



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

4329

[Docket No. HM-112; Notice No. 73-9]
HAZARDOUS MATERIALS

Consolidation of Regulations and Miscellaneous Proposals; Public Hearing Regarding Transportation Aboard Aircraft

Notice is hereby given that the Hazardous Materials Regulations Board ("the Board") will hold a public hearing beginning at 9:30 a.m. on February 10, 1975 in Room 300, Federal Office Building 10A (commonly referred to as the FAA Building) located at 800 Independence Avenue, SW., Washington, D.C. to receive comments from interested persons on the present regulations pertaining to the transportation of hazardous materials aboard aircraft or the need to issue new regulations which might improve the protections afforded the traveling public and aircraft crews.

The present regulations pertaining to the transportation of hazardous materials aboard aircraft are found in Part 103 of Title 14, Code of Federal Regulations, and by references contained therein, Title 49 Code of Federal Regulations, Parts 170-189. The basic design of the system of regulation found in Part 103 is the incorporation of the partial exemption (specification packaging, marking, labeling) sections in Title 49 for transportation of hazardous materials aboard passenger-carrying aircraft and the requirements pertaining to shipment via rail express for cargo-only aircraft. The system has been basically the same for more than 20 years without substantial revision.

On January 24, 1974, the Board published a notice of proposed rule making (39 FR 3022) under Docket HM-112 proposing a new Part 175 under Title 49 to replace Part 103 of Title 14. Also proposed were a number of revisions to the new list of hazardous materials (§ 172.101) and certain sections of Part 173 which, if adopted, would no longer permit the transportation of certain materials aboard passenger-carrying aircraft. However, the Board did not propose a complete revision of the regulations in this regard based on an evaluation of each material or generic classification listed.

In comments dated August 30, 1974, the Airline Pilots Association (ALPA) indicated its "basic policy and recommendation that hazardous materials should be banned from passenger-carrying aircraft except for those items which are medically necessary for the good of the population, dry ice for the prevention of perishable goods, and magnetic material when packaged and stowed under the appropriate regulations." In addition, during their meeting held November 18 to 27, 1974,

the ALPA Board of Directors adopted a resolution calling for (1) discontinuing the transportation of all hazardous materials aboard passenger-carrying aircraft except for certain radiopharmaceuticals, magnetized materials, and dry ice, and (2) limiting the hazardous materials to be carried in cargo-only aircraft to only those materials presently authorized aboard passenger-carrying aircraft.

In light of the foregoing, the Deputy Secretary of Transportation established a task force to make a complete and informed review of the hazardous materials presently being moved in air commerce. The task force is made up of representatives of the Federal Aviation Administration and the Office of Hazardous Materials and is under the direction of the Director of the Office of Hazardous Materials. The task force has been directed to address the points in the ALPA Resolution and to examine those hazardous materials being carried on passenger-carrying and cargo-carrying aircraft with a view toward taking those materials that could be moved by surface transportation off aircraft when no justification for movement in air commerce can be shown. The purpose of this hearing is to assist the task force in obtaining the views of interested members of the shipping industry, the public, and the transportation industry.

This hearing will focus on the materials presently authorized to be transported aboard aircraft. It is contemplated that a second public hearing will be held on the operating requirements that possibly should be imposed in addition, or as an alternative, to those presently specified or proposed in Docket HM-112; Notice 73-9. The time, location and details pertaining to the hearing on operating requirements will be announced in a later issue of the **FEDERAL REGISTER**.

Commenters are also advised that this proceeding does not include those matters pertaining to radioactive materials covered by FAA Docket No. 3668; Notice 74-18 (39 FR 14612) published April 25, 1974 and those on implementation of regulations necessary to accomplish compliance with section 108 of the Hazardous Materials Transportation Act (Pub. L. 93-633).

The departmental task force will prepare a report following consideration of the comments presented at the hearing, or in writing. That report will be made part of this docket and may serve as the basis for further rule making.

In preparation of views for presentation, commenters should consider the potential hazards of materials presently authorized aboard passenger-carrying aircraft, cargo-only aircraft, or both,

taking into account (1) the quantity authorized, (2) the prescribed packaging, (3) the nature and degree of the potential hazard, i.e., toxicity, flammability, corrosivity, pyrophoricity, explosivity, etc. (4) the potential for commingling with other materials having incompatible characteristics and (5) any other factor that should be considered relative to the safety of the passengers, crew, or operation of an aircraft. Commenters may also present views on the necessity that certain identified materials be permitted aboard aircraft in the future in the public interest even though this notice contains no specific proposal to change the regulations to prohibit the transportation of any particular material via aircraft.

Presiding at the hearing will be the Director of the Office of Hazardous Materials as a designated representative of the Board Member for the Federal Aviation Administration in accordance with 49 CFR 170.31(b). Any person who wishes to make an oral statement at the hearing should notify the Director in writing or preferably by telephone or telegram providing his name, address, telephone number, and the approximate time needed for his presentation. The notification should be provided on or before February 4, 1975 and addressed to Director, Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590 (202-426-0656).

Interested persons not desiring to make oral presentations are invited to give their views in writing. Communications should identify the docket number and be submitted in duplicate to the Director at the above address by February 20, 1975.

A transcript of the hearing will be made and anyone may purchase a copy of the transcript from the reporter. A copy of the transcript and copies of all comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, Room 6215 Trans Point Building, Second and V Streets, SW., Washington, D.C., both before and after the closing date for comments.

(Transportation of Explosives Act (18 U.S.C. 831-835); sec. 6, Department of Transportation Act (49 U.S.C. 1655); Title VI and sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), and 1655(c)))

Issued in Washington, D.C. on January 27, 1975.

W. J. BURNS,
Director,

Office of Hazardous Materials.

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