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URS Corporation - Comments

This is a Comment on the **Pipeline and Hazardous Materials Safety Administration** (PHMSA) Proposed Rule: **Hazardous Materials; Amendments**

For related information, [Open Docket Folder](#) 

Comment Period Closed
Mar 24 2015, at 11:59 PM ET

ID: PHMSA-2013-0225-0035

Tracking Number: 1jz-8hvr-q3uq

Comment

March 23, 2015

RE: Docket No. PHMSA-2013-0225 (HM-218H) / RIN 2137-AF04

URS Corporation respectfully submits the following two comments in response to the notice of proposed rulemaking (NPRM) published in the Federal Register on January 23, 2015 [80 FR 3788], entitled: Hazardous Materials: Miscellaneous Amendments (RRR).

49 CFR 172.514(c). URS supports PHMSAs move to clarify the marking size requirements for an intermediate bulk container (IBC) that is labeled instead of placarded by replacing the bulk package marking reference in 172.514(c) with the non-bulk marking reference in 172.301(a)(1). PHMSA clarified the required size of UN number and proper shipping name markings for an IBC in a recent letter of interpretation (14 0228, January 16, 2015):

Section 172.301(a)(1) prescribes a 12 mm minimum height requirement for the identification number for an IBC; however, a minimum height for the proper shipping name is not prescribed.

URS appreciates PHMSAs efforts to clarify harmonization with the United Nations (UN) requirements: Both the UN Model Regulations and the International Maritime Dangerous Goods (IMDG) Code require a 12 millimeter (mm) minimum height requirement for the identification number on an IBC that is labeled rather than placarded, although, a minimum height for the proper shipping name is not prescribed.

However, when reading the HM-218H proposed regulatory text for 49 CFR 172.514(c), the new language could be construed to mean that both the proper shipping name and the UN number must be 12 mm in height. To clarify that only the UN number and not the proper shipping name is required to be 12 mm in height, we respectfully request that PHMSA clearly state this size distinction in the regulatory text of 49 CFR 172.301(a)(1) by adding a sentence at the end of the paragraph, such as:

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Date Posted:
Mar 24, 2015

RIN:
2137-AF04

[Show More Details](#) 

Submitter Information

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27560

(4). The size of the proper shipping name marking is not prescribed by the regulations.

It would be helpful if the regulatory language is sufficiently clear concerning required text height for the markings applied to an IBC that is labeled instead of placarded, such that an interpretation letter is no longer needed.

49 CFR 172.101 (HMT). URS supports the proposed regulatory change that PHMSA is adopting to allow the limited quantity exception to be applied to the PG II HMT entries for UN2920, Corrosive liquids, flammable, n.o.s., and for UN3085, Oxidizing solid, corrosive, n.o.s. These proposed regulatory changes allow UN harmonization and consistency with the UN Model Regulations, IMDG Code, and the International Civil Aviation Organization (ICAO) Technical Instructions (TI).

However, if PHMSA is revising the regulations to allow the limited quantity exception for the above two HMT entries, then all other HMT entries with UN numbers and proper shipping names that allow the limited quantity exception under the UN Model Regulations, IMDG Code, and the ICAO TI also should be revised with this same change, including:

- UN2734 Amines liquid, corrosive, flammable, n.o.s. PGII
- UN2734 Polyamines liquid, corrosive, flammable, n.o.s. PGII
- UN2357 Cyclohexylamine PGII
- UN2686 2-Diethylaminoethanol PGII
- UN2685 N,N-Diethylethylenediamine PGII
- UN2258 1,2-Propylenediamine PGII
- UN2920 Corrosive liquids, flammable, n.o.s. PGII
- UN3084 Corrosive solids, oxidizing, n.o.s. PGII
- UN3093 Corrosive liquids, oxidizing, n.o.s. PGII

The above-listed proper shipping names are of particular concern as we or our clients commonly ship them in quantities that would qualify as limited quantity.

A more extensive list of proper shipping names and UN numbers that are allowed to be shipped as limited quantity by IMDG marine transport but show None in Column 8A of the HMT is found in Table 1 attached.

If the limited quantity exception is not added as an option for the above-listed and attached HMT entries, then there will continue to be confusion for incoming hazardous material shipments into the U.S. for shipments prepared as limited quantity under the IMDG Code. As the limited quantity package markings for IMDG marine and DOT ground are now the same, such pre marked packages incoming into the U.S. would appear to be packaged and marked properly for subsequent reoffering as a ground shipment. However, such packages/markings would be incorrect under the current DOT regulations--repackaging into a UN packaging with markings to indicate a fully regulated shipment would be necessary prior to offering as a ground shipment. If DOT harmonizes all of the HMT entries that allow the limited quantity exception under the UN Model Regulations, IMDG Code, and ICAO TI, such confusion would not occur.

Thank you for the opportunity to submit comments on the HM-218H Miscellaneous Amendment NPRM.

Sincerely,

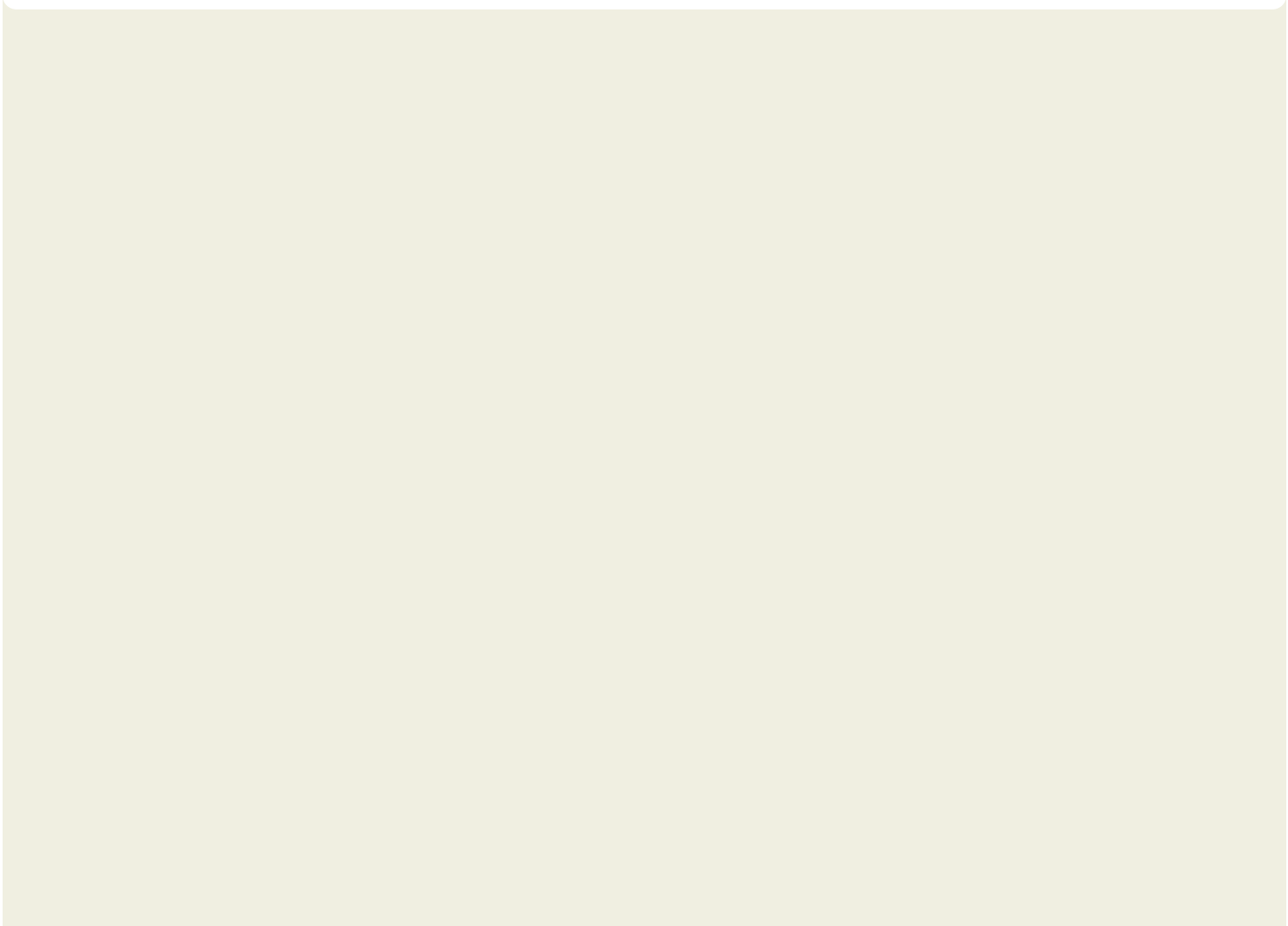
Andrew N. Romach
Regulatory Compliance Manager

Attachments (1)



URS comments NPRM misc amendments
HM218H 03232015

View Attachment:





March 23, 2015

Docket Management System
U.S. Department of Transportation
Docket Operations (M-30)
Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

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URS appreciates PHMSA's efforts to clarify harmonization with the United Nations (UN) requirements: Both the UN Model Regulations and the International Maritime Dangerous Goods (IMDG) Code require a 12 millimeter (mm) minimum height requirement for the identification number on an IBC that is labeled rather than placarded, although, a minimum height for the proper shipping name is not prescribed.

However, when reading the HM-218H proposed regulatory text for 49 CFR 172.514(c), the new language could be construed to mean that both the proper shipping name and the UN number must be 12 mm in height. To clarify that only the UN number and not the proper shipping name is required to be 12 mm in height, we respectfully request that PHMSA clearly state this size distinction in the regulatory text of 49 CFR 172.301(a)(1) by adding a sentence at the end of the paragraph, such as:

(4).... The size of the proper shipping name marking is not prescribed by the regulations.

It would be helpful if the regulatory language is sufficiently clear concerning required text height for the markings applied to an IBC that is labeled instead of placarded, such that an interpretation letter is no longer needed.

49 CFR 172.101 (HMT). URS supports the proposed regulatory change that PHMSA is adopting to allow the limited quantity exception to be applied to the PG II HMT entries for “UN2920, Corrosive liquids, flammable, n.o.s.,” and for “UN3085, Oxidizing solid, corrosive, n.o.s.” These proposed regulatory changes allow UN harmonization and consistency with the UN Model Regulations, IMDG Code, and the International Civil Aviation Organization (ICAO) Technical Instructions (TI).

However, if PHMSA is revising the regulations to allow the limited quantity exception for the above two HMT entries, then all other HMT entries with UN numbers and proper shipping names that allow the limited quantity exception under the UN Model Regulations, IMDG Code, and the ICAO TI also should be revised with this same change, including:

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The above-listed proper shipping names are of particular concern as we or our clients commonly ship them in quantities that would qualify as limited quantity.

A more extensive list of proper shipping names and UN numbers that are allowed to be shipped as limited quantity by IMDG marine transport but show “None” in Column 8A of the HMT is found in **Table 1** attached.

If the limited quantity exception is not added as an option for the above-listed and attached HMT entries, then there will continue to be confusion for incoming hazardous material shipments into the U.S. for shipments prepared as limited quantity under the IMDG Code. As the limited quantity package markings for IMDG marine and DOT ground are now the same, such pre-marked packages incoming into the U.S. would appear to be packaged and marked properly for subsequent reoffering as a ground shipment. However, such packages/markings would be incorrect under the current DOT regulations--repackaging into a UN packaging with markings to indicate a fully regulated shipment would be necessary prior to offering as a ground shipment. If DOT harmonizes



Comments on PHMSA-2013-0225 (HM-218H)

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Page 3 of 3

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Thank you for the opportunity to submit comments on the HM-218H Miscellaneous Amendment NPRM.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew N. Romach". The signature is stylized and cursive.

Andrew N. Romach
Regulatory Compliance Manager

Table 1: Proper Shipping Names Allowed Limited Quantity IMDG, but "None" in Column 8a DOT 49 CFR

<u>UN #:</u>	<u>Proper Shipping Name:</u>	<u>Haz Class:</u>	<u>PG:</u>	<u>Comments</u>
UN2734	Amines liquid, corrosive, flammable, n.o.s.	8 (3)	II	
UN2734	Polyamines liquid, corrosive, flammable, n.o.s.	8 (3)	II	
UN2357	Cyclohexylamine	8 (3)	II	
UN2686	2-Diethylaminoethanol	8 (3)	II	
UN2685	N,N-Diethylethylenediamine	8 (3)	II	
UN2258	1,2-Propylenediamine	8 (3)	II	
UN3170	Aluminum smelting by-products	4.3	II	
UN1111	Amyl mercaptan	3	II	
UN1730	Antimony pentachloride, liquid	8	II	
UN1463	Chromium trioxide, anhydrous	5.1 (6.1,8)	II	
UN2920	Corrosive liquids, flammable, n.o.s.	8 (3)	II	
UN3093	Corrosive liquids, oxidizing, n.o.s.	8 (5.1)	II	
UN2921	Corrosive solids, flammable, n.o.s.	8 (4.1)	II	proposed HM218H
UN3084	Corrosive solids, oxidizing, n.o.s.	8 (5.1)	II	
UN3096	Corrosive solids, water-reactive, n.o.s.	8 (4.3)	II	
UN2670	Cyanuric chloride	8	II	
UN2375	Diethyl sulfide	3	II	
UN2751	Diethylthiophosphorylchloride	8	II	
UN1768	Difluorophosphoric acid, anhydrous	8	II	
UN2925	Flammable solids, corrosive, organic, n.o.s.	4.1 (8)	II	
UN1776	Fluorophosphoric acid, anhydrous	8	II	
UN1778	Fluorosilicic acid	8	II	
UN2458	Hexadienes	3	II	
UN1782	Hexafluorophosphoric acid	8	II	
UN1783	Hexamethylenediamine solution	8	II	
UN3149	Hydrogen peroxide and peroxyacetic acid mixture, stabilized	5.1 (8)	II	
UN2014	Hydrogen peroxide, aqueous solutions with not less than 20 percent but not more than 40 percent hydrogen peroxide (stabilized as necessary)	5.1 (8)	II	
UN1740	Hydrogen difluoride, solid, n.o.s.	8	II	IMDG and IATA PSN is plural (difluorides)
UN2989	Lead phosphite, dibasic	4.1	II	
UN2460	2-Methyl-2-butene	3	II	
UN1234	Methylal	3	II	
UN2031	Nitric acid other than red fuming, with not more than 20% nitric acid	8	II	
UN3098	Oxidizing liquid, corrosive, n.o.s.	5.1 (8)	II	
UN3085	Oxidizing solid, corrosive, n.o.s.	5.1 (8)	II	proposed HM218H
UN1483	Peroxide, inorganic, n.o.s.	5.1	II	
UN1339	Phosphorus heptasulfide free from yellow or white phosphorus	4.1	II	
UN1341	Phosphorus sesquisulfide free from yellow or white phosphorus	4.1	II	
UN1343	Phosphorus trisulfide free from yellow or white phosphorus	4.1	II	
UN1282	Pyridine	3	II	
UN1496	Sodium chlorite	5.1	II	
UN2056	Tetrahydrofuran	3	II	
UN1871	Titanium hydride	4.1	II	
UN1352	Titanium powder, wetted	4.1	II	
UN3172	Toxins, extracted from living sources, liquid, n.o.s.	6.1	II	
UN3462	Toxins, extracted from living sources, solid, n.o.s.	6.1	II	
UN1437	Zirconium hydride	4.1	II	
UN1358	Zirconium powder, wetted	4.1	II	
UN1308	Zirconium suspended in a liquid	3	II	IATA and IMDG have different PSN (...in a flammable liquid)