

PLAN FOR PUBLISHING APPROVALS ISSUED BY PHMSA IN THE FEDERAL REGISTER

Background

An approval is a document issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA) that provides written authorization for a person to perform a function that requires prior consent under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Unlike special permits, there is currently no statutory or regulatory provision requiring PHMSA to publish approvals applications for comment nor is there a requirement for PHMSA to publish those approvals that it grants. To increase transparency, PHMSA has developed this plan to provide public notice, on a regular basis, of the approvals it issues.

Types of Approvals

PHMSA issues the following types of approvals:

- Cylinders: Persons who test, repair, or requalify DOT cylinders or UN pressure receptacles must apply to PHMSA for approval.
- Packaging testing facilities: PHMSA approves third-party certification agencies and independent inspection agencies to perform tests, inspections, verifications, and certifications of DOT specification cylinders or UN pressure receptacles as required under Parts 178 and 180 of the HMR. In addition, PHMSA authorizes third-party approval agencies to certify that a packaging conforms to a UN standard.
- Classification: The HMR require classifications for explosive materials, including fireworks, self-reactive materials, organic peroxides, and chemical oxygen generators, to be approved by PHMSA prior to transportation.
- Explosives testing laboratories: The HMR require new explosives to be examined and assigned a recommended shipping description, classification, and compatibility group by a person who has been approved by the Associate Administrator for Hazardous Materials Safety to do so.
- Lighter testing agencies: The HMR require lighter designs to be examined and tested by a person who has been approved by the Associate Administrator for Hazardous Materials Safety to do so.
- Radioactive and nuclear materials: PHMSA issues package design approvals for import, export, and through shipments of large quantities (Type B) of radioactive material and fissile material. PHMSA also issues approvals to certify that radioactive materials meet the “special form” requirements.
- Competent authority approvals: PHMSA, as the U.S. competent authority, issues approvals that are required for certain activities under international standards.

- Other approvals. PHMSA issues approvals for certain types of authorizations not specifically covered in the regulations or to provide authorized alternatives specified in the regulations. For example, in accordance with § 173.196(c), an animal containing an infectious substance may only be transported under terms and conditions specifically approved by the Associate Administrator for Hazardous Materials Safety.

Publication Plan

Beginning in July 2010, the Office of Hazardous Materials Special Permits and Approvals will publish a notice of approvals issued every six months, in January and July of each year. The notice will indicate the number of each type of approval issued in the preceding six-month period and will refer interested persons to the PHMSA web site for a complete listing of each category of approval. For competent authority approvals, the notice will include a summary of each approval issued. The attached “shell” *Federal Register* notice will be utilized.

Billing Code 4910-60-p

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket Number PHMSA-XXXX-XXXX; Notice No. XX-X]

Hazardous Materials Transportation Approvals

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA).

ACTION: Notice.

SUMMARY: This notice announces PHMSA's issuance of [INSERT NUMBER] approvals for the six-month period ending [INSERT DATE], including approvals applicable to domestic and international cylinder manufacturers, requalifiers, and repair facilities; packaging testing facilities; classification of explosives, fireworks, organic peroxides, self-reactive materials, and chemical oxygen generators; explosives testing laboratories; lighter testing agencies; radioactive and nuclear materials; and competent authority approvals.

FOR FURTHER INFORMATION CONTACT: [NAME], Office of Hazardous Materials Special Permits and Approvals, [TELEPHONE], Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590-0001.

SUPPLEMENTARY INFORMATION:

An approval is a document issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA) that provides written authorization for a person to perform a function that requires prior consent under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

In the six-month period ending [INSERT MONTH AND YEAR], PHMSA issued the following approvals:

A. Cylinders

Persons who test, repair, or requalify DOT cylinders or UN pressure receptacles must apply to PHMSA for approval.

PHMSA issued [INSERT NUMBER] approvals to domestic requalifiers (“RIN” number); [INSERT NUMBER] approvals to domestic repair/rebuild companies (“K” number); [INSERT NUMBER] approvals to foreign requalifiers; [INSERT NUMBER] approvals to foreign repair/rebuild companies (“K” number); and [INSERT NUMBER] approvals to manufacturers of UN/ISO cylinders; The complete list of cylinder approvals can be viewed at <http://www.phmsa.dot.gov/hazmat/regs/sp-a/approvals/cylinders>.

B. Packaging Testing Facilities

PHMSA approves third-party certification agencies and independent inspection agencies to perform tests, inspections, verifications, and certifications of DOT specification cylinders or UN pressure receptacles as required under Parts 178 and 180 of the HMR. In addition, PHMSA authorizes third-party approval agencies to certify that a packaging conforms to a UN standard.

PHMSA issued [INSERT NUMBER] approvals to designated approval agencies; [INSERT NUMBER] approvals to independent inspection agencies (IIAs); and [INSERT NUMBER] approvals to UN third-party certification agencies.

C. Classification

The HMR require classifications for explosive materials, including fireworks, self-reactive materials, organic peroxides, and chemical oxygen generators, to be approved by PHMSA prior to transportation.

PHMSA issued [insert number] approvals for the classification of explosives; [INSERT NUMBER] approvals for the classification of fireworks; [INSERT NUMBER] approvals for the classification of self-reactive materials; [INSERT NUMBER] approvals for the classification of organic peroxides; and [INSERT NUMBER] approvals for the classification of chemical oxygen generators. The complete list of explosives approvals can be viewed at <http://www.phmsa.dot.gov/hazmat/regs/sp-a/approvals/explosives>; fireworks approvals at <http://www.phmsa.dot.gov/hazmat/regs/sp-a/approvals/fireworks>; self-reactive materials and organic peroxide approvals at http://www.phmsa.dot.gov/hazmat/regs/sp-a/approvals/self-reactive_organic-peroxides; and chemical oxygen generator approvals at <http://www.phmsa.dot.gov/hazmat/regs/sp-a/approvals/oxygen-generators>.

D. Explosive Testing Laboratories

The HMR require new explosives to be examined and assigned a recommended shipping description, classification, and compatibility group by a person who has been approved by the Associate Administrator for Hazardous Materials Safety to do so.

PHMSA issued [INSERT NUMBER] approvals for explosive testing laboratories. The complete list can be viewed at <http://www.phmsa.dot.gov/hazmat/regs/sp-a/approvals/explo-test-labs>.

E. Lighter Testing Agencies

The HMR require lighter designs to be examined and tested by a person who has been approved by the Associate Administrator for Hazardous Materials Safety to do so. PHMSA issued [INSERT NUMBER] approvals for lighter testing agencies. The complete list can be viewed at <http://www.phmsa.dot.gov/hazmat/regs/sp-a/approvals/lighters>.

F. Radioactive Materials

PHMSA issued [INSERT NUMBER] package design certificates. PHMSA issued [INSERT NUMBER] special form certificates. The complete list can be viewed at <http://rampac.energy.gov/>.

G. Competent Authority Approvals

PHMSA, as the U.S. competent authority, issues approvals that are required for certain activities under international standards. PHMSA issued [INSERT NUMBER] of such competent authority (CA) approvals, as follows:

[INSERT BRIEF SUMMARY OF EACH CA APPROVAL, including the name of the company to whom it was issued, the operation/action specifically approved, and the international standard(s) addressed by the approval.]

H. Other Approvals

PHMSA issues approvals for certain types of authorizations not specifically covered in the regulations or to provide authorized alternatives specified in the regulations. PHMSA issued [INSERT NUMBER] of such approvals, as follows:

[INSERT BRIEF SUMMARY OF EACH APPROVAL, including the name of the company to whom it was issued, the operation/action specifically approved, and the HMR section addressed by the approval.]

Issued in Washington, DC, on [DATE].

Delmer F. Billings
Director, Office of Hazardous Materials Special Permits and Approvals