



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUN 28 2000

Mr. Mark S. Morgan, Esq.
Petroleum Transportation & Storage Association
4200 Wisconsin Ave. NW, Suite 106
Washington, DC 20016

Ref. No. 00-0153

Dear Mr. Morgan:

This is in response to your letter of May 16, 2000, concerning testing and inspection requirements of non-specification cargo tanks in flammable liquid service under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask what, if any, equipment must be retro-fitted on small non-specification cargo tanks under 3500 gallons carrying flammable liquids in order to continue in service after June 30, 2000 under the provisions of § 173.8. You also wanted clarification on the testing and inspection procedures for these tanks.

The requirements in § 173.8(d)(6) for non-specification tanks under 3500 gallons carrying flammable liquid petroleum products in intrastate transportation require only that these tanks be tested and inspected under part 180 (except for § 180.405(g)) as required for an MC 306 cargo tank. No specific retro-fit is required as long as the tank passes the required tests. The testing and inspection requirements in part 180 which apply to these tanks are found § 180.407.

I hope this satisfies your request.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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Petroleum Transportation & Storage Association
May 16, 2000

Johnson
§ 178.3
00-0153

Edward Mazzullo, Director
Office of Hazardous Materials Transportation Standards
U.S. DOT/RSPA (DIIM-10)
400 7th Street, S.W.
Washington, D.C. 20590

RE: Docket IIM-200, 49 CFR 180

Dear Director Mazzullo:

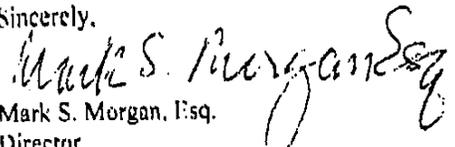
I am writing this letter to seek clarification on the requirements of 49 CFR 180 testing and inspection of non-specification cargo tanks in flammable service. As you know, IIM-200 permits the continuation in service of small non-specification cargo tank vehicles under 3500 gallons carrying flammable materials (in this case, gasoline) under certain conditions. One of those conditions is that after June 30, 2000, the non-specification tanks must meet the testing and inspection requirements of 49 CFR 180, except for 180.405 (g).

I have received many telephone calls from certified DOT cargo tank inspectors and testers who interpret IIM-200 to require small non-specification cargo tanks under 3500 gallons in flammable service be retro-fitted with equipment normally found on MC-306 specification tanks (excluding manhole assemblies) in order to pass Part 180 testing and inspection requirements. Certified inspectors and testers have told me that they can not pass a non-specification cargo tank in flammable service if, for example, the piping is not configured according to MC-306 specifications or the bumper is too high, etc. My understanding of the rule, as explained by RSPA information specialists, is that no equipment retro-fit is required under IIM-200 and that a non-specification cargo tank in flammable service can not fail a test or inspection solely because it does not meet the packaging qualifications of an MC-306 cargo tank.

Would you please clarify what, if any equipment must be retro-fitted on small non-specification cargo tanks under 3500 gallons carrying flammable materials in order to continue in service after June 30, 2000. Also, please specify testing and inspection procedures for non-specification cargo tanks in flammable service that are not equipped to MC-306 specifications. In other words, what must be tested and inspected on non-specification cargo tanks under IIM-200.

Thank you for your assistance in this matter. I would appreciate a response at your earliest convenience given the approaching June 30, 2000 compliance deadline. If you should require any additional information, please do not hesitate to call me.

Sincerely,


Mark S. Morgan, Esq.
Director

4200 Wisconsin Avenue N.W. • Suite 106 • Washington, DC 20016
Phone: (202)364-6767 • Fax: (202)966-4560