



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

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

MAY 06 2013

Robin Bolte
Regulatory Affairs Manager
Allied Universal Corporation
3901 NW 115th Avenue
Miami, FL 33178

Ref. No.: 12-0267

Dear Ms. Bolte:

This responds to your December 11, 2012 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to Multi-Unit Tank Cars. In your letter, you state that your company performs hydrostatic tests on Multi-Unit Tank Car tanks and that your testing facility is authorized to perform hydrostatic testing for tank cars by a third party. You state that you stamp the tank with the date tested when you perform hydrostatic testing on tank cars. However, you do not put your Requalifier Identification Number (RIN) number on the tanks since the Multi-Unit Tank Cars are not considered cylinders. You add that you do not adhere to the American Association of Railroads (AAR) Appendix R, as it is not applicable to Multi-Unit Tank Cars. You ask how companies can be compliant with testing and tank car requalification requirements in the HMR when the AAR document referred to in § 179.6 does not include the Department of Transportation (DOT) specification container for Multi-Unit Tank Cars?

The Pipeline and Hazardous Materials Safety Administration (PHMSA) recognizes that a gap currently exists in the HMR for the testing and requalification of Multi-Unit Tank Cars. Currently PHMSA issues a special permit (SP-15647) for companies that test and requalify Multi-Unit Tank Cars, and is allowing companies to apply for party status to this special permit. Section 107.107 of the HMR specifies the requirements for a company to apply for party status of a special permit. Obtaining party status to this special permit will allow companies to reauthorize and qualify Multi-Unit Tank Cars under the HMR. PHMSA may consider a regulatory approach to address the issue in the future.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

for
T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

From: Betts, Charles (PHMSA)
Sent: Tuesday, December 11, 2012 5:06 PM
To: Billings, Delmer (PHMSA); Drakeford, Carolyn (PHMSA)
Cc: Heneghan, John (PHMSA)
Subject: Fw: Regulatory Issue: Multi-Unit Tank Car Tanks

Andrews
§ 179.6
§ 171.7
Tank Cars
12-0267

Carolyn-

Please log and assign for response.

Thanks,
Charles

From: Heneghan, John (PHMSA)
Sent: Tuesday, December 11, 2012 03:59 PM
To: 'RobinE@AlliedUniversal.com' <RobinE@AlliedUniversal.com>; Betts, Charles (PHMSA)
Subject: Re: Regulatory Issue: Multi-Unit Tank Car Tanks

Charles could you please assign this to someone to review and get back to Ms. Bolte. Thanks. John

From: Bolte, Robin [mailto:robine@allieduniversal.com]
Sent: Tuesday, December 11, 2012 03:30 PM
To: Heneghan, John (PHMSA)
Subject: Regulatory Issue: Multi-Unit Tank Car Tanks

John-

I am trying to find an answer to an ongoing question. I know you may not be the person, but am asking you to forward to the appropriate person or persons at DOT headquarters.

See e-mail chain below.

My company, like many others, performs hydrostatic tests on multi-unit tank car tanks. We make sure when our testing facility goes thru the reauthorizing inspection by the third party, these DOT specification containers are included in the review and application. We stamp the tank, when it passes, with the date tested. We do not put our RIN number on the container, we were told not to at one time. RIN only for cylinder requalification. So basically, we requalify the same as a cylinder with a few exceptions.

We do not adhere to the AAR Appendix R. As you can see from the AAR (e-mail below), it is not applicable for multi-unit tank car tanks.

I believe we are doing it safe, but am concerned that do to the regulations, one may see us as non-compliant. However, how can you be compliant when the AAR document does not include your DOT specification container?

There are many other companies out there in the same boat. Is this a Special Permit situation? See this Federal Register notice:

SP-15647 by Thunderbird Cylinder - the nature says it's to "reissue the originally issued on an emergency basis..." <http://www.gpo.gov/fdsys/pkg/FR-2012-11-28/pdf/2012-28588.pdf>.

Looking for some direction.

Thanks,

Robin E. Bolte

Allied Universal Corp.

From: Dorsey, Ken [mailto:kdorsey@aar.org]

Sent: Tuesday, December 15, 2009 9:48 AM

To: Robin Eddy Bolte

Cc: Mannas, Timothy; Fronczak, Robert; mforister@aar.org; Frank Reiner; allen_maty@aar.com

Subject: RE: AAR Appendix R

Robin

M-1002 and specifically Appendix R of M-1002 was developed by the Tank Car Committee (TCC) of the AAR as an industry standard for the maintenance of tank car tanks. The subject of fusible plugs has never been addressed by the TCC and consequently there are no provisions for the installation, manufacture, testing or maintenance of such devices included in M-1002. The tank car industry did not develop specific standards for tapping tank car pressure retaining structure for inclusion in Appendix R. If a process not covered by Appendix R is needed there is the ability for a proponent to submit a 4-2 application to have their specific process approved for use on tank car tanks. If there was a need for general standards to be developed and adopted then a proponent would have to forward such a request to the TCC for consideration. I anticipate that it would take some time for the process to be successfully concluded however.

Kenneth Dorsey

Executive Director of Tank Car Safety

Association of American Railroads

425 3rd Street, SW, Suite 1000

Washington, DC 20024

202-639-2262

From: Duane.Cassidy@dot.gov [mailto:Duane.Cassidy@dot.gov]
Sent: Thursday, December 10, 2009 12:11 PM
To: RobinE@AlliedUniversal.com
Cc: delmer.billings@dot.gov; John.Heneghan@dot.gov
Subject: FW: Questions regarding 180.212 & Champagne Specialties approval status

Robin,

The regulations that apply to ton tanks are listed in 49 CFR Part 179. The actions described in your email would certainly qualify as a repair not a modification to an existing tank design. The regulations in 179.6 require that all repairs or alterations for tank cars must follow the procedures as listed in the Appendix R of the AAR Specifications for Tank Cars, incorporated by reference in 49 CFR 171.7. Appendix R states that all repairs or alterations must be performed by companies certified by the AAR to perform such repairs in accordance with Appendix B of the same reference.

I have no idea whether the company you name in your email is approved for such activities. You will have to contact the AAR to determine whether they are authorized to conduct such repairs.

Regards,

Duane M. Cassidy (E21-209)
US DOT, Office of Approvals, Cylinder Program
East Building, 2nd Floor, PHH-30
1200 New Jersey Avenue, SE
Washington, DC. 20590-0001

Office: 202-366-5794
Cell: 202-596-0583
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email: duane.cassidy@dot.gov

Search approvals data at: <https://hazmatonline.phmsa.dot.gov/ApprovalsSearch/>

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