



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

JAN 1 6 2013

Mr. Randolph Martin  
DuPont Company  
4417 Lancaster Pike  
BMP22/2222  
Wilmington, DE 19805

Ref. No. 12-0194

Dear Mr. Martin:

This responds to your August 31, 2012 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to cargo tanks. Your questions are paraphrased and answered as follows:

- Q1. What are the certification, education, or experience requirements, if any, for an individual who merely replaces a relief valve on a Department of Transportation (DOT) specification cargo tank that was rebuilt, tested, and calibrated by someone else?
- A1. None are prescribed. Section 180.407(a)(3) indicates that any person who witnesses or performs a test or inspection specified in § 180.407 must meet the minimum qualifications prescribed in § 180.409, which include registration with the Federal Motor Carrier Safety Administration in accordance with Part 107, Subpart F, of the HMR. Additionally, a hazmat employee who repairs, modifies, reconditions, or tests packagings, as qualified for use in the transportation of hazardous materials, and who does not perform any other function subject to the requirements of the HMR, is subject to the General Awareness/Familiarization, Function-Specific, and Security Awareness training requirements prescribed in § 172.704.
- Q2. Once a relief valve is replaced, § 180.413(c)(1) requires that the valve be tested for leaks in accordance with § 180.407(h)(1). Is the leakage test prescribed in § 180.407(h)(1) the only method authorized to satisfy this requirement?
- A2. The answer is yes. The leakage test prescribed in § 180.407(h)(1) is the only leakage test method that may be used to satisfy § 180.413(c)(1).

Q3. If alternate leakage test methods are authorized to satisfy § 180.413(c)(1), where are they defined, and are they prescribed at the discretion of the cargo tank owner?

A3. See A2 above.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Glenn Foster". The signature is written in black ink and is positioned above the typed name.

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

**Drakeford, Carolyn (PHMSA)**

Stevens  
§180.407(h)(1)  
§180.413(c)(1)

**From:** INFOCNTR (PHMSA)  
**Sent:** Friday, August 31, 2012 4:12 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Information Update

Cargo Tanks  
12-0194

Carolyn,

We received the following request for a formal letter of interpretation.

Thanks,  
Victoria

**From:** Randolph Martin [<mailto:Randolph.Martin@USA.dupont.com>]  
**Sent:** Friday, August 31, 2012 11:26 AM  
**To:** INFOCNTR (PHMSA)  
**Cc:** Thomas P Lokey; Thomas A Keefer; [o.white@sentineltrans.com](mailto:o.white@sentineltrans.com)  
**Subject:** Information Update

I spoke with someone in your offices on Monday about this issue and they suggested we request a written response. The verbal response was that we are not required to use only the Leakage test defined in 180.407(h)(1).

We have a few questions concerning the replacement of relief valves on DOT-specification cargo tanks. We note that under the definitions in 180.407, the replacement of a valve is not considered to be a Modification or a Repair, and there is no definition of "maintenance".

First, are there any certification, education or experience requirements for individuals replacing the relief valves on DOT-specification cargo tanks? If so, what are they?

This involves merely replacing a relief valve that has been rebuilt/tested/calibrated by someone else.

After the valve has been replaced, 180.413(c)(1) clearly requires that the valve be tested for leaks. 180.413(c)(1) also indicates that this requirement is met when the Leakage test defined in 180.407(h)(1) is performed, but does not seem to indicate that this is the only acceptable test. Are other tests allowed?

If other tests are allowed, are the test parameters defined, or are they at the discretion of the cargo tank owner?

We appreciate your quick response. Thanks.

Randolph Martin  
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4417 Lancaster Pike  
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