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

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

ID: PHMSA-2013-0225-0062

Tracking Number: 1jz-8hwq-b31n

Comment

The seven comments listed below are in reference to HM-218H: "Hazardous Materials: Miscellaneous Amendments (RRR)"

Comments on proposed language

1. The reference to 180.605(k) in 107.402 doesn't seem correct. That subsection is test markings. Shouldn't it be 180.605(h)?

2. I don't understand the issue in 180.401 with the word person. The current definition of person in 171.8 is

Person means an individual, corporation, company, association, firm, partnership, society, joint stock company; or a government, Indian Tribe, or authority of a government or Tribe, that offers a hazardous material for transportation in commerce, transports a hazardous material to support a commercial enterprise, or designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs, or tests a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce. This term does not include the United States Postal Service or, for purposes of 49 U.S.C. 5123 and 5124, a Department, agency, or instrumentality of the government.

The definition in the preamble does not include the highlighted text above. This change seems unnecessary and perhaps even detrimental.

3. 180.407(c) 10 year pressure test for LPG tanks same issue as mentioned when the draft was reviewed. Note 5 has very specific information that is not available to most CT owners or enforcement personnel. There's no way to determine this on the roadside, and even at the CT owners place of business, most owners don't have the paperwork to verify this information. On older CTs, this information is just not available. PHMSA needs to make it clear that if the CT owner can't document this information, then the CT is not eligible for the 10 year provision. There will be a lot of enforcement issues with this, because everyone's going to start using it even though they're not eligible.

Note 5: A 10-year inspection interval period also applies to cargo tanks constructed of NQT SA-202 or NQT SA-455 steels provided

Document Information

Date Posted:
Mar 26, 2015

RIN:
2137-AF04

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The materials have full-size equivalent (FSE) Charpy vee notch (CVN) energy test data that demonstrated 75% shear-area ductility at 32 F with an average of 3 or more samples > 15 ft-lb FSE with no sample < 10 ft-lb FSE.

4. 180.407(j) the proposed language will have the 400 series PRDs that are installed on 300 series CTs opening at well over the MAWP of the 300 series CT, which is not in the best interest of safety.

PHMSA should consider waiting until the Part 180 issues listed above are addressed.

Suggested additions

5. Can a reference in 177.839 or 848 to tie in the new provision you are proposing for 173.21(e), ref Class 8 materials in the same transport vehicle? Will help roadside enforcement to have a reference in 177 sending them back to 173.21.

6. 173.6 has the same issue as the black powder discussion. It uses the term motor vehicle which includes both the truck and trailer, thus limiting the exception. Consider changing to transport vehicle to allow the MOTs provision to apply to each unit.

7. The definition of CT in 171.8 and 178.320 dont match. Consider revising them to match. The definition in 178.320 includes solids and semi-solids.