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FHWA Docket No. MC 92-4
Room 4232, HCC-10
Office of the Chief Counsel
Federal Highway Administration
Washington, DC 20590

Ladies and Gentlemen:

The American Petroleum Institute (API) is providing comments in response to the Federal Highway Administration (FHWA) notice of proposed rulemaking on motor carrier safety permits (58 Federal Register 33418; June 17, 1993).

API represents approximately 300 companies involved in all aspects of the oil and gas industry, including exploration, production, transportation, refining and marketing. Our member companies operate private fleets of commercial motor vehicles and employ contract carriers for the delivery of raw and finished petroleum products.

API supports FHWA's efforts to improve highway safety and to implement the requirements mandated under the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA). FHWA has expressed its desire to ensure that this rule is consistent with the definitions in the Hazardous Materials Regulations (HMR) promulgated by the Research and Special Programs Administration (RSPA). The following comments are offered to assist in maintaining that consistency.

Under HMTUSA, Congress intends to regulate a specific commodity with specific physical characteristics -- liquefied natural gas. The term "liquefied natural gas" is not a designated proper shipping name under the HMR. FHWA has attempted to define "designated high risk hazardous materials" (the terminology used in the legislation) by referencing the appropriate hazard classes found in the HMR. However, by identifying Division 2.1 (49 CFR 173.2 as amended), FHWA has introduced confusion as to which of the Division 2.1 materials are actually regulated under MC 92-4. Congress did not intend to include all Division 2.1 materials, only liquefied natural gas.

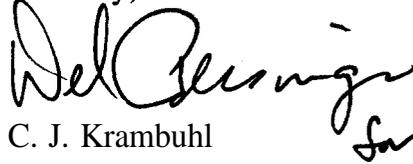
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We recommend that FHWA replace the reference to 2.1 (49 CFR 173.2 as amended) with a list of the specific proper shipping names currently used for "liquefied natural gas" for which a permit is required, i.e., Methane, refrigerated liquid and Natural gas, refrigerated liquid.

As an alternative, FHWA may wish to evaluate the existing regulations in 49 CFR 173.11 and 177.826 that already require the registration of shippers and carriers of flammable cryogenic materials as adequate for addressing the safe transportation these materials.

If you have questions or concerns related to these comments, please contact Margaret Matheson (202/682-8189).

Sincerely,



C. J. Krambuhl