



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

[Docket No. HM-15; Amdt. 173-7]

PART 173—SHIPPERS

Aerosol Flash Point Restriction

The purpose of this amendment to the Hazardous Materials Regulations (49 CFR 170-189) is to delete § 173.306(a)(3)(iv) and thereby remove the flash point restriction applicable to aerosol products packaged in compliance with the "exempt shipment" provisions otherwise specified.

On March 12, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-15; Notice No. 69-3 (34 F.R. 5112) to eliminate § 173.306(a)(3)(iv). The deletion of the subparagraph would have the effect of allowing the "exempt shipment" of aerosol products which are flammable by § 173.300(b) criteria without regard to flash point. However, all the other restrictions specified such as use of metal containers only, 50 cubic inches capacity limitation, pressure limitation of contents in relation to container strength, adequate head space, and a heat test of 130° F. of each complete container filled for shipment, would be retained. Interested persons were afforded an opportunity to participate in this rule making.

A number of comments were received in response to this notice. The large majority of comments concurred with the proposal. One commenter objected to removal of the 20° F. limitation for aerosol products shipped by air or water in the belief that, should leakage occur in a confined cargo space, a flash fire could result from a spark or other source of heat. Another commenter expressed the opinion that the flashpoint limitation should be retained, asserting that materials used to pressurize these containers could explode and splash burning materials over a wide range, thus propagating fire over a wider range. It is true that there is some possibility that these incidents could occur but the same is true for materials having flashpoints higher than 20° F. when they are expelled under pressure.

No adverse experience has been reported to the Department concerning the transportation of several million cans shipped under special permits issued by the Department wherein the flashpoint restriction had been removed. Further, the integrity of each can will be adequately preserved by compliance with the requirements retained in § 173.306(a)(3). In view of the previous experience under special permits and of the requirements retained, and considering the conditions normally incident to transportation, deletion of § 173.306(a)(3)(iv) is considered reasonable and justified.

In consideration of the foregoing, 49 CFR Part 173 is amended, effective September 3, 1969, by canceling § 173.306(a)(3)(iv). However, compliance with the regulations as amended herein is authorized immediately.

This amendment is made under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

Issued in Washington, D.C., on June 19, 1969.

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Commandant.

R. N. WHITMAN,
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