

The NPRM is a significant clarification of a vague regulatory term. The clarification is overdue and it clarifies who is the offeror, but falls short of clarifying the term "shipper" which is also misunderstood and should be defined in this NPRM. Defining both terms would assist in identifying locations that fall solely under the HM 232 Security Plan and determine who is responsible to respond to a transportation emergency response incident.

Currently, persons offering hazardous materials and performing all the pre-transportation functions can ship the hazardous materials listing the receiver of the hazardous materials as the shipper and receiver on the shipping paper, even though it shipped from the "offeror's" facility and the "offeror" performed all the pre-transportation functions. This raises concern because we, the receiver, have no authority to implement or improve security at the offeror (or shipper's) location and we are held responsible from an emergency response standpoint.