



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

DEC 15 2015

Mr. Glen Harm
Engineering Manager
Girard Equipment, Inc.
4360 Old Dixie Highway
Vero Beach, FL 32967

Reference No. 15-0099

Dear Mr. Harm:

This is in response to your May 8, 2015 e-mail and letter, and October 23, 2015 telephone conversation with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the marking of pressure relief devices (PRDs) for Department of Transportation (DOT) Specification 407 cargo tanks.

You state your company uses the following marks to identify the four PRD models it manufactures for DOT Specification 407 cargo tanks:

- DOT 407 Pressure Relief Vent for MAWP 25,
- DOT 407 Pressure Relief Vent for MAWP 30,
- DOT 407 Pressure Relief Vent for MAWP 35, and
- DOT 407 Pressure Relief Vent for MAWP SP (special setting).

You ask if the model numbers your company marks on the PRDs it manufactures comply with the marking requirements for these devices as prescribed in § 178.345-10(h).

The answer is yes. The HMR do not define the wording "model number" nor specify what information a model number must contain. Therefore, it is the opinion of this Office that a model number for a PRD must be sufficiently distinct for a company to distinguish one of its PRD models from another. It is also the opinion of this Office that the model numbers you provided meet this criterion.

I hope this satisfies your request.

Sincerely,

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

Edmonson
178.345.10
Markings of Pressure Relief
15-0099

Dodd, Alice (PHMSA)

From: Betts, Charles (PHMSA)
Sent: Wednesday, May 20, 2015 12:12 PM
To: Hazmat Interps
Subject: FW: Request for Interpretation
Attachments: FMCSA DATAQ.pdf; PUC reply to Grammer.pdf; Letter to PHMSA for Clarification of 49CFR178.345-10(h).pdf

fyi

From: Glen Harm [<mailto:GHarm@girardequip.com>]
Sent: Wednesday, May 20, 2015 12:11 PM
To: Betts, Charles (PHMSA)
Subject: RE: Request for Interpretation

Mr. Betts,
Attached is a letter stating Girard Equipment's response to a letter filed by Mr. Shelton.

Mr. Shelton had previously requested a Letter of Interpretation for Marking of Pressure Relief Vents.

At your convenience, and when you have had time to review the attachments, I would appreciate an opportunity to discuss this situation via the telephone. There is just so much that can be written in a letter versus a 5 minute phone call can thoroughly explain the details behind the letter.

Regards,

Glen Harm
Engineering Manager
Girard Equipment Inc
4360 Old Dixie Hwy
Vero Beach, FL 32967
Phone: 908-862-6300 x2044
Cell: 772.626.5625

From: charles.betts@dot.gov [<mailto:charles.betts@dot.gov>]
Sent: Friday, May 08, 2015 11:26 AM
To: shelton10104@gmail.com
Cc: tom.forbes@puc.state.oh.us; shorty@grammerindustries.com; Glen Harm; arthur.fleener@dot.gov; bmccown@mccownpc.com
Subject: RE: Request for Interpretation

Got it.

Thanks

From: Danny Shelton
Sent: Friday, May 08, 2015 10:47 AM

To: Betts, Charles (PHMSA)

Cc: 'Forbes, William'; shorty@grammerindustries.com; 'Glen Harm'; Fleener, Arthur (FMCSA); 'Brigham A. McCown'

Subject: Request for Interpretation

Mr. Betts, sorry for the confusion, attached are the supporting documents that were used for this interpretation request.

Regards

The information in this email is confidential and may be legally privileged.

If you are not the intended recipient, you must not read, use or disseminate the information. Although this e-mail and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Girard Equipment Inc, for any loss or damage rising in any way from its use.

GIRARD

EQUIPMENT USA

Specialist For The Tank Transportation Industry Since 1952

Mr. Charles Betts

Director, Office of Hazardous Materials Standards

U.S. Department of Transportation

Pipeline and Hazardous Materials Safety Administration

East Building, 2nd Floor, Mail Stop E21-317

1200 New Jersey Ave. SE

Washington, DC 20590

Dear Mr. Betts,

Girard Equipment has received a request for interpretation of the Marking Requirements of Pressure Relief Devices in 49CFR 178.345-10(h) that was filed by Mr. Daniel Shelton of Hazmat Resources Inc. This is in reference to a citation Vickery Transportation obtained during a roadside inspection conducted by the Public Utilities Commission of Ohio, PUCO.

Girard Equipment has designed and manufactured DOT 407 Pressure Relief Devices for Cargo Tanks since the 1990's. We feel a status quo has been established within the Cargo Tank Pressure Relief Vent industry, whereby the United States Cargo Tank Industry knows the Girard model "DOT 407 Pressure Relief Vent." During the last 25 years, there have not been any citations for improper marking. We kindly ask that your office expeditiously make a ruling on the matter of marking pressure relief vents.

Title 49 CFR 178.345-10(h) specifies: Each pressure relief device must be permanently marked with the following: (1) Manufacturers name (2) Model Number (3) Set pressure, in PSIG and (4) Rated flow capacity in SCFH at the rating pressure, in PSIG. Another section that mentions the word "model" is 178.345-10(g) which specifies, "Each pressure relief device **model** must be successfully flow capacity certification tested prior to first use. Devices having one design, size and set pressure are considered to be one **model**."

Girard Equipment Inc. has prepared an Engineering Technical Bulletin that illustrates how the required information is clearly and permanently marked on all of our DOT 407 Pressure Relief Vents. In our Technical Bulletin, please note that the model number is "DOT 407 Pressure Relief Vent for MAWP 25." We make 4 models:

1. DOT 407 Pressure Relief Vent for MAWP 25
2. DOT 407 Pressure Relief Vent for MAWP 30
3. DOT 407 Pressure Relief Vent for MAWP 35
4. DOT 407 Pressure Relief Vent for MAWP SP (the SP signifies special setting)

We are at a loss as to the confusion Mr. Shelton believes exists. Although we do not

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Specialist For The Tank Transportation Industry Since 1952

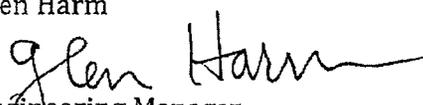
specifically use the words "model number" on our rating disc, the cargo tank industry has always recognized this as our model number. Mr. Shelton did not contact any technical person at Girard Equipment, as his letter indicated, requesting Girard to identify the model number on the pressure vent cited in Ohio. In fact, the pressure vent section of the Girard website simply states that there are 4 different model numbers offered.

Mr. Shelton also states that the competent authority would need to identify the "connection," i.e. thread or flange. The mounting arrangement of the vent does not affect the flow rate. The regulation does not stipulate the connection type, only the size. Girard Equipment interprets the size to mean the inlet bore size of the pressure relief vent. In reality, the inlet bore size is what affects the flow rate and that flow rate is permanently stamped on the pressure vent. Whether the vent has Teflon coating or a Kalrez O-ring is also irrelevant to the inspection process. This is why the regulation was written with the word "model" instead of "part." I have discussed this issue with Mr. Shelton numerous times, yet he remains confused with this situation. All tank builders and motor carriers understand and use the Girard model number system without reservation.

The Director of Safety and Training for Grammer Industries, Inc., Mr. George Gerth, and Vickery Transportation, its subsidiary, have requested to have this citation removed via Ohio Public Utilities Commission. However, PUCO has stated that they will need an interpretation by PHMSA. Girard is requesting an expeditious interpretation from your department to clear the impeccable safety record at Vickery Transportation. Please see attachments.

Girard Equipment has a long track record of working with regulators at PHMSA and admires the work that is done by them to keep our nation safe. We have great respect for the process of rulemaking and truly appreciate the even-handed approach to hearing all stakeholders when writing regulations. If PHMSA truly wanted a part number to be marked on a valve, then we would certainly comply. However, that is not what is stated in the regulation.

Glen Harm


Engineering Manager
Girard Equipment, Inc.
4360 Old Dixie Hwy.
Vero Beach, FL 32967

www.girardequip.com

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DRIVER/VEHICLE EXAMINATION REPORT



Report Number: OH3207302165
 Inspection Date: 4/30/2015 Certification Date:
 Time Started: 16:08 Time Ended: 16:38
 Inspection Level: II - Walk-Around
 HM Inspection Type: Bulk Inspection

VICKERY TRANSPORTATION INC
 3956 STATE ROUTE 412
 VICKERY, OH 43464
 USDOT #: 00978059
 MC/MX #: 416055
 State #:

Phone #: (812)378-3364
 Fax #:

Driver: SCHEUFLER, CHRISTOPHER A
 License #: RJ526622 State: OH
 Date of Birth: 5/30/1963

Location: ROADSIDE MilePost: 4
 Highway: US 33 Origin: BRISTOL, VA Bill of Lading: 006460446FLE
 County: HOCKING Destination: VICKERY, OH Cargo: HAZ MAT & GENERAL FREIGHT
 Shipper: AZZ GALVANIZING BRISTOL

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Strk.#
1	TT	PBT	2015	IN	1161628	214	1XPBD49X5FD256140	52,000			
2	ST	CMPT	2014	IN	Z83600	613V	2C9LTA2B4EB075664	55,000			

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation		Verify*	Crash	Violation Description
				Number				
178.345-10	178.345-10	2	N			N	N	DOT406/407/412 Pressure Relief - GIRRARD PRD not marked with model number as required. by 178.345-10(h)

* N - Non-OOS or Driver OOS Violation

HazMat: 8 Corrosive Material, **Placard:** Yes **Cargo Tank:** 412

Special Checks:

- | | | |
|---|--|--|
| <input type="checkbox"/> Alcohol/Controlled Substance Check | <input type="checkbox"/> Traffic Enforcement | <input type="checkbox"/> Post Crash Inspection |
| <input type="checkbox"/> Conducted by Local Jurisdiction | <input type="checkbox"/> PASA Conducted Inspection | <input type="checkbox"/> PBPT Inspection |
| <input type="checkbox"/> Size and Weight Enforcement | <input type="checkbox"/> Drug Interdiction Search | Arrests: |
| <input type="checkbox"/> EScreening | | |

Inspection Notes: USSP - 1 HM Placarded vehicle. It was a Comptank operating under a SP from PHMSA. Driver had SP with Him. Driver using ELD and everything in order. DOT 412 vehicle with GIRRARD Pressure Relief Device (PRD) it was not marked with the Model number as required. Driver given copy of regulation and inspection.

Special Study Fields:

- | | |
|-----------------|------------------|
| Special Study1: | Special Study6: |
| Special Study2: | Special Study7: |
| Special Study3: | Special Study8: |
| Special Study4: | Special Study9: |
| Special Study5: | Special Study10: |

Locally Defined Fields:

Placards Displayed (Y/N): Y; Loaded by Carrier (Y/N): Y; Ship Doc Prep by Shipper(Y/N): Y; Haz Class A: 6; ID # A: UN1789; Packing Group A: II; Gross Weight A: 1 TT; RQ (A): Y; HW (A): Y; For-Hire Carrier: Y; Driver Address: 2668 CR 290; Driver City: VICKERY; Driver State: OH; Driver Zip: 43464; Photos Taken (Y/N): Y; Reason Code: USSP; FMCSA Credentials Verified-Y/N: N; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): U; HM Safety Permit Verified(Y/N): N

Report Prepared By:
W T Forbes

Badge #:
3207

Copy Received By:
SCHEUFLER, CHRISTOPHER A



DRIVER/VEHICLE EXAMINATION REPORT



Report Number: OH3207302165
Inspection Date: 4/30/2015 Certification Date:
Time Started: 16:08 Time Ended: 16:38
Inspection Level: II - Walk-Around
HM Inspection Type: Bulk Inspection

VICKERY TRANSPORTATION INC
3956 STATE ROUTE 412
VICKERY, OH 43464
USDOT #: 00978059
MC/MX #: 416055
State #:

Phone #: (812)378-3364
Fax #:

Driver: SCHEUFLER, CHRISTOPHER A
License #: RJ526622 State: OH
Date of Birth: 5/30/1963

All violations of the FHMR and FMCSR or Title 49 of the Ohio Revised Code will be reviewed by the PUCO's Transportation Department to determine whether civil forfeitures should be assessed against any responsible parties in accordance with the penalty provisions of Title 49 of the Ohio Revised Code. If civil forfeitures are assessed, you will receive a separate notice by mail. These penalties may be assessed to motor carriers, shippers, and/or drivers.

ATTENTION DRIVER: This report must be sent to the motor carrier whose name appears at the top of this inspection report within 24 hours. If the inspection report cannot be delivered within 24 hours the driver must mail or fax the inspection report to the motor carrier.

ATTENTION MOTOR CARRIER: The motor carrier must examine this report and repair all the vehicle defects/violations noted above -AND- The motor carrier must sign the Certification of Repairs below and return the signed form to: Public Utilities Commission of Ohio, T ASD - 4th floor, 180 E Broad St, Columbus, OH 43215-3793 -OR- Fax (614) 752-9274 within 15 days of the inspection. If "No Violations Were Discovered" then you do not need to return this report. Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000. If you have any questions, please contact (614) 466-0429.

MOTOR CARRIER CERTIFICATION OF COMPLETED REPAIRS: The undersigned certifies that all violations noted on this report have been corrected and action taken to assure compliance with the Federal Motor Carrier Safety & Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. A false certification of repairs is required to be prosecuted with penalties up to \$10,000.

Signature of Carrier Official: X Title: Date:

Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000.

Signature of Repairer: X Facility: Date:



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MyDataQs:

Detailed view of ID # 1320712

CREATE PDF

Date Entered: 5/8/2015 **Type:** Inspection - Incorrect Information
Status: Closed - No Data Correction Made **Assigned to Agency:** OH PUC

Requestor Profile

Name: George Gerth (Validated Motor Carrier) **U.S. DOT #:** 978059
Email Address: george@grammerindustries.com **Company/Agency Name:** Vickery Transportation, Inc.
Phone: 812-378-3364 **Address:** 5280 North Warren Dr.
Fax Number: 812-378-3365 **City/State/Zip:** Columbus, IN 47203

Detailed Information from Inspection Record

Report State:* Ohio **Report Number:*** 3207302165
Date (MM/DD/YYYY):* 4/30/2015 **Time (HH:MM AM/PM):** 1608
City/Location: VICKERY **County:** HOCKING
Reporting Officer ID: 3207

Carrier Information from Inspection Record

Carrier Name:* VICKERY TRANSPORTATION INC **U.S. DOT #:** 978059
Address (Line 1): 3956 STATE ROUTE 412 **MC/MX #:**
Address (Line 2): **State:** Ohio
Country: United States **City:** VICKERY
Zip: 43464

Driver Information from Inspection Record

Driver Name: Scheufler, Christopher A

Explanation of Request for Data Review

Where did you view the information you want reviewed?:
 Inspection Report

Explanation:

With all due respect Vickery Transportation requests that violation 178.345-10(h) be removed from our FMCSA profile. We feel this violation was incorrectly assessed. The regulation, section 178.345-10(h), page 172 requires that a pressure relief valve be marked with four items and the valve in question, Girard Model DOT-407, meets all four requirements, please see attachments. The valve is marked with (1) Manufactures' name: Girard Equipment Inc. (2) Model Number: DOT-407, (3) Set pressure, in psig: 30 PSIG, (4) Rated flow capacity, in SCFH at the rating pressure, in psig: See attachments. Again Vickery Transportation feels the violation was unfairly assessed and requests the violation be removed from our FMCSA profile. Thank you for your consideration in this matter. Attachments: Copy of Inspection DOT Inspection with pictures of valve, CFR-2011-title49-vol3-sec178-345-10, Girard DOT-407 Valve, Markings of Pressure Relief Valve, Girard DOT407-Pressure Relief Vent.

Supporting Documents

The following files have been uploaded for submission

Date Uploaded	Document Name	Title	Content Type	Size (bytes)
5/12/2015	3207302165.pdf	3207302165	application/pdf	71422

5/8/2015	Girard DOT-407 Valve Markings of Pressure Relief Valve.pdf	Girard Valve	application/pdf	190983
5/8/2015	CFR-2011-title49-vol3-sec178-345-10.pdf	178.345-10 (h)	application/pdf	158738
5/8/2015	DOT Inspection with picture of valve.pdf	Inspection	application/pdf	2950771

Response List

[Forward](#) [Add Response/Documentation](#)

Response Date 5/13/2015

Entered By Ronald Swegheimer (OH PUC)

Phone Number 7405844388

We do not believe the valve markings meet the requirement. A request for interpretation has been submitted to the Competent Authority (PHMSA) for determination if the valve markings meets the regulatory requirements. If PHMSA determines the valve markings meet the requirements we will delete the violation from the inspection report.

Status Changed to Closed - No Data Correction Made

Status Prior to Response Open - In Review

Response Date 5/12/2015

Entered By Kelly Selzer (OH PUC)

Phone Number 6144660429

3207302165 ([3207302165.pdf](#)) has been uploaded

Inspection report uploaded. Under review by PUCO Enforcement.

Status Changed to Open - In Review

Status Prior to Response Forwarded to another office for resolution

Response Date 5/11/2015

Entered By James Feddem (OH SP)

Phone Number 6147524882

Forwarded to PUCO.

Status Changed to Forwarded to another office for resolution

Status Prior to Response Open - In Review



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Federal Motor Carrier Safety Administration

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