

 GASP.O. Box 3000
Honolulu, Hawaii 96802-3000

June 17, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MR CHRIS HOIDAL
DIRECTOR, WESTERN REGION
U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
12300 W. DAKOTA AVENUE, SUITE 110
LAKEWOOD, CO 80228

Dear Mr. Hoidal,

Subject: Warning Letter, CPF 5-2009-0017W

This is in response to the above referenced warning letter. The letter referenced a probable violation of **49 CFR §192.177, Additional provisions for bottle-type holders**. According to the Guide Material Gas Piping Technology Committee (GPTC), the definition of Bottle and Bottle-type holder are as follows:

Bottle is a gas-tight structure which is (1) completely fabricated by the manufacturer from pipe with integral drawn, forged, or spun end closures; and (2) tested in the manufacturer's plant. See also Bottle-type holder.

Bottle-type holder is any bottle or group of interconnected bottles installed in one location, and used for the sole purpose of storing gas. See also Bottle.

The propane gas container located at the Puainako Shopping Center in Hilo, Hawaii is an ASME Container and not something "manufactured from pipe". In NFPA 58, the definition of an ASME Container is "***A container constructed in accordance with the ASME Code***". The ASME Code is the Boiler and Pressure Vessel Code.

It is our opinion that **49 CFR §192.177, Additional provisions for bottle-type holders** is not applicable for the following reasons:

1. The propane container does not meet the definition of a bottle-type holder as it is not a "bottle" manufactured from pipe.
2. The propane container is constructed in accordance with the ASME Code, which makes the container a pressure vessel and not a bottle type holder manufactured from pipe.
3. In accordance with 49 CFR §192.11 Petroleum gas systems, (c) "**In the event of a conflict between this part and ANSI/NFPA 58 and 59, ANSI/NFPA 58 and 59 prevail.**"

As a pressure vessel the requirements for protection against tampering are provided in NFPA 58, as follows:

The facility operator shall provide security measures to minimize entry by unauthorized persons. At a minimum, such measures shall include security awareness training and limitation of unauthorized access to plant areas that include container appurtenances, pumping equipment, loading and unloading facilities, and container filling facilities.

The facility area shall be enclosed with at least a 6 ft high industrial-type fence, chain link fence, or equivalent protection.

Clearance of at least 3 ft shall be provided to allow emergency access to the required means of egress.

As an alternate to fencing the operating area, devices that can be locked in place shall be provided. Such devices, when in place, shall effectively prevent unauthorized operation of any of the container appurtenances, system valves, or equipment.

The Puainako gas container fully complies with the above requirements of NFPA 58. A chain link fence has been installed to protect it from tampering, and pipe bollards have been installed to provide protection from vehicular damage.

Your concurrence with the above will be greatly appreciated. If there are any questions, or if additional information is desired, please contact Ed Sawa at 808-594-5661, or by e-mail esawa@hawaiigas.com.

Very truly yours,



Thomas Young
Chief Operating Officer
The Gas Company LLC
