



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

1200 New Jersey Avenue, SE
Washington, DC 20590

NOV 16 2009

Mr. Rattan Bahia
Trimac Transportation
1700 800 5th Avenue S.W.
P.O. Box 3500
Calgary, Alberta
T2P 2P9
CANADA

Mr. John Conley
President
National Tank Truck Carriers, Inc.
950 North Glebe Road, Suite #520
Arlington, VA 22203-4183

Reference No. 09-0053

Dear Messrs. Bahia and Conley:

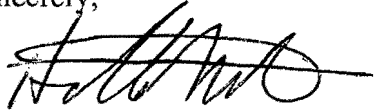
This is in response to Mr. Bahia's two January 28, 2009 e-mails to Mr. John Conley, President, National Tank Truck Carriers, Inc., and Mr. Conley's February 26, 2009 e-mail forwarding Mr. Bahia's e-mails to the U. S. Department of Transportation's (DOT's) Federal Motor Carrier Safety Administration (FMCSA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA). You ask if a DOT specification cargo tank that is used wholly within Canada or in cross-border service may be repaired in Canada in accordance with the Canadian Standards Association B620 by a Transport Canada registered facility that does not have a National Board Certificate of Authorization for the use of the "R" stamp or a DOT "CT" number.

The answer is no. In accordance with 49 CFR 107.502(b), no person may engage in the manufacture, assembly, certification, inspection, or repair of a cargo tank or cargo tank motor vehicle manufactured under the terms of a DOT specification or a DOT special permit unless the person is registered with FMCSA's Hazardous Materials Division in the manner prescribed in 49 CFR Part 107, Subpart F. FMCSA assigns each registered person a "CT" registration number. In addition, § 107.503(c) requires each person who repairs a DOT specification or special permit cargo tank or cargo tank motor vehicle to submit a copy of the repair facility's current National Board Certificate of Authorization for the use of the "R" stamp (or an ASME Certificate of Authorization for the use of the ASME "U" stamp). Also, the definitions for a cargo tank "registered inspector," prescribed in § 171.8, and cargo tank "manufacturer," prescribed in § 178.320, require that both must register with the DOT in

conformance with 49 CFR Part 107, Subpart F. Also, note that in accordance with § 171.12, cargo tank periodic retests and inspections required by § 173.33 may be performed in accordance with 49 CFR Part 180 or Transport Canada's Transportation of Dangerous Goods (TDG) regulations provided the intervals prescribed in Part 180 are met.

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Mitchell', with a large, sweeping flourish at the end.

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

\$107.503
\$180.407
Cargo Tanks
09-0053

Drakeford, Carolyn <PHMSA>

From: Supko, Ben <PHMSA>
Sent: Thursday, February 26, 2009 2:10 PM
To: Drakeford, Carolyn <PHMSA>
Cc: Gorsky, Susan <PHMSA>
Subject: RE: Fwd: RE: Trimac - CT facilities in Canada

From: John Conley [mailto:jconley@Tanktruck.org]
Sent: Thursday, February 26, 2009 12:13 PM
To: Rattan Bahia; Simmons, James <FMCSA>; Richard, Bob <PHMSA>; Willke, Ted <PHMSA>
Cc: greenk@tc.gc.ca
Subject: RE: Fwd: RE: Trimac - CT facilities in Canada

Bob and James -

We still need to get an answer to this question which we were asked about at COHMED.

I have highlighted the key question. Would it be better if I submitted a formal request for interpretation? I fear that would take longer.

Can a TC facility perform repairs on DOT/MC specification tank if it does not hold an R stamp or a CT number?

John

>>> Rattan Bahia 1/28/2009 9:57 AM >>>

I looked through the regs again this morning after I emailed you.

It seems to me, though I would like it confirmed by US DOT, that if a US DOT spec tank that is involved in transborder operations, then a TC registered facility can perform the inspections and tests, without being registered with a CT number. What is not absolutely clear to me, is whether repairs to a transborder US DOT spec tank can be performed, in Canada, by a TC registered facility that does not have the R Stamp nor has CT number. - this needs to be clarified.

Kevin Bleeks is correct and all the Trimac facilities that have CT numbers also have TC registrations.

We want to eliminate CT registrations for Canadian operations if we are permitted to repair US DOT transborder spec tanks in accordance with TC requirements.

John we are having some high level meetings in the next day or so and this item is a hot topic, so any help in this is appreciated.

Rattan Bahia
(403)298-5114

>>> "John Conley" <jconley@Tanktruck.org> 1/28/2009 9:30 AM >>>

I will check

In 1 I don't know how US rules should apply if tank never enters US

In 2 does facility also have CT number or just TC

I talked to kenin Bleeks here and he said that a Canadian Facility with CT number also MUST have a Canadian registration

john

-----Original Message-----

From: "Rattan Bahia" <rbahia@trimac.com>
To: "jconley@Tanktruck.org" <jconley@Tanktruck.org>
Sent: 1/28/09 9:03 AM
Subject: Trimac - CT facilities in Canada

John, this may be an opportune time to ask this question, as I understand you're in meetings today with Joe Evans, US DOT. As you know we have many CT registered facilities in both US and Canada. Concerning the Canadian CT registered operations;

1. DOT and MC spec tanks that are not used for dangerous goods in the US and only and always operate in Canada - can these tanks be inspected, tested and repaired in accordance with the Transport Canada CSA B620 requirements ie. by a facility registered with Transport Canada. Bearing in mind that such facilities will not have the NBIC R stamp, nor be registered with a CT number.

2. DOT and MC spec tanks that may be used in transborder operations - can these tanks be inspected, tested and repaired in accordance with the Transport Canada CSA B620 requirements ie. by a facility registered with Transport Canada. Bearing in mind that such facilities will not have the NBIC R stamp, nor be registered with a CT number.

Thanks John

Rattan Bahia
(403)298-5114

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