

Minutes of PHMSA's annual Independent Inspection Agencies (IIA) webinar

May 16, 2018

List of attendees:

- **Bruce Redfield** – Hartford Steam Boiler Inspection & Insurance Company
- **Ernie Steigerwalt** – Steigerwalt Associates
- **Tommy Hin** – Authorized testing, Inc.
- **Joe Cassidy/R.G Wilson** – Arrowhead Industrial Services
- **John Harris** – T.H. Cochrane Laboratories
- **Michael Phares** – Professional Services, Inc.
- **Jeffrey Smith/John Ratka** – Element Cleveland
- **Russell Stading** – Cylinder Services, Inc.
- **Neil Benninghoven** – Senior Transportation Specialist, Pressure Vessels (PHH33)
- **Diane Jones** – Transportation Specialist, Pressure Vessels (PHH33)
- **Kenneth Clark** - Transportation Specialist, Pressure Vessels (PHH33)
- **Irwin Pascal** - Transportation Specialist, Pressure Vessels (PHH33)

Summary of discussion points:

- *Reciprocity between PHMSA and Transport Canada*

An overview of the reciprocity agreement between PHMSA and Transport Canada was provided. Independent Inspection Agencies were informed that one of the most critical factors resulting in the implementation of this agreement, was the fact that both participating countries have measures rooted in their regulations that provide for an equivalent level of safety. It was reemphasized that the reciprocity was limited to only those specifications that the deemed “equivalent”. The “equivalent cylinder specs can be found in the **49 CFR §171.12 Table**. Participants were also informed that the Federal Register notice authorizing the reciprocity, states that an IIA review is not required, before RIN holders add the corresponding equivalent specifications to their approval.

- *AE / UE approvals and TC*

Reciprocity does not include Acoustic Emissions (AE) / Ultrasonic Examination (UE) as this is not something that falls under the 49 CFR § 107.805 in the HMR. AE / UE testing rather, is done by special permits here in the United States and under certificates of equivalency issued by Transport Canada. And there is no reciprocity agreement that addresses either Transport Canada's (TC) certificate of equivalency or the DOT special permit, allowing for either country's RIN holders to perform AE/UE testing on their counterpart's specification based on their domestic approval.

In addition to the reciprocity information, IIAs were reminded that any RIN holder wanting to perform AE/UE testing, needs to be an authorized RIN on the grantee's special permit. This would require RIN holders to contact the grantee of the special permit and ensure they are added to the special permit. This would have to be done through the grantee coming in to special permits branch and asking for a

modification, to add the RIN holder. The time from, the Grantee requesting to add the RIN holder, to when the RIN holder is added and the modified special permit being available, is not generally long, however, if the grantee has other areas that are being modified, the time may increase. As a result, we ***urge the IIAs to have the RIN holder contact the Grantee of the special permit they would like to be added to; confirm they are added and that the new revision of the special permit is published. Then only should the RIN holder submit a modification request to pressure vessels approvals division.*** This is the logical sequence. The reason being, in the past RIN holders have come in for a modification to add AE/UE special permits to their RIN approval letters and due to no fault of theirs, the grantee has submitted a request for modification to the special permits division. because of the nature of some of the modifications request, the modification to add the RIN holder was delayed. The Field enforcement division went to that particular location and the RIN holder was issued a notice of probable violation, as they went by the most recently published special permit, not what was pending.

PHH 33 will continue to be vigilant when RINs come in for renewals / modifications / new applications/ to ensure that if they are performing UE/AE under whatever special permit they are using that they have been authorized by the special permit holder.

- *Miscellaneous*
- IIAs were reminded that on the cover letters for manufacturing approval requests, they should confirm the location of where chemical analyses are performed under 49 CFR § 107.807. this should include, new, renewals and all modification requests.
- In addition, they were also reminded that comparison sheets should be submitted for modification requests as this greatly assists the individuals reviewing their submittals.
- The White Paper developed by Senior Transportation Specialist Neil Benninghoven is still being assessed within the division and there is hope that soon we will see the implementation of what was proposed, which would benefit PHMSA's Field Enforcement division and manufacturers alike.

A question was asked as to what should be part of the Manufacturer renewal package to the approvals division?

- i. Outline with all the information contained in the package (numbered correctly)
- ii. Written statement "Nothing has changed since the original approval was issued (if nothing has changed).
- iii. Spreadsheet with all valid approvals.
- iv. Agent letter as per 49 CFR § 105.40, if applicable.
- v. Standard Operating Procedures (location-specific).
- vi. Submitting all renewals in accordance with 49 CFR § 107.705(c), which would allow the applicant to operate under their current approval, past the expiration date, until PHMSA approvals can make an administrative decision.

In keeping in line with timely submissions for renewals, participants were informed that the newly designed Competent Authority Portal issues both “Timely” and “Untimely” letters for renewal. No longer will IIAs have to request written correspondence from approvals to show their clients that they have submitted their approval in a timely manner. This will be done automatically by the system. They will be also issued untimely letters if they have not adhered to the requirements of §107.705(c).

Finally, they were reminded that they should go through a list of the clients they perform third party inspection for and ensure that they have a corresponding approval for each. If they find an instance where there is no approval, they should contact Neil Benninghoven and arrange for an application to be put in.