



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

MAR 26 2014

Mr. Allen Maty
Midland Rail Services, LLC
P. O. Box 297
Smithville, MO 64089

Reference No. 13-0202

Dear Mr. Maty:

This is in response to your recent e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to marking requirements for reclosing pressure relief devices installed on tank cars. Specifically, you ask if § 180.515(c) permits these devices to be installed on tank cars without having to be retested if they are stored and protected from deterioration for up to 6 months from their date of manufacture. We apologize for the delay in responding and any inconvenience this may have caused. We have paraphrased your questions to facilitate this response.

You ask us to presume that a reclosing pressure relief device has a service life of either 5 or 10 years before § 180.509(c) requires that it must be retested, regardless of whether it is installed on a tank car or stored before being installed on a tank car.

Q1. If a reclosing pressure relief device passes the pressure test for its design, is stored in a manner that protects it from deterioration, and is installed on a tank car within 6 months from the day it passed the pressure test, can the test date marking on the tank car for the device be the date it is installed on the tank car?

A1. The answer is yes. Section 180.515(c) requires that the test date marking on a tank car for a reclosing pressure relief device must be the date the device is installed on the tank car if the reclosing pressure relief device is qualified and protected from deterioration within 6 months prior its installation on a tank car. Further, please note that the qualification requirements for reclosing pressure relief devices installed on tank cars must comply with applicable provisions in 49 CFR Part 179, "Specifications for Tank Cars" (see § 173.31(b)(2)).

Q2. Can a test date of 2014 be marked on a tank car for a reclosing pressure relief device that was tested in July 2013 and installed on the tank car in January 2014?

A2. Yes. See Answer A1.

- Q3. If the same reclosing pressure relief device is installed on the tank car in February 2014, must the test date marked on the tank car be 2013 because the 6-month storage allowance period prescribed in § 180.515(c) has expired.
- A3. The answer is no. A reclosing pressure relief device that is not tested within 6 months from the date it is installed on a tank car or that is not protected from deterioration must be retested in conformance with §§ 173.31(b)(2) and 180.509(k). After the device is successfully tested and installed on a tank car, the device's retest date must be marked on the tank car in conformance with § 180.515(c).
- Q4. You also state that some are interpreting § 180.515(c) to mean that a reclosing pressure relief device has a shelf life of 6 months, and that after that 6-month period the reclosing pressure relief device would have to be retested before it can be installed on a tank car. You ask if this position is correct.
- A4. Yes. See Answer A3.

I hope this satisfies your request.

Sincerely,

A handwritten signature in cursive script that reads "T. Glenn Foster". The signature is written in black ink and is positioned above the typed name and title.

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Edmonson
§ 180.515
Markings

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, October 25, 2013 4:35 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: HQ Feedback: Hazardous Materials Information Request

13-0202

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks,
Victoria

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

From: PHMSA Webmaster
Sent: Thursday, October 24, 2013 12:53 PM
To: HMIS (PHMSA); PHMSA Webmaster
Subject: HQ Feedback: Hazardous Materials Information Request

Re: 49CFR, Section 180.515(c): "When pressure tested within six months of installation and protected from deterioration, the test date marking of a reclosing pressure relief device is the installation date on the tank car."

Some people are interpreting this to mean that a pressure-tested reclosing pressure relief device (PRD) has a "shelf-life" of 6 months -- after the expiration of 6 months, the PRD would have to be retested before installation on a tank car.

It should be presumed that a PRD has a "service life" of either 5 or 10 years before retesting is required per Section 180.509(c), whether it is "on a shelf" or installed on a tank car.

Thus, if pressure tested in July 2013, and installed on a tank car in January 2014, the test date marking applied to the tank car would be "2014", not "2013". If tested in July 2013, and installed in February 2014, the marking would be "2013" as the 6-mo storage allowance being expired.

Is it correct that 180.515(c) does not require a pressure-tested reclosing PRD tested within 6 months of installation on a tank car to be retested prior to its installation - the section applies only to test/qualification dates marked on the tank car.

An email response would be appreciated.

Thanks,
A. Maty

ALLEN MATY
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