



DEPARTMENT OF TRANSPORTATION

MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

58524

[Docket No. HM-112; Amdt. No. 173-109]

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Hydrogen Peroxide Water Solutions Transported by Vessel

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: This document corrects an administrative oversight by amending § 173.266 Hydrogen peroxide solution in water to discontinue authority to ship by vessel hydrogen peroxide water solutions of 52 percent concentration or less in portable tanks, and to discontinue the exception for shipments of this material by vessels. Prior to consolidation of the DOT hazardous materials regulations last year (41 FR 15972), portable tanks were not authorized for, and the exception did not apply to water shipments or such hydrogen peroxide solutions. These restrictions were inadvertently eliminated in the rulemaking proceeding upon which consolidation was based. The Materials Transportation Bureau (MTB) is amending the applicable regulations without notice to reimpose those restrictions to maintain adequate stowage and compatibility requirements, because of the seriousness of any decomposition reaction occurring in a large quantity of hydrogen peroxide, and because of experience with portable tanks in hydrogen peroxide service aboard vessels is limited.

EFFECTIVE DATES: This amendment is effective on November 10, 1977.

ADDRESSES: Any person wishing to comment on this final rule should address comments to: Office of Hazardous Materials Operations, 2100 Second Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Douglas A. Crockett, Office of the Assistant General Counsel for Materials Transportation Law, Room 6222, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590. Phone 202-755-4972.

SUPPLEMENTARY INFORMATION: This amendment is published in final form without public notice because of the peculiar hazards involved in water transportation of large quantities of hydrogen peroxide. This Office is aware of recent attempts by at least one foreign shipper to offer for water transportation to the United States hydrogen peroxide in water solution of 52 percent or less concentration in portable tanks, in reliance on the language of 49 CFR 173.266(e). The Coast Guard is particularly concerned about necessary stowage and compatibility requirements which § 173.266(e) appears to eliminate.

In addition, experience is limited in the use of portable tanks for this material aboard vessel, since such use was not authorized under Coast Guard regulations (old 46 CFR 146.23-100) in effect prior to consolidation of the DOT Hazardous Materials Regulations in 49 CFR. Hydrogen peroxide is catalytically decomposed by minute quantities of many common substances such as copper, dust, dirt and rust. The larger the quantity of hydrogen peroxide involved, the faster the decomposition reaction and the increase in heat and pressure are likely to be, and the greater the consequential possibility of explosion. The MTB, therefore, believes it necessary to reimpose essentially the same rules in effect prior to consolidation and that public proceedings are in this circumstance impracticable and contrary to the public interest. For the same reasons of public safety, this amendment is effective November 10, 1977.

Although public notice has not been provided, persons who wish to comment on this action should do so at the address indicated. The MTB will reconsider this amendment and is prepared to conduct further public proceedings, upon demonstration of adequate justification therefor. This amendment is not expected to result in any significant environmental or economic impact. Primary drafters of this document are Douglas A. Crockett, Office of the Assistant General Counsel for Materials Transportation Law, and Joseph Horning, Office of Hazardous Materials Operations.

In consideration of the foregoing, Part 173 of Title 49 Code of Federal Regulations is amended as follows:

In § 173.266 the introductory text of paragraphs (b) and (c), and paragraphs (d) and (e) are revised to read as follows:

§ 173.266 Hydrogen peroxide solution in water.

(b) Hydrogen peroxide solution in water, containing 52 percent or less hydrogen peroxide by weight, must be packaged as prescribed in paragraph (a) or (f) of this section or as follows (vented packagings are not permitted aboard aircraft):

(c) Hydrogen peroxide solution in water containing over 8 percent hydrogen peroxide by weight and not exceeding 37 percent, must be packaged as prescribed in paragraph (a), (b), or (f) of this section or as follows (vented packagings are not permitted aboard aircraft):

(d) Hydrogen peroxide solution in water, containing over 8 percent hydrogen peroxide by weight and not exceeding 10 percent, must be packaged as prescribed in paragraphs (a), (b), (c), or (f) of this section (vented packagings are not permitted aboard aircraft).

(e) Except for transportation by vessel, hydrogen peroxide solution in water not exceeding 52 percent hydrogen peroxide by weight, when shipped in tank cars, tank motor vehicles, or portable tanks in carload or truckload quantities only, is not subject to any other requirement of Parts 170-189 and 397 of this title.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C. on October 31, 1977.

JOHN J. FEARNSIDES,
Acting Director,
Materials Transportation Bureau.

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