



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

1200 New Jersey Ave, S.E.  
Washington, D.C. 20590

MAY 20 2009

Mr. Robert E. Fronczak  
Assistant Vice President  
Environment and Hazardous Materials  
Association of American Railroads  
50 F Street NW  
Washington, DC 20001-1564

Ref. No.: 09-0125

Dear Mr. Fronczak:

This responds to your April 27, 2009 email concerning the Association of American Railroad's AAR-600 program. You note that the Tank Car Committee of the Association of American Railroads (AAR) has recommended discontinuance of the program and request that the Pipeline and Hazardous Materials Safety Administration (PHMSA) amend the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to delete current requirements that reference AAR 600.

Currently, a bulk packaging, including a portable tank, transported in container-on-flatcar (COFC) or trailer-on-flatcar (TOFC) service must conform to the conditions specified in § 174.63 of the HMR. These regulations require approval by the Associate Administrator for Safety, Federal Railroad Administration, unless, among other things, the tank conforms to requirements in AAR-600 of the AAR Specifications for Tank Cars, "Specifications for Acceptability of Tank Containers." In accordance with AAR-600, approval and registration of compliant portable tanks is required, based on a determination that the tank meets all applicable standards and payment of a registration fee.

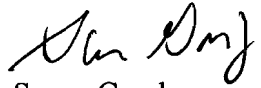
As your email notes, since incorporation of the AAR-600 standard into the HMR, PHMSA has adopted standards for portable tanks that meet or exceed the AAR-600 requirements. Moreover, most of the portable tanks listed in the AAR-600 standard are prohibited from new construction, although they may remain in service provided that they continue to meet the applicable standard. For these reasons, we agree that the § 174.63(c) reference to AAR-600 is outdated and should instead specify that portable tanks transported in COFC or TOFC service must conform to all HMR requirements applicable to portable tanks. We intend to propose a revision to § 174.63(c) as soon as practicable.

In the interim, until a revision can be effected through rulemaking, DOT will continue to require packagings outlined in §174.63 to meet the requirements of AAR-600. However, DOT will take no exception to AAR removing the registration requirement through

publication of a circular as it has no substantial impact on the safe transportation of these shipments.

I hope this information is helpful. Please feel free to contact me if you have questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Gorsky". The signature is fluid and cursive, with the first name "Susan" and last name "Gorsky" clearly distinguishable.

Susan Gorsky  
Regulations Officer