

## Aviation Group Client Update

Date: October 22, 2012

Contact: Lisa A. Harig, Partner  
Washington DC Office  
[lharg@mklawdc.com](mailto:lharg@mklawdc.com)  
+1 703 247 5487

### PHMSA ISSUES NPRM ON INCORPORATION OF SOME SPECIAL PERMITS INTO HMR

Today, the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a Notice of Proposed Rulemaking (NPRM) amending the Hazardous Materials Regulations (HMR) to incorporate provisions contained in certain widely used or long standing special permits, as well as certain competent authority (i.e., International Maritime Dangerous Goods (IMDG) code or International Civil Aviation Organization (ICAO)) approvals, that have established safety records.

The special permits affected by this NPRM include:

- DOT-SP 9275 – Authorization for the transportation in commerce of certain limited quantities of liquids and solids containing ethyl alcohol and exempt these shipments from the provision of the HMR.
- DOT-SP 11263 – Authorization for the transportation of Class 9 solid coal pitch compounds in non-specification open-top or closed-top sift proof metal cans or fiber drums.
- DOT-SP 11836 – Authorization for the transportation in commerce of UN1H1 and UN6HA1 drums containing ammonia solutions that do not meet certain requirements contained in §§ 173.24 and 173.24a.
- DOT-SP 13124 – Authorizations for the transportation of ammonia solutions in UN1H1 and UN6HA1 drums by private or contract carrier.
- DOT-SP 12134 – Authorization of exceptions for spent bleaching earth (Division 4.2 PG III).
- DOT-SP 12825 – Authorization for the transportation of life-saving appliances, self-inflating, that contain non-specification steel cylinders between a vessel and an authorized facility for servicing.
- DOT-SP 14479 – Authorization for the use of alternative shipping names and marking requirements for regulated medical wastes.
- DOT-SP 14903, 14908, 15062, 15075, 15076, 15077, 15078, 15079, 15092, 15094, 15095 and 15143 – PHMSA is adding an exception to the HMR for oxygen cylinders and other oxidizing cylinders transported aboard aircraft within the state of Alaska. This will allow harmonization with the FAA Modernization and Reform Act of 2012.

Comments are due on or before **December 21, 2012**. Please contact our office for additional information or for assistance with the preparation or submission of comments.

\* \* \* \* \*

McBreen & Kopko's Aviation Group represents air carriers, fixed base operators (FBOs), airport managers, aviation service providers, and business aircraft owners and operators on a wide range of aviation issues including regulatory matters, commercial transactions, aircraft finance matters, and bankruptcy and creditors' rights.