



DEPARTMENT OF TRANSPORTATION

MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

13382

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket HM-99; Amdt. 173-115]

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Transportation of Methane in Specification DOT 3AX, 3AAX, and 3T Cylinders

AGENCY: Materials Transportation Bureau.

ACTION: Final rule.

SUMMARY: This amendment clarifies a current provision in the Hazardous Materials Regulations which authorizes use of Specification DOT 3AX, 3AAX, and 3T cylinders for the transportation of the following nonliquefied gases only: air, argon, carbon monoxide, ethane, ethylene, helium, hydrogen, methane, neon, nitrogen, or oxygen (except that Specification DOT 3T cylinders are not authorized for hydrogen). Because the regulations have not been applied as intended, the MTB is amending its regulations to incorporate a description of methane. The amendment is necessary to clarify an existing requirement and to abate a potentially unsafe condition.

DATES: Effective date: March 30 1978. Comments must be received on or before May 3, 1978.

ADDRESSES: Comments should be sent to: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted. All materials pertinent to this proceeding are available for examination during regular business hours in Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 Second Street SW., Washington, D.C. 20590, phone: 202-426-0556.

SUPPLEMENTARY INFORMATION:

On August 6, 1973, the Hazardous Materials Regulations Board issued under Docket HM-99, Amendments 171-21, 173-75, and 178-27 (published in the FEDERAL REGISTER on August 15, 1973; 38 FR 21989), which, as pertinent here, authorized the use of 3AX, 3AAX, and 3T cylinders for the transportation of certain nonliquefied compressed gases. In response to a comment submitted in response to the notice of proposed rulemaking under Docket HM-99 upon which the amendments were based (Notice-72-3; 37 FR 6747), concerning a requested authorization to transport nonliquefied natural gas in 3T cylinders, the Board replied:

The Board has not authorized nonliquefied natural gas to be shipped in these cylinders because it has not been demonstrated that impurities which may be present in the gas would not affect the structure of the particular steel used in the manufacture of these cylinders.

The clear intent of this language in describing which gases were or were not authorized in the subject cylinders, was to exclude nonliquefied natural gas. However, it has come to the attention of the Office of Hazardous Materials Operations (OHMO) that since the adoption of the nonliquefied compressed gas authorization for use of 3AX, 3AAX, and 3T cylinders, an operating practice has evolved whereby these cylinders are being used for what amounts to natural gas service based upon the presence of methane, a principal constituent of natural gas.

Using this rationale for the use of 3AX, 3AAX, and 3T cylinders to transport natural gas, the prohibition against such transportation has been effectively by-passed. Because the OHMO continues to believe, as it stated in Docket HM-99, that 3AX, 3AAX, and 3T cylinders have not been proven safe for natural gas service, the perpetuation of the practice of using the methane authorization to justify shipments of natural gas, represents a potentially unsafe condition.

In adopting the authorization for methane in HM-99, the OHMO considered methane to be a technical name, the definition of which is available in scientific and technical handbooks, journals, and texts. By consulting those sources, it was expected that an appropriate description of methane would be obtained thereby implementing the purpose of HM-99.

However, because HM-99 was not applied entirely as it was intended, and because the definition of methane, or the lack thereof in the regulations, appears to be the fundamental cause of such misapplication, the OHMO has determined that an appropriate amendment to §173.302 is necessary both from the standpoint of clarity, and more importantly, to prevent a practice with potentially unsafe consequences.

Accordingly, §173.302(a)(3) is amended to incorporate the description of methane contained in the Matheson Gas Data Book, Fifth Edition, 1971 (Matheson). As adopted, the amendment limits the authorization for transportation of methane in 3AX, 3AAX, and 3T cylinders to what is commonly called "technical grade" methane. Technical grade methane is described in Matheson to be a minimum of 98.0 percent methane. In addition, the amendment adopts another limitation on the description of methane by requiring that the gas be commercially free of corroding components (such as hydrogen sulfide and water). This limitation is adopted in light of the statement in HM-99, quoted above, and recognizes the fact that the OHMO continues to believe that it has not been demonstrated that impurities that may be present in the gas would not affect the structure of 3AX, 3AAX, and 3T cylinders.

Although the rulemaking action taken herein is in the form of a final amendment due to the potential for an unsafe condition, the OHMO invites comments on the action taken herein. The OHMO would particularly be interested in comments concerning the appropriate description of methane.

Since this amendment is adopted to clarify an existing requirement, and because the clarification is necessary to abate a potentially unsafe condition, I find that notice and public procedure thereon are unnecessary and not in the public interest and that the amendment may be made effective on less than 30 days' notice.

Primary drafter of this document is George W. Tenley, Jr., Office of the Chief Counsel, Research and Special Programs Directorate.

In consideration of the foregoing, part 173 of title 49, Code of Federal Regulations, is amended as follows:

In § 173.302, paragraph (a)(3) is amended by adding a new sentence to read as follows:

§ 173.302 Charging of cylinders with non-liquefied compressed gases.

(a) * * *

(3) * * * As used in this paragraph methane is a nonliquefied gas which has a minimum purity of 98.0 percent methane and which is commercially free of corroding components.

* * * * *

(49 U.S.C. 1803 and 1804; 49 CFR 1.53(e).)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107, nor an Environmental Impact Statement under the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

Issued in Washington, D.C., on March 27, 1978.

L. D. SANTMAN,
Acting Director,
Materials Transportation Bureau.

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