



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

NOV 19 2012

Danny Shelton
HazMat Resources Inc.
124 Rainbow Drive # 2471
Livingston, TX 77399

Reference No.: 12-0145

Dear Mr. Shelton:

This is in response to your July 02, 2012 email requesting guidance regarding the proper method for cargo tank manufacturers to use to restrict an MC331 cargo tank from transporting certain products under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask for help determining proper methods for cargo tank manufacturers to use in order to restrict an MC331 cargo tank from transporting certain products and if the current practice of noting these restrictions in the remarks section of an American Society of Mechanical Engineers (ASME) U1A form is an acceptable way of conveying these restrictions to cargo tank purchasers.

The HMR does not indicate a way to note manufacturer imposed, or buyer requested restrictions on what commodities can be carried in a MC331 cargo tank. Generally speaking, if a tank manufacturer designs, constructs, certifies, and stamps an MC331 cargo tank to ASME Section VIII standards, the cargo tank is appropriate to transport all materials authorized for that specification unless limited by special provisions. Nothing prohibits cargo tank manufactures from indicating commodity carriage restrictions on an ASME U1A form, but no reference is made to such notation in the HMR or in Section VIII of the ASME Code. Please note that it remains the responsibility of the person offering the hazardous material to ensure compatibility with the packaging that is being used.

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

Sincerely,

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

ARTICLE S-3

REPORT FORMS AND MAINTENANCE OF RECORDS

AS-300 MANUFACTURER'S DATA REPORTS

A Data Report shall be filled out (Form A-1) by the Manufacturer and the Inspector for each pressure vessel to be marked with the Code symbol. For sample Report Forms and guidance in preparing Data Reports, see Appendix I.

AS-300.1 Units of Measurement. The units of measurement shall be in accordance with AG-151.

AS-301 Distribution and Filing of Reports

(a) The Manufacturer shall:

(1) furnish a copy of the Manufacturer's Data Report to the user and, upon request, to the Inspector;

(2) submit a copy of the Manufacturer's Data Report to the appropriate enforcement authority in the jurisdiction in which the vessel is to be installed where required by law;

(3) keep a copy of the Manufacturer's Data Report on file in a safe repository for at least 10 years or for the intended life of the vessel, whichever is greater.

(b) In lieu of (2) and (3) above, the vessel may be registered and the Data Reports filed with the National Board of Boilers and Pressure Vessel Inspectors, 1055 Crupper Ave., Columbus, Ohio 43229.

AS-310 PARTIAL DATA REPORTS

The parts manufacturer shall indicate under "Remarks" whether or not he has performed any or all of the design functions. For guidance in preparing Partial Data Reports, see Appendix I.

(a) Data Reports for pressure vessel parts requiring inspection under this Division, which are furnished by other than the shop of the Manufacturer responsible for the completed vessel, shall be executed by the parts manufacturer and his Inspector in accordance with the

requirements of this Division and shall be forwarded, in duplicate, to the Manufacturer of the finished vessel (see AG-302). These Partial Data Reports, together with his own inspection, shall be the final Inspector's authority to approve and witness the application of a Code symbol to the vessel (see AS-110). When Form A-2 is used, it shall be attached to the associated Form A-1 by the Manufacturer of the finished vessel.

(b) Data Reports for those parts of a pressure vessel which are furnished by a parts manufacturer to the user of an existing Code vessel, as replacement or repair parts, shall be executed on Form A-2 by the parts manufacturer and his Inspector in accordance with the requirements of this Division. A copy of the parts manufacturer's Partial Data Report shall be furnished to the user or his designated agent and a copy shall be maintained in accordance with AS-311.

AS-311 MAINTENANCE OF RECORDS

In addition to the requirements of AS-301, the Manufacturer shall maintain other records as follows.

(a) *Contents of File.* The Manufacturer of the vessel or part shall maintain the complete file for all material certification and/or Partial Data Reports, examination, testing, heat treatment and manufacturing procedures, specifications, and drawings used. All records shall be fully identified by pertinent material or item identification numbers. The record shall include all data on repaired material, items, and assemblies.

(b) *Maintenance and Access to Reports.* Records specified above shall be filed and maintained in a manner which will allow access by the Inspector to specific information contained therein within a period not in excess of 24 hr at any time during the period of vessel manufacture. The Manufacturer shall take such steps as may be required to provide suitable protection of all records from deterioration or damage.

Drakeford, Carolyn (PHMSA)

Webb
§178.337-17
Cargo Tanks
12-0145

From: Betts, Charles (PHMSA)
Sent: Monday, July 02, 2012 7:55 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Continuation
Attachments: Danny Shelton.vcf

Importance: High

Carolyn-

Please log and assign the attached request for response.

Thanks,
Charles

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

From: Danny Shelton [<mailto:shelton10104@gmail.com>]
Sent: Saturday, June 30, 2012 10:15 AM
To: Betts, Charles (PHMSA)
Cc: Staniszewski, Stanley (PHMSA)
Subject: FW: Continuation

Good morning Mr. Betts, please see the following information regarding the continued practice today (Note the original communication was 8 years ago) of cargo tank manufactures noting restrictions in the remarks section of the U-1A which restrict the type of products that may be transported. Everyone in the e-mail chain agrees and Mr. Phil Olson, God rest his soul, makes the most valid point of all. Phil, I know you are looking down on us laughing at how we do business. Anyway, can your office provide guidance regarding the proper methods to use to restrict an MC 331 cargo tank from transporting certain products and to convey the comments in the remarks section of a U1A regarding (Non-Corrosive) to the tank.

Mr. Betts, you can always contact me if you need additional information or you can discuss with Stan, he is well versed on this topic.

Regards

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

From: Olson, Philip <RSPA>
Sent: Monday, August 23, 2004 11:57 AM
To: Shelton, Danny; Olson, Philip <RSPA>; Staniszewski, Stanley <RSPA>; Hochman, Charles <RSPA>
Subject: RE: Continuation

My comments.

I believe the ASME Code is written around the concept that a tank owner (purchaser) decides what the specifications are for a tank he desires to own. Thus the Owner specifies the materials to be put into the tank and the uses for the tank and then places an order for the tank to be designed and manufactured.

In the case where a manufacture just builds tanks for sale and wants to market them as DOT Specification tanks, his marking of a DOT Specification must be based on the tank being able to transport all materials authorized

for that DOT Specification. I do not think a tank manufacturer can be allowed to market a DOT Spec tank, unless that tank is appropriate to transport all materials (other than those limited by B note Special Provisions) authorized for that Specification. The limitation of materials for certain materials is accomplished by special provisions that are material specific.

Phil

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

From: Shelton, Danny [mailto: Danny.Shelton@fmcsa.dot.gov]
Sent: Monday, August 23, 2004 11:40 AM
To: Olson, Philip <RSPA>; Staniszewski, Stanley <RSPA>; Hochman, Charles <RSPA>
Subject: FW: Contiuation

Here is Bill's comment. I agree with him but how do we communicate that restriction so that it is on the tank vs on a sheet of paper 1,000 miles away?

From: Quade, William
Sent: Monday, August 23, 2004 11:37 AM
To: Shelton, Danny
Subject: RE: Contiuation

For the record, I believe we need to provide manufacturers an avenue for restricting the use of their tanks. If the manufacturer doesn't think it should be used for another material, who are we to argue with him?

Thanks,
BQ

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

From: Shelton, Danny
Sent: Sunday, August 22, 2004 7:03 PM
To: Olson, Philip <RSPA>; Staniszewski, Stanley <RSPA>; Hochman, Charles <RSPA>
Cc: Bill Quade
Subject: FW: Contiuation

Folks, this is the issue that we discussed about a month ago. Please see the attached U-1A with the notation that it is for LP only - non corrosive service in the remarks section. The only markings required to be on the cargo tank are the ASME Plate and the Spec Plate, plus some marking requirements required by 172.300 but no where on either one of these plates is there place to note that this MC331 cargo tank is only authorized to transport propane.

I am of the opinion that if you mark the tank as an MC331 cargo tank then you cannot restrict the tank to only transporting propane by noting on the U-1A. Roadside enforcement officials must have the information on the tank to determine if the tank is authorized for the material being transported.

What do you think.

From: PROTANK@aol.com [mailto:PROTANK@aol.com]
Sent: Thursday, July 15, 2004 9:04 AM
To: Shelton, Danny
Subject: Contiuation

Sorry about email it launched automatically
Look at UG-25 (a) of the ASME Code... ibid SEC 8 DIV 1.
I am attaching UIA to this email.