



Quality Management Institute Inc.

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August 27, 1998

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Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. Department of Transportation
Research and Special Programs Administration
400 Seventh Street S.W.
Washington D.C. 20590

Dear Mr. Mazzullo:

Last November, I sent you a request for interpretation, see enclosed, to eliminate the term modification and replace with repair and alteration as defined in the National Board Inspection Code.

To date, I have not received as much as an acknowledgement that the request made it to your office.

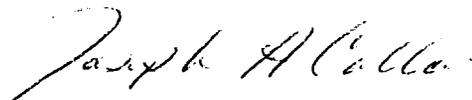
Mandating that repair facilities obtain a Code stamp and then telling them to ignore the two most important definitions contained within, is totally befuddling.

Having cargo tank owners pay DCE charges for a NBIC (repair) DOT (modification) is an economic injustice.

I would appreciate a response, of some kind, as soon as possible.

Sincerely,

QUALITY MANAGEMENT INSTITUTE


Joseph A. Colla

JAC/jmm



Quality Management Institute Inc.

November 24, 1997

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. Department of Transportation
Research and Special Programs Administration
400 Seventh Street S.W.
Washington D.C. 20590

Dear Mr. Mazzullo:

We are offering the following proposal as a petition for interpretation.

180.403 in 49 CFR offers, among others, the following definitions:

"Repair" means any welding on a cargo tank wall done to return a cargo tank or cargo tank motor vehicle to its original design and construction specification, or to a condition prescribed for a later equivalent specification in effect at the time of the repair,

"Modification" means any change to the original design and construction of a cargo tank or cargo tank motor vehicle which affects its structural integrity or lading retention capability.

180.413 in 49 CFR states that repairs to Non-ASME Code stamped cargo tanks or ASME Code stamped cargo tanks may only be performed by a repair facility holding a valid National Board Certificate of Authorization for use of the National Board "R" symbol stamp and registered with DOT.

An "R" symbol stamp program must address the Administrative (RA), Repairs and Alterations of Pressure Retaining Items (RC), Repair Methods (RD), and all applicable appendices of the National Board Inspection Code (NBIC).

If the "R" symbol stamp program includes alterations, it must also address the applicable sections and requirements of the ASME Code of construction.

The NBIC offers the following definitions:

"Repair" means the work necessary to restore pressure retaining items to a safe and satisfactory operating condition,

Among examples of repairs given in the NBIC are, (see Appendix 6,B)

7. Installation of new nozzles or openings of such a size that reinforcement is not a consideration (for example, the installation of a 3 NPS nozzle to a shell or head of 3/8 inch or less in thickness or the addition of a 2 NPS nozzle to a shell or head of any thickness),
8. The addition of a nozzle where reinforcement is a consideration provided the nozzle is identical to one in the original design, located in a similar part of the vessel, and not closer than three times its diameter from another nozzle.

"Alteration" means any change in the item described on the original Manufacturers' Data Report which affect the pressure containing capability of the pressure retaining item. An increase in pressure or a change in temperature is also considered an alteration.

And with the above, we see the dilemma of an "R" symbol stamp holder. The two examples given in the NBIC as repairs, OMC interprets as modifications. An alteration, as defined in the NBIC, is also a modification and as such, requires the following to comply with the NBIC:

1. Revised design calculations, prepared by a qualified source and accepted by an Authorized Inspector,
2. Completely filled out Form R-2 including Design Certification, Certificate of Design Change Review, Construction Certification, and Certificate of Inspection.
3. An Alteration Nameplate affixed near the "U" Code symbol plate.

To comply with Title 49 CFR 180.413, "if the modification results in a design type change", which can be almost any thing one wants to interpret since no examples are given, the stamp holder must:

1. Have the modification approved by a Design Certifying Engineer, registered with DOT;

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2. Prepare and install a supplemental specification plate, near the original specification plate; and
3. Issue a supplemental manufacturers' certificate.

As you can see, this is not only very confusing in the case of repairs, but very costly and non-productive in the case of Alteration/Modification.

Therefore, we are proposing the following:

180.403 49 CFR be amended to show as a definition of Repair that which is given in the NBIC with reference to the NBIC examples shown in Appendix 6. Specifically, numbers (2)c,d,h, (6)b,c,d, (7),(8),(9),(10),(12),(13),(16) and (17).

That 180.403 49 CFR be further amended to show the term Alteration and its definition, as given in the NBIC, as applicable for ASME Code stamped cargo tanks, and add the following to the term "Alteration" for Non-ASME stamped cargo tanks.

"Any change to the original design and construction of a cargo tank or cargo tank motor vehicle which affects its structural integrity or lading retention capability except for those allowed under examples of repairs in Appendix 6 of the 1995 Edition of the NBIC.

Alterations to Non-ASME Code stamped cargo tank must be approved by a Design Certifying Engineer, registered in accordance with Subpart F, of part 107 of subchapter B of Title 49 CFR. In addition, the Registered Inspector, responsible for the Modification, shall perform or supervise the performance, of all the necessary 180.407 tests and inspections to ensure the integrity of the work performed. Also, a supplemental or a revised Specification plate shall be installed to reflect the modification, if the item changed was included on the original Specification plate, as well as a supplemental manufacturers' certificate."

We further propose that the term Modification be removed from all parts in which it is shown.

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We would appreciate your prompt attention and consideration of this proposal.

Sincerely,

QUALITY MANAGEMENT INSTITUTE

Joseph A. Colla - Richard D. Katzung
Co-Owners

JAC/RDK/jmm

cc: Mr. William Quade
Office of Motor Carriers
U.S. Department of Transportation