



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

*Jennifer*

400 Seventh Street, S.W.  
Washington, D.C. 20590

Mr. John L. Conley  
Vice President  
National Tank Truck Carriers, Inc.  
2200 Mill Road  
Alexandria, VA 22314-4677

APR 3<sup>rd</sup> 1998

Dear Mr. Conley:

This is in response to your request for clarification of certain requirements for cargo tank motor vehicles in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171 - 180). Your questions are paraphrased and answered as follows:

- Q1. When a carrier has to perform a periodic test or inspection as required by § 180.407(c), does the carrier have until the last day of the month or must the next test or inspection be performed based on the exact date as the previous test or inspection?
- A1. A carrier has until the last day of the month and year in which the inspection or test is due. For example, if a test or inspection report reflects that an external visual inspection was performed on January 15, 1994, the carrier has until January 31, 1995, to perform the required test or inspection.
- Q2. Section 172.328(b) requires that each cargo tank transporting a Class 2 material must be marked on each side and each end with the proper shipping name of the product being transported, can the proper shipping name be displayed on the cargo tank itself or on a sign bracket installed on the cargo tank?
- A2. Either method may be used to display the proper shipping name on the cargo tank.
- Q3. In the case of a bobtail tank truck, i.e. the cargo tank is mounted on a truck chassis, can the marking be displayed on the cargo tank itself or on the front of the cab?
- A3. Display of the shipping name on the front bumper of the motor vehicle hauling a cargo tank does not satisfy the marking requirement in § 172.328(b). For gases such as "Propane," the shipping name must be marked and displayed in lettering, no less than 50 mm (2.0 inches), on each side and each end of the cargo tank.

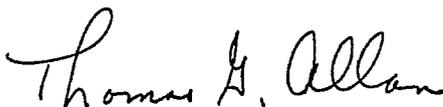
180.407  
✓ 180.417

Q4. In the case of a tractor semi-trailer combination, can the marking be displayed on the cargo tank itself or on the front of the cab?

A4. See answer A3 above.

I hope this information is helpful and I apologize for the delay in responding. If we can be of further assistance, please contact us.

Sincerely,

A handwritten signature in cursive script that reads "Thomas G. Allan".

Thomas G. Allan

Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards

APR 3 1998

Mr. John L. Conley  
Vice President  
National Tank Truck Carriers, Inc.  
2200 Mill Road  
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- A2. Yes, either method may be used to display the proper shipping name on the cargo tank.
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Sincerely,

**Original signed by  
Thomas G. Allan**

Thomas G. Allan  
Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards

Karim:jk:dhm-10:64488:03/24/98

File:180.407(c)/180.417(b)

Revised:ta/em:3/30/98

SC:



# NATIONAL TANK TRUCK CARRIERS, INC.

THE NATIONAL ORGANIZATION SERVING THE FOR HIRE TANK TRUCK INDUSTRY

CLIFFORD J. HARVISON  
PRESIDENT

2200 MILL ROAD • ALEXANDRIA, VA 22314-4677  
PHONE: 703/838-1960 • FAX: 703/684-5753

January 17, 1995

Mr. Edward Mazzullo  
Office of Hazardous Materials Standards (DHM-10)  
Research and Special Programs Administration  
400 7th St. SW  
Washington D.C. 20590

Dear Mr. Mazzullo:

This is a follow-up request to a request for interpretation submitted by NTTC on June 4, 1993. No answer has been received.

Section 180.417 (b) (1) (iv) states that each cargo tank tested or reinspected as specified in 180.407 must have a written report that includes the "Test Date (Month and Year.) Likewise, 180.415 requires that the cargo tank be marked with the date (month and year) of the inspection.

While there is no requirement (of which we are aware) that requires the carrier to record the DAY of the inspection, some carriers do record the DAY of inspection, along with the month and year. We have received calls from carriers cited for violation of 180.407 because the test or inspection was not completed within one year (or whatever interval applies) to the EXACT day of the inspection/test due month.

For example, a carrier may have performed an external visual inspection on January 15, 1994. It is our belief that the carrier has until the end of January 1995 to complete the next inspection, but some carriers have been told that the inspection must have been completed by January 15, 1995.

QUESTION: Does a carrier have until the last day of the inspection/test due month to perform a test or inspection in accordance with 180.407?

Sincerely,

*John L. Conley*  
John L. Conley  
Vice President

cc: Alan Roberts  
Ron Kirkpatrick

02/17/19 . NATIONAL TANK TRUCK CARRIERS  
/FROM: JOHN CONLEY

KARIM

RECEIVED: 02/26/1993  
ASSIGNED:  
DUE:  
SUBJECT 180.407

SIGNED: 10/15/1993  
COMMENTS:

SUMMARY:

COMPLEXITY: H M L

SIGNATURE:  
DRAFTS:

RECEIVED: 06/10/1993  
ASSIGNED:  
DUE:  
SUBJECT 180.417

NTTC WAS INFORMED OF THIS BY TELEP  
NTTC WAS INFORMED OF THIS BY TELEP  
SIGNED: 10/15/1993  
COMMENTS: HATTIE CALLED CONLEY ON 1/18/95 AN  
NTTC WAS INFORMED OF THIS BY TELEP  
SUMMARY: HIS QUESTION WAS ANSWERED IN THE Q

NTTC WAS INFORMED OF THIS BY TELEPHONE  
COMPLEXITY: H M L

SIGNATURE: NTTC WAS INFORMED OF THIS BY TELEPHONE  
DRAFTS: NTTC WAS INFORMED OF THIS BY TELEPHONE

*Thomas Lynch*

must meet the conditions specified in § 180.405(h). However, if the pressure relief valve is removed from the tank and repaired (for example, replacement of the valve seats or springs), such repair is not considered to be replacement.

#### Section 180.407

**Q38.** Must nonspecification and specification cargo tanks meet the periodic test and inspection requirements specified in part 180 when they are used to transport hazardous materials not requiring use of a specification cargo tank?

**A38.** Nonspecification cargo tanks are not subject to the requirements in part 180. The retest and inspection requirements prescribed in § 180.407 apply to any cargo tank that is represented as a DOT specification cargo tank. This requirement is applicable regardless of whether the cargo tank is used to transport hazardous or non-hazardous materials. However, when a DOT specification cargo tank is used exclusively in hazardous material service for which a nonspecification cargo tank is authorized, the specification plate on the cargo tank may be removed, obliterated or securely covered, as provided by § 180.405(j). If the plate is covered, the covering must be capable of remaining in place during transit. When a cargo tank is represented as not meeting the specification by covering the plate, before the cargo tank can be represented again as a DOT specification by uncovering the tank specification plate, it must meet all applicable requirements in part 180.

**Q39.** How are test and inspection requirements in § 180.407 applied to an MC 330 or MC 331 insulated cargo tank that is not equipped with a manhole?

**A39.** An insulated MC 330 or MC 331 cargo tank with no manhole is subject to the pressure, leakage, and thickness tests, as specified in § 180.407(c). Internal and external visual inspections are not required on an insulated cargo tank with no manhole; therefore, the tank would not be marked with an "I" or "V" (see § 180.407(d)(1)). However, as part of the required pressure test, visual inspection of other applicable components prescribed in § 180.407(d)(2)(ii)-(ix) is required.

**Q40.** Can either a hazardous material or a non-hazardous material be used in performing a hydrostatic test or a leakage test on a cargo tank?

**A40.** Section 180.407(g)(1)(viii) allows a hydrostatic test to be performed using water, or other liquid having a similar viscosity, at a temperature not exceeding 100°F. Therefore, a hazardous

material meeting the stated criteria may be used as the test medium. Section 180.407(h)(1) provides that a leakage test may be performed on an MC 330 or MC 331 cargo tank using the hazardous material contained in the tank at the time of the test. On other specification cargo tanks, the leakage test can be performed using either a hazardous or a non-hazardous material. In selecting the test medium, consideration should be given to the safety of personnel and avoiding any contamination that may result in an unsafe condition.

**Q41.** What is the periodic test and inspection schedule for an MC 312 cargo tank that is uninsulated and unlined?

**A41.** Assuming the cargo tank is not vacuum-loaded, the periodic test and inspection requirements are as follows: (1) External visual inspection—annually; (2) internal visual inspection—every 5 years; (3) lining inspection—not required; (4) leakage test—annually; (5) pressure test—every 5 years; and (6) thickness test—not required, except that if the cargo tank is used to transport material that is corrosive to the tank material, the tank must be thickness tested every 2 years.

**Q42.** If a carrier performed an external visual inspection on a cargo tank on November 1, 1990, is the next (annual) visual inspection required by September 1, 1991, or by November 1, 1991?

**A42.** The Table of Compliance at § 180.407(c) lists 2 important time values:

(a) The date by which the first test must be completed, and

(b) The interval period for retest after the first test.

If a test was done before the first test date, the next test must be done prior to the interval date.

In the example cited, an external visual inspection performed on November 1, 1990 must be repeated before November 1, 1991 (unless the cargo tank is loaded by vacuum and has a full opening rear head). In short, the interval period prevails. If the inspection was done on August 1, 1990, it must be repeated before September 1, 1991 as a first test, and annually thereafter.

**Q43.** If a required 5-year pressure retest was performed on an MC 331 cargo tank on November 1, 1989, is the next retest required before November 1, 1994, or September 1, 1991?

**A43.** The next pressure test is due no later than November 30, 1994.

**Q44.** If a cargo tank was marked "H" in the past for a hydrostatic test, can it be remarked "P" for pressure test with the same date?

**A44.** Marking requirements at § 180.415 apply from the time of the first test under § 180.407(c). RSPA sees no reason to change "H" to "P" under the conditions stated, but would not object if all requirements of part 180 have been met on a prior pressure test.

**Q45.** What inspection and retest requirements apply to nonspecification vacuum-loaded cargo tanks manufactured under DOT exemptions?

**A45.** As specified in the exemptions, vacuum-loaded cargo tanks must be designed and constructed in full conformance with the MC 307 and MC 312 cargo tank specification, with certain exceptions, and be tested and inspected as prescribed for the applicable specification. The test and inspection frequency for MC 307 and MC 312 cargo tanks has been increased from what was previously a two-year schedule. Section 177.824 requires all specification cargo tank motor vehicles to be tested and inspected as prescribed in 49 CFR part 180. The vacuum-loaded waste cargo tanks authorized under exemptions are subject to the test and inspection schedule contained in § 180.407(c), in place of the previous two-year schedule. Some exemptions have been updated to reference requirements in part 180. RSPA has taken action to inform all exemption holders of the applicable requirements. (See also requirements of § 180.405(f).)

Section 180.407 (c) and (f)

**Q46.** Is a lining inspection required for cargo tanks in crude oil or lube oil service that have a painted-on internal coating?

**A46.** Certain hazardous materials which are not classed as corrosives, including some crude oils and lube oils, may be corrosive to the tank; thus, subject to thickness testing under § 180.407 (c) and (i). The corrosivity of loadings such as crude oil and liquefied petroleum gas varies greatly in different geographical areas. For example, exposure time and temperature are major variables; indeed, many factors must be considered and evaluated locally. If a coating is applied to protect the cargo tank shell from the loading, then the cargo tank is subject to the lining test. However, if it is applied to protect product purity, then a lining test is not required. The determination of whether operating conditions are "corrosive to the tank/valve" is the responsibility of the cargo tank owner and a Registered Inspector.

**Q47.** Is a cargo tank required to be thickness tested if it is used to transport Class 8 (corrosive) material, even if that material is not corrosive to the tank? The table at § 180.407(c) states that all



# NATIONAL TANK TRUCK CARRIERS, INC.

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CLIFFORD J. HARVISON  
PRESIDENT

2200 MILL ROAD • ALEXANDRIA, VA 22314-4677  
PHONE: 703/838-1960 • FAX: 703/684-5753

June 12, 1997

Mr. Ed Mazzullo  
Office of Hazardous Materials Standards  
Research and Special Programs Administration  
400 7th St. S.W.  
Washington DC 20590

Dear Mr. Mazzullo:

National Tank Truck Carriers would appreciate an interpretation for the following situations:

Section 172.328 (b) "Required Markings; Gases," states that each cargo tank transporting a Class 2 material must be marked on each side and each end with the proper shipping name of the product transported.

1. Our interpretation is that the proper shipping name could be displayed on the cargo vessel itself OR on a sign bracket installed on the cargo vessel (trailer or bobtail).
2. Our interpretation is that in the case of a bobtail delivery truck (cargo tank mounted on truck chassis) the marking could be displayed on front of the chassis cab and the vehicle would be in compliance.
3. Our interpretation is that in the case of a tractor-semi-trailer combination, the marking could be displayed either on the front of the cargo tank OR on the front of the tractor and the vehicle would be in compliance.

Please advise if our interpretations are correct.

Thank you for your consideration.

Sincerely,

John L. Conley  
Vice President