the petition on which the notice was based. The Board believes that this change is justified in view of the satisfactory experience gained under the terms of special permits. The specification 2T liner will continue to be limited to 13 gallons capacity. As indicated above, the specification 37M is a nonreuseable drum. It is not within the purview of the Hazardous Materials Regulations to require users of materials shipped in these drums to dispose of containers in any particular manner so long as transportation is not involved.

In consideration of the foregoing, 49 CFR Part 173 is amended as follows:

In § 173.264 paragraph (a)(17) is amended; paragraph (a)(18) is canceled as follows:

§ 173.264 Hydrofluoric acid.

(a) * * *

(17) Specification 6D (§ 178.102 of this chapter) or 37M (nonreuseable) (§ 178.134 of this chapter) cylindrical steel overpacks with inside specifications 2S, 2SL, or 2T (§§ 178.35, 178.35a, 178.21 of this chapter) polyethylene liners. Specification 37M overpack of over 15-gallon capacity must be constructed of at least 20-gauge steel. Authorized only for acid of not over 70 percent strength.

(18) [Canceled]

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This amendment is effective December 30, 1969. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657); title VI, sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h)))

Issued in Washington, D.C., on August 25, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

E. H. HOLMES,
Acting Administrator, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

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