



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

OCT 27 2009

Mr. Christopher R. Adams
Manager, Regulatory Affairs
FIBA Technologies, Inc.
1535 Grafton Road
Millbury, MA 01527

Ref. No. 09-0222

Dear Mr. Adams:

This responds to your e-mail requesting more information about a recently published final rule under Docket PHMSA-2006-25910 (HM-218E; April 9, 2009) that revised the mounting integrity criteria in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for *cylinders mounted on motor vehicles or in frames*. You also acknowledge the May 11, 2009 effective date of amendments to the HMR in the final rule and ask if they are applicable to cylinders mounted prior to that date.

The answer is no. Cylinders mounted prior to May 11, 2009 must conform to the criteria specified in § 173.301(i) of the HMR in effect on October 1, 2008. Cylinders mounted on or after May 11, 2009 must conform to the Compressed Gas Association's technical bulletin TB-25, adopted under the final rule as matter incorporated by reference in § 171.7 of the HMR. Although we intend to monitor very closely any incident trend involving cylinders mounted prior to the effective date of the final rule, it is our understanding there was already widespread use of CGA TB-25, an industry consensus standard in place since 2005 (and revised in 2008) that was specifically implemented to enhance the safe transportation of such cylinders mounted in frames.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Monday, September 28, 2009 12:03 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Hazmat Safety Feedback: Other

Stevens
\$ 173.301(i)
Cylinders
09-0222

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Friday, September 25, 2009 11:33 AM
To: HMIS (PHMSA); PHMSA Webmaster
Subject: Hazmat Safety Feedback: Other

To Whom It May Concern:

Recently 49 CFR § 173.301(i) of the Hazardous Materials Regulations of the Department of Transportation was modified to include within 49 CFR § 173.301(i)(2) the statement that seamless DOT specification cylinders longer than 2 m are authorized for transportation only when horizontally mounted on a motor vehicle or in an ISO framework or other framework of equivalent structural integrity "in accordance with CGA TB-25".

FIBA Technologies, Inc. ("FIBA") commends the DOT for adopting the Compressed Gas Association technical bulletin, TB-25, Design Considerations for Tube Trailers, 2008 Edition, and addressing a safety issue identified by the National Transportation Safety Board. However, we must point out to the DOT that this CGA technical bulletin clearly states in the opening paragraph that it "defines basic design considerations for new tube trailers (including tube modules)". Thus, the design requirements of CGA TB-25 apply only to new equipment manufacturers when designing and building new tube trailers, ISO modules or other transportable tube assemblies after May 11, 2009, which was the date that the PHMSA final rule became effective.

Since CGA TB-25 clearly only applies to new equipment, the design requirements of CGA TB-25 do not need to be applied to compressed gas transportation equipment that has been manufactured prior to May 11, 2009. Consequently, there are thousands of tube trailers and other similar motor vehicles manufactured before 5/11/2009 that may not comply with the design considerations for tube trailers prescribed in CGA TB-25 and, thus, may not be safely operating on U.S. roadways.

The above being said, FIBA would like to know if the DOT has any plans to address the fleets of equipment manufactured prior to 5/11/2009, which may or may not have been designed in a manner that complies with CGA TB-25? In other words, can we expect additional amendments to the DOT hazardous materials regulations that will require the structure, valves, pressure relief devices, and other piping components in direct communication with the lading (up to and including the first closed shutoff valve) on all compressed gas transportation equipment operating on U.S. highways to be in compliance with CGA TB-25? Alternatively, might we expect to see some form of a grandfather clause written into the DOT regulations to permit equipment designed and manufactured before May 11, 2009 to continue to operate even if it does not comply with CGA TB-25?

If you have any questions or would like additional information, please do not hesitate to contact FIBA directly.

Sincerely,

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