



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

MAR 18 2005

Mr. Mike Pitts
Vice President/Sales
Mississippi Tank Company
P.O. Drawer 1391
Hattiesburg, MS 39403-1391

Ref. No. 04-0206

Dear Mr. Pitts:

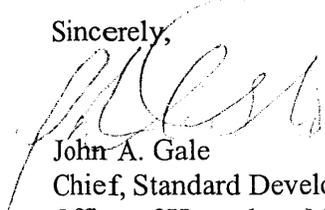
This responds to your letter to Mr. Danny Shelton, Federal Motor Carrier Safety Administration, concerning requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the marking of MC 331 cargo tanks marked or certified after October 1, 2004. Specifically, you ask if the requirements concerning metal name plates and specification plates apply to the cargo tank or to the cargo tank motor vehicle (CTMV). I apologize for the delay in responding and any inconvenience it may have caused.

In accordance with § 178.337-17, an MC331 cargo tank certified after October 1, 2004, must have a metal name plate (also referred to as an ASME plate) permanently attached to the cargo tank. In addition, an MC331 cargo tank motor vehicle certified after October 1, 2004, must have a specification plate that includes the information specified in § 178.337-17(c). You are correct that, as currently written, § 178.337-17 is not clear as to these requirements. We will clarify the name plate and specification plate requirements in a future rulemaking.

You also asked if the HMR require the cargo tank assembler's CT number to be included on the specification plate. Currently, the CT number is not required to be shown on the specification plate.

I hope this satisfies your inquiry. If you have further questions, please do not hesitate to contact this office.

Sincerely,


John A. Gale
Chief, Standard Development
Office of Hazardous Materials Standards



040206

178.337-17

From: Mike Pitts [mailto:mpitts@mstank.com]
Sent: Wednesday, September 08, 2004 7:28 PM
To: Shelton, Danny
Subject: 49 CFR part 178.337-17

Webb
§178.337-17
Marking
04-0206

September 8, 2004

Danny Shelton

FMCSA/DOT

Hello Danny,

To confirm what I talked to you about this afternoon, I would appreciate it if you could help with an interpretation of the new requirements of part 178.337-17 of the 49 CFR that become mandatory after October 1, 2004. The specific issue is the wording in paragraph (a) where you refer to the marking requirements of a "cargo tank". Since you refer to the requirements pertaining to both the nameplate and the specification plate, it would appear that the intent is that the term cargo tank is in fact referring to the CTMV, as the requirement for a specification plate is only for a CTMV. Up to this point, it has been my opinion that you were referring to the CTMV but due to the fact that some tank manufacturers are still shipping tanks with nameplates that do not comply with the new requirements, I assume that they are interpreting that the term cargo tank means only the tank itself. I see problems with this interpretation because most of the tanks that have been shipped in since the beginning of this month will be completed after October 1, meaning that the new requirements of part 178.337-17 would be mandatory as concerns the actual marking but the assembler would have a tank that already had the "old type" name plate. Whereas I don't expect this to be a problem with tanks built by my company, I see a potential for many problems with tanks built by others that have the old type name plate on them.

If RSPA advises that CTMV 's with tanks built and date stamped prior to the deadline using old style name plates, but with CTMV certification dates after the deadline, will comply with the new regulations, then there will be no problem. However, if CTMV's certified after October 1, 2004 must have name plates that comply with the new requirements, then we need to know this before we get a lot of CTMV's in use that don't comply with the new regulations. I trust I have stated my concern clearly enough.

One final question is about the specification plate. Was there originally an intention to have the assembler's CT number shown on the specification plate? It would seem that if you wanted the CT number shown on all paperwork, it would have been appropriate to put it on the specification plate as well. If it was shown, an enforcement officer could record the number during routine inspections and use it as a tool to determine if the person who performed the assembly and attached the specification plate was registered with DOT to perform all that is required of them for such activity. The absence of a CT number would also signal a possible violation as pertains to the mounting of the cargo tank of the assembly. What are your thoughts on this?

I appreciate your time on the phone today, especially the considering that you stayed with me until after 5:15 PM. I would also appreciate some type of early response to this email and an official interpretation from RSPA as soon as possible. At this point I have not "stirred the pot" on this but feel I need to start talking so some people about this the first of next week. I will on vacation the rest of this week but you are welcome to call me on my cell phone if you want to.

Best regards,

Mike Pitts
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