DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173 and 175

[Docket No. HM–224A; Notice No. 96–26]

RIN 2137–AC92

Prohibition of Oxidizers Aboard Aircraft

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: RSPA proposes to amend the Hazardous Material Regulations to prohibit the carriage of oxidizers, including compressed oxygen, in passenger carrying aircraft and in Class D compartments on cargo aircraft. This proposal specifically analyzes the prohibition of oxidizers in Class D cargo compartments. RSPA plans to issue a supplemental notice of proposed rulemaking further analyzing the prohibition on the carriage of oxidizers aboard passenger carrying aircraft in Class B and C cargo compartments. RSPA is also proposing to add a shipping description to the Hazardous Materials Table for chemical oxygen generators and to require approval of a chemical oxygen generator that is transported with its means of initiation attached. These requirements would apply to foreign and domestic aircraft entering, leaving, or operating within the United States. The purpose of these proposals is to enhance air transportation safety.

DATES: Comments must be received by February 28, 1997.

ADDRESSES: Address comments to the Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, room 8421, 400 Seventh Street, SW, Washington, DC 20590–0001. Comments should identify the docket number and be submitted in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed, stamped postcard. The Dockets Unit is located in the Department of Transportation headquarters building (Nassif Building) at the above address on the eighth floor. Public dockets may be reviewed there between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John A. Gale, Office of Hazardous Materials Standards, (202) 366–8553, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street SW, Washington DC 20590–0001; or Gary Davis, Office of Flight Standards, (202) 267–8166, Federal Aviation Administration, U.S. Department of Transportation, 800 Independence Avenue, SW, Washington DC 20591.

SUPPLEMENTARY INFORMATION:

I. Background

The National Transportation Safety Board (NTSB) is investigating the May 11, 1996, crash of a passenger-carrying aircraft which resulted in 110 fatalities. Preliminary evidence indicates that chemical oxygen generators were carried as cargo on board the aircraft and may have caused or contributed to the severity of the accident. On May 24, 1996, RSPA published an interim final rule (IFR) in the Federal Register (61 FR 26418) under Docket HM–224 which temporarily prohibits the offering for transportation and transportation of chemical oxygen generators as cargo aboard in passenger carrying aircraft. The period for submitting comments on the interim final rule in Docket HM–224 closed July 23, 1996. After completing evaluation of the comments received, and the risks posed by oxygen generators, RSPA will issue a final rule under Docket HM–224 to make the prohibition permanent, terminate or modify the prohibition, or otherwise amend provisions of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171 through 180) that apply to oxygen generators. The proposal in this NPRM for amendments to 49 CFR 171.11 and 172.101 are based on the existing (temporary) prohibition against transporting chemical oxygen generators as cargo aboard passenger carrying aircraft. These proposals may be modified in a final rule, as appropriate, to consider the further final rule to be issued under Docket HM–224.

On May 31, 1996, NTSB issued two recommendations to RSPA, as follows:

In cooperation with the Federal Aviation Administration, permanently prohibit the transportation of chemical oxygen generators as cargo on board any passenger or cargo aircraft when the generators have passed their expiration dates, and the chemical core has not been depleted. (Class I, Urgent Action) (A–96–29)

In cooperation with the Federal Aviation Administration, prohibit the transportation of oxidizers and oxidizing materials (e.g., nitric acid) in cargo compartments that do not have fire or smoke detection systems. (Class I, Urgent Action) (A–96–30)

The actions proposed in this notice are responsive, in part, to the NTSB recommendations and are based on RSPA's preliminary assessment of the hazards posed by oxidizers. In its recommendations to RSPA, the NTSB cited three previous incidents in which oxidizers caused fires aboard aircraft. In each of these incidents, there were apparent or known serious violations of the HMR. RSPA and FAA are not aware of any fire aboard an aircraft having been caused directly by transport of oxidizers in conformance with the HMR. However, RSPA and FAA agree with the NTSB that, in certain circumstances, oxidizers can contribute to the severity of a fire and may pose an unreasonable risk when transported in inaccessible cargo compartments which are not required to be equipped with fire or smoke detection systems or fire suppression (i.e., fire-extinguishing) systems.

II. Cargo Compartments Aboard Aircraft

Various design features incorporated into a cargo compartment's design are intended to control or extinguish any fire which might occur in that compartment. Under the Federal Aviation Regulations (FAR), cargo compartments are classified into five categories, Classes A, B, C, D, and E (see 14 CFR 25.857). In brief, a Class A compartment is one which is easily accessible in flight and in which the presence of a fire would be easily discovered by a crewmember. A Class B compartment is one in which any part of the compartment is accessible in flight to a crewmember with a hand held fire extinguisher and has an approved smoke detector or fire detector system. A Class C compartment is not accessible but has an approved smoke detector or fire detector system, an approved built-in fire-extinguishing system, means to control ventilation so that the extinguishing agent can control any fire that may start within the compartment, and means to exclude hazardous quantities of smoke, flames or extinguishing agent from any compartment occupied by crew or passengers.

A Class D compartment is not accessible but is one in which a fire occurring in it will be completely confined without endangering the safety of the airplane or the occupants, ventilation is controlled so that any fire likely to occur will not progress beyond safe limits, compartment volume does not exceed 1,000 cubic feet, and there are means to exclude hazardous quantities of smoke, flames or noxious gases from any compartment occupied

by crew or passengers. A Class D compartment is not required to have a fire or smoke detection system or a fire suppression system. Its design is intended to confine and control the severity of a fire. It generally is not sealed sufficiently to extinguish a fire, but is designed to limit air flow enough to prevent a significant fire. For a compartment of 500 cubic feet (cu. ft.) or less, an air flow of 1500 cu. ft. per hour (three air exchanges per hour) is acceptable.

A Class E compartment is one used on cargo-only aircraft which has an approved smoke or fire detection system, means to shut off the ventilating airflow and means to exclude hazardous quantities of smoke, flames or noxious gases from the flight crew compartment.

III. Oxidizers Under the HMR

Under the HMR, an oxidizer (Division 5.1) is a material that may, generally by yielding oxygen, cause or enhance the combustion of other materials (see 49 CFR 173.127). Materials in Division 5.1 are subdivided into Packing Groups I, II, or III, a relative ranking corresponding to high, moderate or low risks posed by the material. Packing groups are assigned to specifically named materials in the § 172.101 Hazardous Materials Table (Table). For generic entries, such as ''Oxidizing solid, n.o.s.'' (''n.o.s.'' means ''not otherwise specified''), packing groups are assigned by analogy with existing entries in the Table for liquids, and by test results for solids. Certain gases (Class 2), most notably oxygen, are also oxidizers under the HMR and, even though they are not classed as such, they are required to be identified with the OXIDIZER or OXYGEN label.

IV. Oxidizers Aboard Aircraft

Liquid oxidizers in Packing Group I are very reactive and have the ability to initiate and substantially intensify fires. These materials are forbidden for transportation by passenger-carrying aircraft and are permitted only in restricted quantities aboard cargo-only aircraft. Most oxidizers will not initiate fires when spilled or released, but will intensify fires from other sources. Many of these materials are permitted for transport aboard passenger-carrying and cargo-only aircraft. When transported by aircraft, these materials are subject to per package quantity limits specified in the Table, and to aircraft quantity limits specified in § 175.75.

Oxidizers currently authorized for transportation by aircraft in Class D cargo compartments generally will not initiate a fire. The potential hazard posed by them is that, if a fire were to occur elsewhere in the compartment, in the absence of a fire suppression system, the fire may burn long enough to involve the oxidizer. The oxidizer would then provide an oxygen-enriched environment which could intensify the fire and override the limited safety features of the compartment.

In the absence of a fire caused by another source, oxidizers currently authorized for air transportation and offered in conformance with the HMR present very little risk to aircraft, crew or passengers. The threat of a serious risk arises from the mixing of oxidizers with baggage and other cargo which are potential sources of fire. Over the past twenty years, virtually all fires aboard aircraft in passenger baggage or cargo involved forbidden materials or serious violations of the HMR.

V. Prohibition of Oxidizers Aboard Aircraft in Class D Cargo Compartments

Knowledge of the May 11, 1996, crash has increased awareness of the hazards posed by hazardous materials in transportation, and increased the vigilance on the part of the public, airlines, commercial shippers and the Federal Government. While this should result in fewer instances involving transportation of forbidden materials aboard aircraft, fires initiated by forbidden materials in passenger baggage and cargo likely will not be totally eliminated. Further, because Class D cargo compartments are not required to be equipped with smoke or fire detection systems or fire-extinguishing systems, oxidizers could become involved in and substantially intensify a cargo compartment fire thereby contributing to the severity of an incident and, possibly, the loss of life and property. For these reasons, RSPA and FAA agree with the NTSB recommendation to prohibit the transportation of oxidizers in cargo compartments that do not have fire or smoke detection systems. Therefore, RSPA proposes to amend § 175.85 to prohibit the loading or transportation in a Class D cargo compartment of a package for which an OXIDIZER or OXYGEN label (see §§ 172.426 and 172.405) is required under Subpart E of Part 172. These restrictions would apply to both foreign and domestic aircraft entering, leaving or operating in the United States.

The proposed prohibition against transportation of oxidizers as cargo in Class D compartments (and the possible expansion of this proposed prohibition to Class B and C compartments, as discussed in Part VI, below) would not affect the exception in 49 CFR 175.10(a)(7) for operator-supplied oxygen for a passenger's use during flight. However, in this NPRM, RSPA is proposing an editorial change to this section to clarify that this exception applies only to oxygen provided for use by an onboard passenger and does not allow the air carrier to transport medical oxygen devices as cargo in order to move them to the locations where they will be needed, at a later time, for use by passengers.

At the present time, a passenger's own medical oxygen cylinder may be transported as cargo on passenger-carrying aircraft in compliance with the HMR, but the passenger's own cylinder may not be transported in the passenger cabin. 49 CFR 175.85(a). If RSPA ultimately prohibits the carriage of all oxidizers, including gaseous oxygen, in Class B, C, and D compartments on passenger-carrying aircraft, a passenger would not be able to ship its own medical oxygen on the same airplane. The passenger would have to arrange for another supply of oxygen at destination, rather than using a cylinder that the passenger owns.

FAA supports a complete removal of oxidizers from passenger-carrying aircraft, as proposed, but also believes that, if it is necessary to allow a passenger to transport its own oxygen cylinder for use at destination, it is far safer to stow the cylinder in the passenger cabin, under the control of and accessible to the airline crew, than in an inaccessible cargo compartment. FAA does not believe that it is prudent to allow for the carriage of compressed oxygen in an inaccessible Class D compartment. It believes that, if an oxygen cylinder is involved in a fire, the release of oxygen will intensify the fire. Because the Class D cargo compartment does not contain detection or suppression devices and because it is inaccessible to crew, a fire that might otherwise be survivable has an increased risk of becoming fatal. Thus, FAA believes that it would be safer to carry personal medical oxygen cylinders in the cabin because the crew could quickly remove the cylinders from any fire area in the cabin. This is in contrast to the complete inability of the crew to remove compressed oxygen from an inaccessible Class D cargo compartment.

RSPA expressly invites comments on this and any other alternatives (to completely prohibiting passenger-owned oxygen cylinders) that would accommodate passengers with breathing difficulties that need their own supply of oxygen at destination. These comments should indicate whether, and how many, passengers actually ship their own medical oxygen cylinders on

the same airplane in order to have a supply of oxygen at their destination.

RSPA also invites air carriers to submit comments on the effect of the prohibition on current practices of using passenger-carrying aircraft to ''stage'' or position the oxygen cylinders that airlines provide to passengers with breathing difficulties for use during flight under 49 CFR 175.10(a)(7). The proposed prohibition would have the effect of requiring air carriers to ship their own cylinders by ground transportation or by cargo-only aircraft, rather than using their own passenger-carrying aircraft to move these devices to locations for passenger use.

FAA is working on a related action to require that Class D compartments be clearly marked so that cargo-handling personnel will be able to recognize them.

RSPA and FAA have tentatively determined that the costs of the requirements of this proposal would be $25 million over ten years ($17 million, present value). RSPA and FAA have also tentatively determined that the benefits of this proposal will outweigh the costs if it saves nine or more lives over the next ten years.

VI. Prohibition of Oxidizers As Cargo on All Passenger Carrying Aircraft

RSPA is proposing to extend the prohibition on oxidizers to Class B and C aircraft cargo compartments, effectively prohibiting the carriage of oxidizers on passenger carrying aircraft. RSPA plans on issuing an SNPRM further developing and analyzing this part of our proposed rule in the very near future. Although the proposal has not been fully developed, it is being proposed in this document for two reasons: (1) we would like to take advantage of the intervening time to seek public comment that can be used in development of the SNPRM; to the extent that commenters can very quickly provide us with their comments and supporting data, we will consider them in developing the SNPRM; and (2) we believe that, in preparing comments on the prohibition in ''D'' compartments, commenters should consider the possibility that any final rule could include a prohibition on all passenger carrying aircraft.

VII. Oxygen Generators: Shipping Description and Small Personal Oxygen Generators

A. Shipping Description

Currently, under the HMR, the most appropriate shipping description for an oxygen generator (chemical) containing sodium chlorate as the primary constituent is ''Oxidizing solid, n.o.s., 5.1, UN1479, II.'' RSPA does not believe that this name adequately describes an oxygen generator. In particular, the name does not communicate to an air carrier the fact that the material is not authorized on passenger carrying aircraft. Therefore, consistent with changes recently adopted into the International Civil Aviation Organizations Technical Instructions for the Transport of Dangerous Goods By Air, RSPA proposes to add the following description to the Hazardous Materials Table (Table) ''Oxygen generator, chemical, 5.1 UN3353, II.'' RSPA also is proposing to revise §§ 171.11, 171.12, and 171.12a to require the use of the new name in international transportation.

The second sentence of proposed § 171.11(d)(14) and the word ''Forbidden'' in Column 9A of the proposed Table entry for ''Oxygen generator, chemical'' are based on the existing (temporary) prohibition against transporting chemical oxygen generators aboard passenger-carrying aircraft. These proposals may be modified in a final rule, as appropriate, to consider the further final rule to be published under Docket HM–224. The UN identification number assigned to the proposed shipping name ''Oxygen generator, chemical'' in the Table may be revised if the UN Committee of Experts on the Transport Of Dangerous Goods adopts a different identification number in its Recommendations on the Transport of Dangerous Goods.

In addition, RSPA believes that the hazards posed by an oxygen generator, chemical that is shipped with its means of initiation attached require special approval. Therefore, consistent with the prohibitions and conditions specified in § 173.21, RSPA is proposing a separate requirement that oxygen generator, chemical that is shipped with its means of initiation attached must: (1) be classed and approved by the Associate Administrator for Hazardous Materials Safety; (2) incorporate at least two safety features that will prevent unintentional activation of the generator; and (3) when transported by air, be contained in a packaging prepared and originally offered for transportation by the approval holder. RSPA is also proposing to require that each shipper of an approved oxygen generator have a copy of the approval and that the approval number be marked on the outside of the package.

B. Small Personal Oxygen Genenerators

In the interim final rule RSPA published under Docket HM–224, RSPA prohibited the transportation of oxygen generators by passenger carrying aircraft. An exception was provided for personal oxygen generators that meet the conditions of § 175.10(a)(24). Section 175.10(a)(24) requires that the person carrying the oxygen generator receive the approval of the operator of the aircraft and that the personal oxygen generators conform to the following: (1) a six foot drop test without loss of contents or activation; (2) be equipped with at least two positive means of preventing unintentional activation; (3) be well insulated, and when actuated the temperature on any external surface does not exceed 212 degrees Fahrenheit; (4) be in the manufacturer's original packaging which must include a sealed outer wrapping or clear evidence that the generator has not been tampered with; and (5) be marked to indicate conformance with § 175.10(a)(24).

In its comments to the interim final rule, the Air Line Pilots Association (ALPA) requested that the exception for small personal oxygen generators in § 175.10(a)(24) be removed. Though § 175.10(a)(24) requires passengers to notify operators when there are oxygen generators in their baggage, ALPA stated that an aircraft operator has no way of knowing that these small chemical oxygen generators are being carried in a passenger's checked baggage because there are no public awareness programs or procedures for notifying passengers that passengers are to contact operators before they offer bags containing generators as checked baggage. ALPA also stated that there is no realistic way to know when or that the person who purchased or who intends to carry oxygen generators has been educated in the proper way to inspect and maintain them as specified in the HMR. ALPA went on to say that there is no way for an operator to examine the units to verify that a passenger is in compliance with these requirements. ALPA also pointed out that the Civil Aviation Authority of the United Kingdom has banned personal oxygen generators on passenger-carrying aircraft.

RSPA believes that adequate public notice and comment should be provided before the exception in § 175.10(a)(24) is removed. Therefore, RSPA is proposing, in this NPRM, to remove the exception provided in § 175.10(a)(24) for small personal oxygen generators.

VIII. Request for Additional Comments

RSPA requests any available information concerning the costs and benefits of this proposed action. RSPA is requesting information concerning the hazards posed by oxidizers in aircraft cargo compartments that have fire detection or suppression systems. Please

provide detailed cost information to RSPA as to the manner by which you would incur costs as the result of the proposed ban of oxidizers including all germane monetary and qualitative cost information. RSPA also solicits comments from those foreign operators who would incur costs as the result of this proposal. Although our evaluation has not been able to determine any apparent cost impact on cargo aircraft carriers, RSPA recognizes there could, nonetheless, be a potential cost impact. As the result of this concern, RSPA solicits information from cargo aircraft operators who find they would incur costs from implementation of the proposed rule. Potentially impacted shippers are asked to provide detailed information on the manner by which they would incur costs.

There may also be adverse impacts on airlines if they routinely use passenger-carrying aircraft to transport, as cargo, oxygen cylinders which are normally installed on aircraft and must be periodically retested or refilled. RSPA has not assessed the costs associated with prohibiting the shipment of oxygen cylinders on passenger carrying aircraft. Therefore, RSPA requests any available information concerning the costs and benefits of banning oxygen cylinders, as cargo, aboard passenger carrying aircraft. Please provide detailed information as to the manner by which you would incur costs. In particular, RSPA is requesting information on the number of cylinders of oxygen which are transported each day on passenger carrying aircraft. What is the typical size of these containers? What other means of transportation are available? What are the cost differences to the airlines for using these other means of transportation?

By limiting the prohibition on oxidizers to packages required to be labeled OXIDIZER and OXYGEN, the prohibition would not apply to oxidizers classed as consumer commodities, ORM–D, under the provisions of § 173.152, or as consumer commodities, Class 9, as permitted under § 171.11. RSPA requests comments regarding whether it would be appropriate to extend this prohibition to consumer commodities which are oxidizers or whether quantity limits should be imposed on these materials in § 175.75.

IX. Future Rulemaking

RSPA, in coordination with FAA, has initiated a study to assess the risks associated with the transportation of hazardous materials in aircraft cargo compartments. As an initial step, RSPA held a meeting in Cambridge, Massachusetts on October 22, 1996, for purposes of identifying accident scenarios, probabilities of occurrence, and expected consequences. In attendance were representatives from the NTSB, FAA, Air Transport Association, Chemical Manufacturers Association, Air Line Pilots Association, International Air Line Passenger Association and several aircraft manufacturers. Based on the outcome of this study, RSPA may initiate a rulemaking to ban additional hazardous materials. RSPA requests comments regarding whether it would be appropriate to extend this prohibition to other materials which may pose hazards similar to oxidizers, such as organic peroxides. Comments are requested as to the costs and benefits of these possible actions.

X. Regulatory Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This proposed rule is considered a significant regulatory action under section 3(f) of Executive Order 12866 and was reviewed by the Office of Management and Budget. The rule is considered significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034). A preliminary regulatory evaluation is available for review in the public docket.

Executive Order 12612

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 (''Federalism''). The Federal hazardous materials transportation law (49 U.S.C. 5101–5127) contains an express preemption provision that preempts State, local, and Indian tribe requirements on certain covered subjects. Covered subjects are:

(i) the designation, description, and classification of hazardous material;

(ii) the packing, repacking, handling, labeling, marking, and placarding of hazardous material;

(iii) the preparation, execution, and use of shipping documents pertaining to hazardous material and requirements respecting the number, content, and placement of such documents;

(iv) the written notification, recording, and reporting of the unintentional release in transportation of hazardous material; or

(v) the design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous material.

Because RSPA lacks discretion in this area, preparation of a federalism assessment is not warranted. Title 49 U.S.C. 5125(b)(2) provides that DOT must determine and publish in the Federal Register the effective date of Federal preemption. That effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. This proposed rule would require oxidizers to be transported in certain types of cargo compartments aboard aircraft. RSPA solicits comments on whether the proposed rule would have any effect on State, local or Indian tribe requirements and, if so, the most appropriate effective date of Federal preemption.

Regulatory Flexibility Act

I certify that this proposed rule will not have a significant economic impact on a substantial number of small entities. This proposed rule applies to air carriers, most of whom are not small entities.

Paperwork Reduction Act

This proposed rule does not propose any new information collection requirements.

Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Reporting and recordkeeping requirements.

49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labeling, Marking, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 175

Air carriers, Hazardous materials transportation, Radioactive materials, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Parts 171, 172, 173 and 175 would be amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

2. In § 171.11, paragraph (d)(14) is added to read as follows:

§ 171.11 Use of ICAO Technical Instructions.

* * * * *

(d) * * *

(14) An oxygen generator (chemical) must be classed, approved, and described in accordance with the requirements of this subchapter. Except as provided in § 175.10(a)(7) of this subchapter, oxygen generators (chemical) may not be transported on passenger carrying aircraft (see § 173.21 of this subchapter).

3. In § 171.12, paragraph (b)(17) is added to read as follows:

§ 171.12 Import and export shipments.

* * * * *

(b) * * *

(17) An oxygen generator (chemical) must be classed, approved, and described in accordance with the requirements of this subchapter.

* * * * *

4. In § 171.12a, paragraph (b)(16) is added to read as follows:

§ 171.12a Canadian shipments and packagings.

* * * * *

(b) * * *

(16) An oxygen generator (chemical) must be classed, approved, and described in accordance with the requirements of this subchapter.

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

5. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

6. In the § 172.101 Hazardous Materials Table, the following entry is added in appropriate alphabetical order:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

SECTION 172.101.—HAZARDOUS MATERIALS TABLE

Symbols (1)	Hazardous materials descriptions and proper shipping names (2)	Hazard class or division (3)	Identification numbers (4)	PG (5)	Label Codes (6)	Special provisions (7)	(8) Packaging authorizations (§173.***)			(9) Quantity limitations		(10) Vessel stowage requirements	
							Exceptions (8A)	Nonbulk (8B)	Bulk (8C)	Passenger aircraft/rail (9A)	Cargo aircraft only (9B)	Location (10A)	(10A) Other (10B)
	*		*	*		*	*		*	*			
	Oxygen generator, chemical	I5.1	UN3353	I	5.1	57	None	211	None	Forbidden	15 kg	D	56, 58, 69, 106
				II	5.1	57	None	212	None	Forbidden	25 kg	D	56, 58, 69, 106
	*		*	*		*	*		*	*			

7. In 172.102, in paragraph (c)(1), Special Provision 57 is added to read as follows:

§ 172.102 Special provisions.

* * * * *

(c) * * *

(1) * * *

57 An oxygen generator, chemical that is shipped with its means of initiation attached must: (1) be classed and approved by the Associate Administrator for Hazardous Materials Safety; (2) incorporate at least two safety features that will prevent unintentional activation of the generator; and (3) when transported by cargo-only aircraft, be contained in a packaging prepared and originally offered for transportation by the approval holder. Each offerer of an approved oxygen generator must have a copy of the approval, and the approval number must be marked on the outside of the package.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

8. The authority citation for Part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701; 49 CFR 1.45, 1.53.

§ 173.21 [Amended]

9. In § 173.21, in paragraph (k), the words ''or § 175.10(a)(24)'' are removed.

PART 175—CARRIAGE BY AIRCRAFT

10. The authority citation for Part 175 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 175.10 [Amended]

11. In § 175.10, in paragraph (a)(7), the wording ''a passenger'' is revised to read ''an onboard passenger'' and paragraph (a)(24) is removed and reserved.

12. In § 175.85, paragraph (d) is added to read as follows:

§ 175.85 Cargo location.

* * * * *

(d) No person may load or transport in a Class D cargo compartment, as defined in 14 CFR 25.857(c), a package containing a hazardous material for which an OXIDIZER or OXYGEN label is required under Subpart E of Part 172 of this subchapter (see § 172.426 or § 172.405 of this subchapter, respectively).

* * * * *

Issued in Washington, DC on December 20, 1996, under the authority delegated in 49 CFR part 106.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 96–33035 Filed 12–27–96; 8:45 am]

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