

Regulatory Update Federal Railroad Administration

Personnel

Another Quality Assurance Specialist position has recently been filled. Vernon Walker, who will be stationed in Region 3, started with the FRA in August of 2010. Mr. Walker served years in the Marines at several locations around the world and was honorably discharged as a Sergeant in 1994. In 1998 Mr. Walker started with Seaboard Railcar Repair in Hugo OK in 1998. He began as a switchman then moved to the valve room where he became the supervisor. He then took a position as an inbound inspector then was transferred to Quality Assurance. In 2008, Mr. Walker took a position as Quality Assurance Manager of Midwest Railcar Repair in Brandon SD. Soon after, he was promoted to Process Manager where he managed inbound inspectors and QA inspectors as well as in-process inspectors. Mr. Walker achieved certification as a Level III VT and RVT, AWS/CWI, Level II UT, UTT, MT, PT, BT.

Ray Kasey and Al Taber will be retiring at the end of 2010. The FRA would like to thank Ray and Al for years of dedicated service and focus on improving safety in the transportation of hazardous material by rail.

Interpretation

Recently a question was submitted to the FRA for consideration. Can a shipper remove a rupture disk (RD) housing for purposes of loading or unloading a car, leak test the car with the airline still connected to the RD housing nozzle, the replace the housing and ship the car? The answer is that it depends on the RD housing. If the housing is intended to be removed in order to load or unload the tank car, as is the case with the Salco Style 1 housing, a shipper may do so. While this is not ideal, it is the intent of the design which is a consideration during the evaluation for AAR approval. Other than that, the shipper may remove the RD housing in the manner described above, but it must be replaced and the leak tested by a facility or contractor with a Class G registration.

Federal Register Notice regarding HM-233A

The FRA is preparing a Notification that will clarify §179.13, Tank car capacity and gross weight limitation, introduced by HM-233A. Specifically of concern is the wording of §179.13(a).

“For other than tank cars containing poisonous-by-inhalation material, a tank car may be loaded to a gross weight on rail of up to 286,000 pounds (129,727 kg) upon approval by the Associate Administrator for Safety, Federal Railroad Administration (FRA). Tank cars must conform to the conditions of the approval and must be operated only under controlled interchange conditions agreed to by participating railroads.”

FRA suggested the notification provide the following guidance regarding the requirements for tank cars operating in other than PIH service.

- Cars operating under a Special Permit (related to GRL) at the time of implementation of HM-233.
 - Special permit solely for GRL
 - Special permit for GRL in addition to other provisions
- Upgrading of existing cars to operate at a GRL exceeding 263,000 pounds.
- Tank cars built after the implementation of HM-233A

The Notification is currently under review and editing in the office of Chief Council. Once finalized, the notification will be published in the Federal Register.

One Time Movement Approvals

Overview of Requirements

One-Time Movement Approvals (OTMA) are issued by the FRA Office of Safety. An OTMA is required whenever a defect is found that renders a tank car non-compliant with the Hazardous Materials Regulations (HMRs) including its Certificate of Construction and applicable R-1s. In all other modes, an emergency special permit is required to move a non-compliant tank car. The OTMA process empowers the FRA to grant permission to an applicant to move a non-compliant tank car under specific conditions providing the following advantages.

- OTMA review and approval is much faster than that of an emergency special permit.
- Does not need “essential criteria” as does an emergency special permit
 - Public Safety versus equivalent level of safety
 - Fitness
- Does not require review and approval of a Competent Authority

HMG-101 issued in January, 2004 states that an OTMA is not required for “bulk packagings that contain materials not subject to the HMR”. Per §171 (2)(g) this is not necessarily true.

“No person may represent, mark, certify, sell, or offer a packaging or container as meeting the requirements of this subchapter governing its use in the transportation of a hazardous material in commerce unless the packaging or container is manufactured, fabricated, marked, maintained, reconditioned, repaired, and retested in accordance with the applicable requirements of this subchapter. No person may represent, mark, certify, sell, or offer a packaging or container as meeting the requirements of an exemption, a special permit, approval, or registration issued under this subchapter or subchapter A of this chapter unless the packaging or container is manufactured, fabricated, marked, maintained, reconditioned, repaired, and retested in accordance with the applicable requirements of the exemption, special permit, approval, or registration issued under this subchapter or subchapter A of this chapter. The requirements of this paragraph apply whether or not the packaging or container is used or to be used for the transportation of a hazardous material.”

As such, regardless of the commodity in the tank, an OTMA is required if the tank car is represented at a meeting a DOT specification.

Application Document

An application document for an OTMA is posted on the FRA’s website and will be found at the following link (<http://www.fra.dot.gov/Pages/1799.shtml>). The application document has been modified to correct errors and omission as well as address concerns and requests of FRA inspectors. The changes are as follows.

- Requirement for the grantee to forward a copy of the MA to the tank car owner
- Root Cause Analysis expectations
- Notification to the TC facilities to ensure the defective condition is properly investigated.
- Suggested submitting the application to all specialists
- Add line to “Description” so more information can be provided.
- Contact information at current location of tank car and repair facility to which the tank car will be sent.

Special Scenarios

If the defect is clearly a result of a tank car facility non-conformance, the tank car owner is urged to submit an AAR QA-7.1 form to the AAR QA Program Manager. It has been reported that movement of a tank

car with a defect condition that was clearly caused by a tank car facility non-conformance was contingent upon the submittal of the AAR QA-7.1. In this scenario, the FRA would accept a completed AAR QA-7.2 as a root cause analysis.

Root Cause Analyses

Section 9 of the OTMA letter provides the reporting requirements. In most cases the grantee will be required to submit a letter detailing the findings of a root cause analysis. At a minimum the response should include the followings.

- A detailed statement of the problem
- Factor(s) contributing to the problem
 - Including photographs and drawings
- The cause of the factor(s) if a cause can be determined
- Steps taken to prevent future occurrence.

The FRA continues to evaluate root causes and corrective actions.

Data Review

One Time Movement Approval Data is provided below. Table 1 provides the number of OTMA request that have been reviewed and approved since 2004.

Table 1: One Time Movement Approvals Issued by Year

<i>Year</i>	<i>One Time Movement Approvals issued</i>
2004	333
2005	333
2006	354
2007	380
2008	444
2009	645
2010	671* (on pace for 800+)
Total	3,160

*As of October 13, 2010

The FRA continues to review required response and enter them into the system. Based on the work performed the response rate is 48.2%. It is important for grantees to provide a response of required. If a response is not received within the required time frame, future requests will not be approved until the response is received. If a grantee is unable to respond within the allotted time they must advise the FRA Specialists and provide a new response date.

Table 2 is a list of general defects for which OTMAs have been requested along with their respective numbers since 2004.

Table 2: Number of requests for OTMAs per general defect

<i>Defect</i>	<i>Number of Requests</i>
Service Equipment	1,757
Overloaded	593
Jacket Damage	158
Tank Shell Damage	123
Other	120
Derailment	86
Linings/Interior Coatings	65
Interior and Exterior Heater Coils	56
Overdue for Test	54
Stub Sill Weld Cracks	24
Tank Head Damage	13
Thermal Protection	4

Table 3 provides an itemization of the Service equipment defects indicated in Table 2 along with their respective numbers since 2004.

Table 3: Number of requests specific to service equipment defects.

<i>Service Equipment Defect</i>	<i>Number of Requests</i>
Bottom Outlet Valve	654
Liquid Valve	289
Pressure Relief Device	209
Manway	175
Vacuum Relief Valve	124
Gauging Device	95
Air/Vapor Valve	61
Gaskets	56
Sample Valve	51
Thermowell	43

FRA's Tank Car Program

Overview

The FRA's headquarters-based Tank Car Quality Assurance (QA) Team has been assembled and is comprised of four Tank Car Quality Assurance Specialists, Randy Keltz, Larry Strouse, Sam Ryder, Vernon Walker. The QA Team is captained by Tom Phemister and is supported by the two engineers from the Office of Safety.

FRA QA Team Inspections.

The QA Team will inspect all certified and registered tank car facilities. The efforts of the headquarters-based QA team will be independent and in addition to those of the regional inspectors. The inspections will be focused with one or two inspectors covering three specific areas at each facility. When needed the QA Team will be accompanied by FRA regional field inspectors. The focus areas will be gleaned from trends discovered from evaluation of OTMA and 5800 data. *It is worth noting the 5800 data is public*

information so car owners can download latest 5800 reports which will identify car mark/number, defective component, failure cause, etc. for action by car owners. Other focusing factors will be anecdotal evidence or TSB recommendations, or trends discovered during previous audits. The QA Team plans to audit all tank car facilities not audited in the previous three years by the end of 2011. Afterwards, it the FRA's goal that tank car facilities will be on a maximum of three-year inspection interval. Shorter frequencies will be based on risk and/or performance evaluations.

Facilities Operating as Extensions

Based on recent audit findings it is evident that several companies are not in compliance with the requirement that extensions MUST be mobile facilities. Where found, these companies are being asked for a schedule within which they will be compliant. An extension is a mobile unit operating and dispatched from a certified facility. The mobile returns upon completion of repairs. A stand-alone, "brick and mortar" facility is not an extension and separate certification is required unless it receives the same level of quality assurance oversight as the facility is it an extension of.

Facilities Certification/Registration Expiration Date.

Facility certification/registration stops with the expiration date on either the original certification/registration letter or an extension of that date, also in written form and from the AAR. After this date, work requiring certification/registration must stop. All work performed after the expiration date is considered to be noncompliant

Special Projects

FRA has been working with industry on lining qualification interval validation, data collection and analysis and will be getting to service equipment service reliability soon. After reviewing lining inspection reports, FRA has been talking with tank car owners to understand how they arrived at their qualification intervals. It has been determined so far that many large lining owners can justify 5 years, some 10. The linings with 10 year inspection intervals are receiving the closest scrutiny. Reliability of the linings will be estimated using statistical analysis.

Tank Car Coupling Speed Audit

The tank car coupling speed audit is complete in that the sample size (1,890 readings) is adequate to begin analysis of the data. However, measurement of coupling speed will continue with a focus on those yards that have consistently had measured speeds in excess of 4 miles per hour. The analysis of the data will look at the overall performance of classifications yards as well as determine the yards requiring continued evaluation. In addition, the data will be analyzed to correlate the impact speed, hammer and anvil cars, loaded/unloaded conditions to coupler forces.