



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

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

MAY 30 2012

Mr. Daniel G. Shelton
President
HazMat Resources, Inc.
124 Rainbow Drive
Suite 2471
Livingston, TX 77399-1024

Ref. No. 11-0157

Dear Mr. Shelton:

This is in response to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 100-180) applicable to its discharge system inspection and maintenance program for specification MC 331 cargo tanks in liquefied compressed gas service. I have paraphrased your questions and answered them as follows:

- Q1. The term "delivery hose assembly" is defined in § 180.403. The term "hose assembly" is not. Both terms appear to be used interchangeably in Parts 178 and 180 of the HMR. Do they have the same meaning?
- A1. No, they do not.
- Q2. Section 178.337-9(b)(7) requires a hose assembler to permanently mark a hose assembly with a unique identification number in addition to the month and year of its original (i.e., new) pressure test conducted in accordance with § 180.416(f). Section 180.416(f) appears to require that only the month and year of the pressure test be permanently marked on the hose assembly. Which marking requirement is correct?
- A2. Because Part 178 is generally reserved for new construction, and Part 180 for continuing qualification, the marking requirement prescribed in § 180.416 assumes the hose assembly has been ("originally") permanently marked with a unique identification number. See the recordkeeping requirements in § 180.416(f)(3).

Q3. Section 178.337-9(b)(7) states that a hose assembler must:

- Permanently mark each hose assembly with a unique identification number.
- Demonstrate that each hose assembly is free from leaks by performing the tests and inspections in §180.416(f) of the HMR.
- Mark each hose assembly with the month and year of its original pressure test.

Which date is required to be marked for the leakage test prescribed in § 178.337-9(b)(7), the assembly test date or the actual test date of the complete delivery hose assembly?

A3. The original pressure test date required by § 178.337-9(b)(7) is the assembly leakage test date performed in accordance with the tests and inspections prescribed in § 180.416(f).

Q4. Is there a marking requirement when a leakage test is conducted under § 180.407(h)(4) on a delivery hose assembly?

A4. No, there is not.

Q5. A delivery hose assembly, as defined in § 180.403, means a liquid delivery hose and its attached couplings. Emphasis added. Assume a hose assembly is purchased from a hose assembler. The couplings are then attached to the hose assembly resulting in a delivery hose assembly as defined by the HMR. Is a leakage test now required to be conducted as prescribed in § 180.416(f)?

A5. The answer is yes, because couplings were never attached to the hose assembly when pressure tested by the hose assembler.

Q6. What markings must be placed on the successfully-tested, completed delivery hose assembly?

A6. As prescribed in § 180.416(f)(2), the delivery hose assembly must be permanently marked with the month and year of the test.

Q7. What are the test facility recordkeeping requirements for a successfully-tested, completed delivery hose assembly?

A7. For the testing facility, none are prescribed. However, as prescribed in § 180.416(f)(3), the cargo tank operator must complete a record documenting the test and inspection, including the date; the signature of the inspector; the hose owner; the hose identification number; the date of original delivery hose assembly and test; notes of any defects observed and repairs made; and an indication that the delivery hose assembly passed or failed the tests and inspections. A copy of each test and inspection record must be retained at its principal place of business or where the

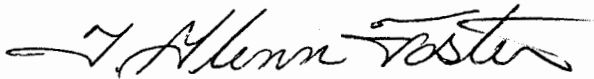
vehicle is housed or maintained until the next test of the same type is successfully completed.

Q8. If a hose assembler successfully tests and fully marks a complete delivery hose assembly as prescribed in §§ 178.337-9(b)(7) and 180.416(f), is the operator required to retain documents for such tests?

A8. The answer is no, provided new test documents are prepared, as appropriate, and the required markings are placed on the delivery hose assembly.

I trust this satisfies your inquiry. Please contact us if we can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is written in a cursive style with a long horizontal flourish extending to the left.

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



Stevens
§ 178.337-9(b)(7)
§ 180.403
§ 180.416
Cargo Tanks
11-0157

124 Rainbow Drive, # 2471
Livingston, TX 77399

July 8, 2011

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

Mr. Betts:

Please accept this letter as an official request for an interpretation of the requirement for the testing of delivery hose assemblies used for the delivery of compressed gasses from MC 330 and MC 331 cargo tank motor vehicles, marking of delivery hose assemblies, and record keeping requirements for testing and inspection of delivery hose assemblies. Unfortunately, a review of terms and definitions provided by the Pipeline and Hazardous Materials Safety Administration have raised more questions than answers in an attempt to understand both the requirements and the intent of the Department when testing delivery hose assemblies.

Definition of Hose Assembly

The regulations in 49 CFR 178.337-9(b) (7) identify the requirements for marking a delivery hose assembly by a hose assembler. This requirement states the following:

1. A hose assembler must permanently mark each hose assembly with a unique identification number;
2. Demonstrate that each hose assembly is free from leaks by performing the tests and inspections in §180.416(f) of this subchapter;
3. Mark each hose assembly with the month and year of its original pressure test.

There is no definition in the regulations defining a hose assembler or a hose assembly. The definition of a delivery hose assembly in 180.403 states as follows: Delivery hose assembly means a liquid delivery hose and (*emphasis added*) its attached couplings.

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Question 1: Is it the Department's intent that the terms "hose assembly" and "delivery hose assembly" be used interchangeably and mean the same thing or is there a different definition for hose assembly. If there is a different definition for hose assembly please provide that definition?

Scenario 1

Based on the marking requirements of a hose assembler, while performing a leakage test on an MC 331 transport equipped with a specially designed delivery hose assembly that meets the requirements of 173.315(n)(2), it is my understanding that the delivery hose assembly must be marked with the hose ID number and the month and year the delivery hose assembly was last tested in accordance with 180.416(f). These two sections, 178.337-9(b)(7) indicate the delivery hose assembly must be marked with a unique ID number and the month and year of the test. However 180.416(f) indicates that the delivery hose assembly must only be marked with the month and year of the test.

Question 2: Is it permissible that the delivery hose assembly only be marked with the month and year of the pressure test?

Question 3: On the leakage test report is one required to record the delivery hose assembly test date that is required to be marked on the delivery hose assembly by 178.337-9(b) or can one record the actual date the hose is leak tested?

Question: 4 Are there any requirements to mark the month and year a delivery hose assembly is leak tested when a delivery hose assembly is tested in accordance with 180.407(h)(4)?

Scenario 2

A hose assembly is purchased from a hose assembler. This hose assembly is marked with a unique ID number and the month and year this hose assembly was tested. This hose assembly cannot be use to deliver compressed gas until such time as couplings are attached to the hose assembly. The couplings are attached to the hose assembly creating a delivery hose assembly (delivery hose and its attached coupling).

Question: 5 Is one required to perform a pressure test of the completed delivery hose assembly in accordance with 180.416(f)?

Question: 6 What markings are required to be placed on the delivery hose assembly indicating that a pressure test of the completed delivery hose assembly has been performed?

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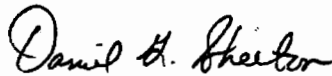
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Question: 7 What documents are required to be generated by the person performing the pressure test?

Question: 8 If the hose assembly was pressure tested and the hose assembler provided testing documents and the completed delivery hose assembly with the attached coupling was tested in accordance with 180.416(f) is there any requirement on the part of the operator to maintain test documents for a hose assembly when the completed delivery hose assembly has been retested in accordance with 180.416(f) and new testing documents have been prepared.

Thank you in advance for your timely reply.

Sincerely,



Daniel G. Shelton
President
HazMat Resources, Inc.

Cc: Joseph Solomey

Attachments: Photographs

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Hose assembly. Note this hose assembly comes with complete test paper work is marked with a unique ID number and the month and year the hose assembly was tested.

The hose assembly in this configuration is not a delivery hose assembly and cannot be attached to a cargo tank motor vehicle to unload product.



Hose assembly with attached coupling (Acme Fitting) in the process of creating a Delivery Hose Assembly



Completed Delivery Hose Assembly. Is the delivery hose assembly with the attached coupling required to be tested in accordance with 180.416(f).