



We hope all are well and keeping safe. We are thankful for the opportunity to offer current information in the newsletter and include refreshers on some (not so current) information. Hazmat Resources, Inc. and associates, FMCSA Consulting, LLC owned by David Voisey; K. L. Drury Consulting owned by Lee Drury; NJP Engineering owned by Nick Paulick and Container Technologies, owned by Tom Rogers. Combined we bring over two hundred years of combined transportation and engineering experience to improve your cargo tank operations. Just remember knowledge and information is power, know what is required, and practice continuous learning.

Wet Fluorescent Magnetic Particle Examination on ASME Cargo Tanks (MC330/331)

Always start at the Specification Plate and the ASME Plate. Know what you are dealing with. Always verify the plates are legible, properly attached and the ASME Plate displays the stamp certifying the vessel is constructed and stamped (certified) in accordance with the ASME code. If the stamp is not present it is not an ASME vessel. See ASME policy on stamping attached to this document. Some points to remember: 1) Ensure the safety of your employees and/or contractors and, if possible, follow 29 CFR 1910.146(c)(7) and reclassify the space to a non-permitted confined space. 2) See attached confined space entry checklist/documentation that space is "Non-Permit Required Entry". 3) Clean all the weld seams 2 inches either side of the weld seams and the entire front and rear heads. It is critical for the cargo tank to be clean (wash-out document) prior to the start of the wet mag examination. 4) Examiners need to be familiar with CGA Technical Bulletin TB – 2 (Pamphlet 26). 5) Complete the report in writing with the required information identified in Section 5 of the ASME code.

What is the purpose of the Method 27 and who regulates the Method 27

The Method 27 (Cargo tank vapor tightness) is required by the loading racks to load certain materials. Various states have their own State forms, and some do not. In the case where the States do not have a State form, use the standard Federal Method 27 form for vapor tightness documentation. DOT does not regulate Method 27 except when the motor carrier is using the Method 27 as a substitute for the DOT leakage test. Remember this is only permitted if the motor carrier does not transport diesel fuel.

Pre-transportation Functions Regulated by the DOT

Pre-transportation functions are activities performed by shippers and other parties prior to transportation commencing but are still regulated by the DOT. This means a function performed by any person that is required to assure the safe transportation of a hazardous material in commerce. When performed by the shipper, personnel loading packages or containerized hazardous material onto a transport vehicle, aircraft, or vessel and filling a bulk package with hazardous materials in the absence of a carrier for the purpose of transporting it is a pre-transportation function. Examples include determining the hazard class, selecting a hazardous material package, filling a hazardous material package, including a bulk package, securing a closure on a hazardous material package, marking a package, labeling a package, preparing shipping papers, providing and maintain emergency response information, selecting, providing, or affixing placards for a freight container or transport vehicle to indicate that it contains a hazardous material.

When should the 180.415 markings be applied to a cargo tank motor vehicle

When cargo tanks are tested and inspected in accordance with 180.407, in most cases there are multiple test and examinations performed simultaneously. 49 CFR § 180.415 states the following: Each cargo tank successfully completing the test and inspection requirements contained in § 180.407 must be marked as specified in this section. Once all tests have been successfully completed should the service marking be affixed to the cargo tank indicating the test and inspection requirements in §180.407 have been completed? Yes.

Proposed NPGA Hours of Service Waiver for Propane

FMCSA is considering an hours-of-service waiver for the delivery of propane under certain conditions. A copy of the proposal is attached to this document. Please make comments to the docket within the required time period.





Three Park Avenue
New York, NY
10016-5990 U.S.A.

tel +1.212.591.8500
fax +1.212.591.8599
www.asme.org

**CODES & STANDARDS
CONFORMITY ASSESSMENT**

October 1, 2007

To: Jurisdictions
Authorized Inspection Agencies

Subject: Codes and Standards Policy 21, Criteria for Reapplication of an ASME Certification Mark

Ladies and Gentlemen:

Attached is the recent approved subject policy.

Sincerely,

Alan Bagner, Director
Accreditation and Certification
(212) 591-8580
bagnera@asme.org

AB/jh

Encl.

Cc: (w/encl)
BCA Officers
D. A. Wizda
J. Pang
K. I. Baron
J. P. Millman

CAP-21 CRITERIA FOR REAPPLICATION OF AN ASME CERTIFICATION MARK

- 1 After an item has been certified under an ASME standard, if the ASME certification mark (e.g. Code Symbol Stamp) becomes indistinct or the nameplate is illegible or lost, but traceability to the original certification can be established, the certification mark may be reapplied to the item.
- 2 Reapplication of certification marks shall only be permitted under the following conditions:
 - 2.1 The owner has requested the reapplication.
 - 2.2 Where applicable, the Jurisdiction has granted the request for reapplication.
 - 2.3 The reapplication shall be performed by the original manufacturer of the Code item. Where responsibility to the original Code certification has been maintained, reapplication by a successor organization to the original manufacturer is permitted.
 - 2.4 The reapplication shall be authorized and witnessed by an Inspector from an ASME accredited Authorized Inspection Agency, or by an authorized representative of the Qualified Inspection Organization or a Certified Individual, as applicable under the associated certification program.
 - 2.5 The reapplication of the mark shall be documented on a data report form which is retained as required for the original data report.
- 3 Reapplication of the certification mark shall only be provided to restore evidence of original compliance with the standard. Reapplication of the mark shall not be applied for certification of the current condition of the item or for certification to different requirements than originally constructed.

Name of Company and Address

Non-permit Required Confined Space Pre-Entry Evaluation Form for Cargo Tanks

Prior to entering a non-permit required confined space, the space must be evaluated to determine that it meets the requirements for a non-permit confined space. The following checklist assists in this evaluation.

Verify that no atmospheric hazards exist (check if true statement)

Air monitor has been calibrated within the past 7 days

Air in the non-permitted confined space is constantly monitored and the Air sampling conducted on the top, middle and bottom of the cargo tank and are within the following parameters

Oxygen – between 19.5 and 23.5% Results _____

LEL or LFL less than 10% Results _____

Hydrogen sulfide less than 10 ppm Results _____

Carbon monoxide less than 35 ppm Results _____

Verify that no new hazards have been introduced within the cargo tank (check if true statement)

The cargo tank **does not contain**:

a material that could engulf an entrant (such as water)

exposed/unprotected mechanical equipment

exposed/unprotected electrical conductor (such as extension cord)

exposed/unprotected fall hazards (such as ladders)

extreme high or low temperature (greater than 110 F or less than 25 F)

Verify continuous clean source ventilation, and the exhaust ventilation from the cargo tank is discharged outside the building

The above are minimum conditions for entry

If the specified conditions above are met AND hazard control has been verified on this checklist, then one or more persons may enter the confined space without an entry permit and an attendant.

If the specified conditions cannot be met and /or hazard control cannot be verified, DO NOT ENTER.

The space becomes a **PERMIT REQUIRED CONFINED SPACE** and cannot be safely entered without further hazard evaluation and control. Contact your supervisor for assistance

Date, non-confined space entry permit issued: _____ time: _____

Authorized Entrant(s) _____

Approved by: (Supervisors signature): _____



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2022-0175]

Hours of Service of Drivers: National Propane Gas Association; Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that it has received an application from the National Propane Gas Association (NPGA) for an exemption to waive various hours-of-service (HOS) requirements to enable the propane industry to prepare and respond to peak periods of consumer demand among residential, agricultural, and commercial consumers in anticipation of, during, and to recover from emergency conditions. NPGA requests that the exemption apply on a per-driver, per-route basis, and that each company that elects to utilize it must maintain appropriate documentation to demonstrate the presence of peak consumer demand conditions within the scope of the exemption. FMCSA requests public comment on the applicant's request for exemption.

DATES: Comments must be received on or before [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER.]

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA-2022-0175 by any of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. See the **Public Participation and Request for Comments** section below for further information.
- **Mail:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.
- **Fax:** (202) 493-2251.

Each submission must include the Agency name and the docket number (FMCSA-2022-0175) for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the **Privacy** heading below.

Docket: For access to the docket to read background documents or comments, go to www.regulations.gov at any time or visit Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

Privacy: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL 14 – FDMS, which can be reviewed at <https://www.transportation.gov/privacy>.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA, at (202) 366-2722 or by e-mail at MCPSD@dot.gov. If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2022-0175), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to www.regulations.gov and put the docket number (“FMCSA-2022-0175”) in the “Keyword” box, and click “Search.” When the new screen appears, click on the “Comment Now!” button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to

the application, including any safety analyses that have been conducted. The Agency must provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption and the regulatory provision from which the exemption is granted. The notice must specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Applicant's Request

The National Propane Gas Association (NPGA) requests a five-year exemption for its member company drivers to extend the 14-hour duty period in § 395.3(a)(2) to no more than 17 hours; to extend the 11-hour driving period in § 395.3(a)(3) to no more than 14 hours, following 10 consecutive hours off duty; to waive the 60- and 70-hour rules in § 395.3(b) for a period of no more than six consecutive days; and a period of six consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours. The exemption request is made in order to enable the propane industry to prepare and respond to peak periods of consumer demand among residential, agricultural, and commercial consumers.

NPGA is the national trade association of the propane industry with a membership of nearly 2,500 companies and 36 State and regional associations representing members in all 50 States. Their membership includes retail marketers of propane gas who deliver the fuel to the end user, propane producers, transporters and wholesalers, and manufacturers and distributors of equipment, containers, and appliances. NPGA's

petition states that, as a result of various consumer needs, long- and short-haul propane drivers often reach the maximum operating hours-of-service (HOS) “weekly” limits within three or four days, and subsequently, operations experience reductions in available drivers while consumer demand continues. According to NPGA, the purpose of their request is to efficiently and safely prepare and serve residential, commercial, and agricultural consumers ahead of and during peak consumption periods. To clearly define the “scope” in its application, NPGA provides a brief outline of the terms and conditions to apply to those individuals providing propane services for periods of peak consumer demand.

A copy of NPGA’s application for exemption is available for review in the docket for this notice.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on NPGA’s application for an exemption from various HOS requirements in 49 CFR 395.3 (a) - (c). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the Addresses section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2022-21242 Filed: 9/29/2022 8:45 am; Publication Date: 9/30/2022]