



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

JUL 01 2016

Ms. Lara Mehr Currie
Administrator
Council on Safe Transportation of Hazardous Articles (COSTHA)
10 Hunter Brook Lane
Queensbury, NY 12804

Dear Ms. Currie:

This acknowledges receipt of your June 10, 2016, appeal of an amendment in the final rule entitled, "Hazardous Materials: Miscellaneous Amendments (RRR)," published on June 2, 2016 under Docket No. PHMSA-2013-0225 (HM-218H). In your appeal, you raise concerns regarding the modified packaging requirements for certain shipments of nitric acid, specifically, the conditions requiring intermediate packaging (§ 173.158(e)). Your immediate concern is that the July 5, 2016, effective date for this change does not provide sufficient time for shippers to sell current inventory or process inventory through the distribution system or the supply chain. You request a transition period of one year from the effective date of the rulemaking, July 5, 2017, to allow for existing inventory to be processed through the transportation system and for new packaging to be secured and tested. Considering the July 5, 2016, effective date of this requirement, you ask PHMSA to advise its intentions so that COSTHA member companies and others can be assured that they will maintain a compliant supply chain with no interruption to consumers of these products.

Improving the packaging for nitric acid reduces the occurrence of fires caused by broken inner containers and enhances human health and environmental protection. These concerns were expressed by the United Parcel Service (UPS) under Petition P-1601 and supported by commenters to our January 23, 2015, notice of proposed rulemaking (NPRM) [Docket No. PHMSA-2013-0225 (HM-218H); 80 FR 3787]. PHMSA believes that the additional intermediate packaging for nitric acid will add another layer of protection in preventing breakage, leakage, and fires. However, we understand your concerns regarding the additional time needed for the regulated community to comply with the new packaging requirements. We will be issuing a Federal Register publication to respond to your appeal and to extend the compliance date for the modified nitric acid packaging requirement by one year until July 5, 2017.

In addition, we have also been made aware that compliance with the revision in § 172.604 requiring that emergency response telephone numbers be displayed on shipping papers numerically may not be possible by the July 5, 2016 effective date. As a result, we will also be extending the compliance date for the numeric emergency response telephone number requirement by one year until July 5, 2017, to allow for depletion of preprinted stocks of shipping papers and to accommodate any necessary changes to administrative infrastructure to modify them.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "William Schoonover". The signature is written in a cursive style with a long horizontal flourish at the end.

William Schoonover,
Acting Associate Administrator for Hazardous Materials Safety,
Pipeline and Hazardous Materials Safety Administration.