



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAR 03 2017

Frank Hamtak
OneCIS Insurance Company
16800 Greenspoint Park Drive
Suite 300S
Houston, TX 77060

Reference No. 16-0120

Dear Mr. Hamtak:

This letter is in response to your June 30, 2016, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to nurse tanks that are used as an implement of husbandry. Specifically, you ask about post-construction activities—which include inspection, repair, alteration, and modification—as they relate to § 173.315(m)(1)(i).

We have paraphrased and answered your questions as follows:

- Q1. You seek confirmation of your understanding that the National Board Inspection Code (NBIC) is applicable for post-construction activities when carried out on Department of Transportation (DOT) specification packages that are constructed to the American Society of Mechanical Engineers (ASME) Code Section VIII, Division I.
- A1. Your understanding is correct. However, nurse tanks authorized under § 173.315(m) are non-DOT specification cargo tanks and, therefore, are not subject to the qualification and maintenance requirements in Part 180, Subpart E. Note that nurse tanks are subject to the general packaging requirements in § 173.24.
- Q2. You ask what criteria shall be used to affect repairs, alterations, or modifications to ASME-marked wagon-mounted nurse tanks that are used as an implement of husbandry.
- A2. The HMR do not specify criteria for repairs for these non-DOT specification packagings. Once nurse tanks are placed into service, the responsibility for operation and maintenance of the tanks has traditionally shifted to each State to enforce the requirements of the

voluntary consensus standard, ANSI K-6.1/CGA G-2.1 – Safety Requirements for the Storage and Handling of Anhydrous Ammonia. This document requires nurse tanks to be repaired to restore the tank “without deviation” to the original code of construction.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Dirk Der Kinderen', written in a cursive style.

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

Goodall, Shante CTR (PHMSA)

From: Rivera, Jordan CTR (PHMSA)
Sent: Friday, July 01, 2016 4:02 PM
To: Hazmat Interps
Subject: FW: Interpretation
Attachments: DOT Letter.pdf

Casey
173.315
Compressed gases in cargo
16-0120 Tank portable

Hi Shante/Alice,

Please submit this as a letter of interpretation. Please let me know if you have any questions.

Thanks,
Jordan

From: francis.hamtak@onecis.com [<mailto:francis.hamtak@onecis.com>]
Sent: Friday, July 01, 2016 11:57 AM
To: INFOCNTR (PHMSA)
Cc: Greg.McRae@trin.net; patrick.hennessy.ext@bureauveritas.com; ed.whittle@onecis.com
Subject: Interpretation

To whom it may concern

I am requesting an official interpretation in reference to 49 CFR 173.315(m)) (1) (i). Please accept the attached request for interpretation.

Respectfully

Frank Hamtak

(See attached file: DOT Letter.pdf)



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6.30.2016

Standards and Rulemaking Division
Pipeline and Hazardous Material Safety Administration
East Building, 2nd Floor
Washington, D.C. 20590-0001

Attn: PHH-10

Reference: 49 CFR 173.315(m) (1) (i)

Subject: Nurse Tanks

Gentleman:

- 1) It is my understanding that when a DOT package is constructed to the ASME Code, Section VIII, Division 1 (including the required exceptions of the hazardous material regulations) and the manufacturers' data report has been signed by the ASME Authorized Inspector, and the ASME Certification mark is applied to the manufacturers nameplate, the post construction activities/criteria in the National Board Inspection Code applies. This would include inspection, repairs, alterations or modifications.
- 2) What criteria shall be used to affect repairs, alterations or modifications to ASME marked, DOT packages commonly used as an implement of husbandry?

Sincerely,

Frank Hamtak



Frank Hamtak

Technical Consultant

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