



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

DEC 11 2015

Mr. Kevin Woloszyk
Salco Products, Inc.
1385 101st St., Suite A
Lemont, IL 60439

Ref. No. 15-0124

Dear Mr. Woloszyk:

This is in response to your June 11, 2015 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) relating to the term "tank car facility." Specifically, you ask if a manufacturer of subcomponents for tank cars (e.g., valves used for loading and unloading) are considered tank car facilities as defined by § 179.2(a)(10).

The answer is yes. A tank car facility is defined in § 179.2(a)(10) as an entity that: (1) manufactures, repairs, inspects, tests, qualifies, or maintains a tank car to ensure that the tank car conforms to Part 179 and Subpart F of Part 180; (2) that alters the certificate of construction of the tank car; (3) ensures the continuing qualification of a tank car by performing a function prescribed in Parts 179 or 180; or (4) makes any representation indicating compliance with one or more of the requirements of Parts 179 or 180.

Additionally, Appendix B section 3.4 of the AAR Manual of Standards and Recommended Practices (incorporated by reference in § 171.7), designates a facility requiring registration as one who manufactures service equipment for tank cars. Moreover, the AAR Manual of Standards and Recommended Practices defines "manufacture" as: to produce a tank car capable of rolling on its own wheels, or service equipment ready to be applied to the tank car. Thus, based on the fourth component of the tank car facility definition discussed above and the AAR definition, the term "tank car facility" would encompass all those who manufacture equipment that is attached to an opening on a tank car, including manufacturers of valves. Furthermore, this issue is being considered by the Rail Safety Advisory Committee (RSAC) under Task No. 15-04.

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Dirk Der Kinderen
Acting Chief Standards Development Branch
Standards and Rulemaking Division

Suchak
179.2 (10)
Tank Car Facility
15-01240

Goodall, Shante CTR (PHMSA)

From: Geller, Shelby CTR (PHMSA)
Sent: Monday, June 22, 2015 3:20 PM
To: Hazmat Interps
Subject: FW: Request for Interpretation of 49CFR179.2 (10)

Hi Shante and Alice,

Please see the forwarded request for a formal letter of interpretation. Mr. Woloszyk spoke with Jordan Rivera in the HMIC.

Thanks,
Shelby

From: Kevin Woloszyk [mailto:Kevin.Woloszyk@salcoproducts.com]
Sent: Thursday, June 11, 2015 4:57 PM
To: INFOCNTR (PHMSA)
Subject: Request for Interpretation of 49CFR179.2 (10)

To Whom it May Concern,

I would like to request an interpretation of 49CFR179.2 (10) – the definition of a tank car facility.

Abstract:

49CFR179.2 (10) defines a tank car facility as 'Tank car facility means an entity that manufactures, repairs, inspects, tests, qualifies, or maintains a tank car to ensure that the tank car conforms to this part and subpart F of part 180 of this subchapter, that alters the certificate of construction of the tank car, that ensures the continuing qualification of a tank car by performing a function prescribed in parts 179 or 180 of this subchapter, or that makes any representation indicating compliance with one or more of the requirements of parts 179 or 180 of this subchapter.' We would like clarification if this includes manufacturers of the subcomponents of tank cars? Specifically as it applies to loading and unloading valves? The current requirements for loading and unloading valves, as specified in 49CFR179.103 is as follows: '...loading and unloading valves must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand the tank test pressure without leakage. The valves shall be bolted to seatings on the manway cover, except as provided in §179.103. Valve outlets shall be closed with approved screw plugs or other closures fastened to prevent misplacement.' We are trying to determine if any further requirements are afforded to the manufacturers of loading and unloading valves by way of association to the definition of a tank car facility.

Please feel free to contact me if you have any questions concerning this request. My information is below.

Best Regards,

Kevin Woloszyk
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