



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

April 25, 2023

Bruce K. Redfield  
Field Service Manager  
The Hartford Steam Boiler Inspection and Insurance Company  
One State Street  
P.O. Box 299  
Hartford, CT 06141-0299

Reference No. 22-0132

Dear Mr. Redfield:

This letter is in response to your December 8, 2022, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to multiple element gas containers (MEGCs). You provide a scenario where an originally-contracted approval agency (AA), one that is approved by the Office of Hazardous Materials Safety Associate Administrator, completed the review process for a new MEGC design type approval, prototype testing, and witnessed testing—as required by § 178.74—but then the MEGC manufacturer decided to change to a new AA. Specifically, you inquire whether the HMR allows for such a change in the MEGC design type approval process.

We have paraphrased and answered your questions as follows:

- Q1. With respect to the § 178.74(b) requirement for an AA to review all drawings and calculations, you ask whether the HMR allows for a new AA to review a previous AA's MEGC design review work and adopt or reapprove the original MEGC design review and taking full responsibility (emphasis added) for the previous AA's work.
- A1. The answer is yes. Section 178.74(c) states that the AA is responsible for ensuring that the MEGC conforms to the design type approval and provides additional MEGC design type approval requirements. This section does not restrict an AA from reviewing and reapproving a previous MEGC design type, provided that the AA takes full responsibility.

Q2. You ask whether the HMR allows for the new AA to review the MEGC prototype testing prescribed in §§ 178.74 and 178.75 and taking full responsibility (emphasis added) for the previous AA's work.

A2. See answer A1.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen".

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

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Dodd, Alice \(PHMSA\)](#)  
**Cc:** [Hazmat Interps](#)  
**Subject:** FW: Interpretation Request, 49 CFR Part 178.74 and 178.75  
**Date:** Monday, December 12, 2022 3:45:10 PM  
**Attachments:** [HSB Interpretation Request 49 CFR Part 178.74 178.75 MEGC Inquiry 12-08-2022 .pdf](#)

---

Hi Alice,

Please see the attached interpretation request.

Let us know if you need anything else.

Regards,

-Breanna

---

**From:** Redfield Bruce - Hartford-Remote-HSB <[bruce\\_redfield@hsb.com](mailto:bruce_redfield@hsb.com)>  
**Sent:** Thursday, December 8, 2022 7:39 PM  
**To:** INFOCNTR (PHMSA) <[INFOCNTR.INFOCNTR@dot.gov](mailto:INFOCNTR.INFOCNTR@dot.gov)>  
**Subject:** Interpretation Request, 49 CFR Part 178.74 and 178.75

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Please see the attached Interpretation Request regarding 49 CFR Part 178.74 and 178.75.

If there are any questions, please feel free to contact me at 315-530-0185 or via e-mail [bruce\\_redfield@hsb.com](mailto:bruce_redfield@hsb.com)

With best regards,

**Bruce Redfield**  
FSM DOT / TC, Codes & Standards

**The Hartford Steam Boiler  
Inspection and Insurance Company**  
One State Street  
P.O. Box 5024  
Hartford, CT 06102-5024  
Telephone: +1 (315) 530-0185  
[bruce\\_redfield@hsb.com](mailto:bruce_redfield@hsb.com)

---

**IMPORTANT NOTICE:**

This email (including any attachments) contains confidential and proprietary information that is intended only for the individual or entity designated above. If you are not the intended recipient, please be aware that any use, review, distribution, reproduction, copying, or action taken in reliance upon this email is strictly prohibited. If you received this email in error, please notify the sender immediately, and permanently delete and destroy this email and any hard and electronic copies thereof. Although we have taken reasonable precautions to reduce the risk of transmitting software viruses, it is the responsibility of the recipient to ensure that this email is virus-free. The Hartford Steam Boiler Inspection and Insurance Company (including its subsidiaries and affiliates) disclaims any and all liability for any loss or damage caused by this email whether due to viruses, interference, interception, data corruption, unapproved access, misrepresentation, or otherwise.

---

**IMPORTANT NOTICE:**

This email (including any attachments) contains confidential and proprietary information that is intended only for the individual or entity designated above. If you are not the intended recipient, please be aware that any use, review, distribution, reproduction, copying, or action taken in reliance upon this email is strictly prohibited. If you received this email in error, please notify the sender immediately, and permanently delete and destroy this email and any hard and electronic copies thereof. Although we have taken reasonable precautions to reduce the risk of transmitting software viruses, it is the responsibility of the recipient to ensure that this email is virus-free. The Hartford Steam Boiler Inspection and Insurance Company (including its subsidiaries and affiliates) disclaims any and all liability for any loss or damage caused by this email whether due to viruses, interference, interception, data corruption, unapproved access, misrepresentation, or otherwise.

December 8, 2022

Mr. Shane Kelley  
Director, Standards and Rulemaking Division  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2<sup>nd</sup> Floor  
Washington, DC 20590

**Reference: 49 CFR Part 178.74 / 178.75 Interpretation Request**

Dear Mr. Kelly,

We are requesting a written interpretation concerning the allowable design acceptance / approval, and prototype testing results under the following scenario:

**The scenario:**

The original contracted DAA completed the process of design review (178.74(b), prototype testing, witness and acceptance (178.74(c)(1) and then the manufacturer initiated a change to another DAA.

**Question 1:** In accordance with 49 CFR Part 178.74(b) the statement made on design type approval inclusive of all drawings and calculations is noted as a “must” review. In a case where the previous DAA completed the process of design review, would it be acceptable for the new DAA to review and approve the previous DAA Design, adopting or re-approving the design and taking full responsibility for the previous DAA Design Review?

**Question 2:** Similar to the question above, would it be acceptable if the new DAA were to review, adopt or re-approve the MEGC prototype testing noted in 49 CFR Part 178.74 and 178.75 taking full responsibility for the previous DAA testing results and supporting testing documentation?

Please contact us if you have any further questions.

Sincerely,



Bruce K. Redfield  
Field Services Manager – DOT/TC  
Ph: 315-530-0185  
E-mail: [bruce\\_redfield@hsb.com](mailto:bruce_redfield@hsb.com)  
The Hartford Steam Boiler Inspection and Insurance Company