



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

OCT 02 2019

Mr. Donald Brittingham
208 143rd Street
Ocean City, MD 21842

Reference No. 19-0047

Dear Mr. Brittingham:

This letter is in response to your April 5, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to nurse tanks. Specifically, you ask several questions regarding the inspection and testing of nurse tanks when securely mounted to a field truck, farm wagon, or an applicator trailer. We have paraphrased your questions and answered them in the order you provided.

- Q1. You ask whether a nurse tank securely mounted on a field truck is required to be tested in conformance with the § 180.407(h) leakage test, as prescribed in § 173.315(m)(3)(ii).
- A1. The answer is yes. When securely mounted to a field truck, a nurse tank must comply with the provisions in § 173.315(m)(3), which include the applicable testing and inspection requirements for an MC 331 cargo tank under subpart E of part 180, (Qualification and Maintenance of Cargo Tanks). See § 173.315(m)(3)(ii).
- Q2. You ask whether the leakage test in § 180.407(h) applies to all nurse tanks regardless of their placement on a field truck, farm wagon, or applicator trailer.
- A2. The answer is no. Only nurse tanks securely mounted on a field truck in accordance with § 173.315(m)(3) are subject to a leakage test as prescribed in § 180.407(h).
- Q3. You ask whether rollover protection, prescribed in § 178.337-10 as “accident damage protection,” for an MC 331 cargo tank motor vehicle is required on a nurse tank mounted on a farm wagon, applicator trailer, or field truck.

A3. The answer is no. The HMR do not require accident damage protection for non-specification nurse tanks under § 173.315(m).

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "T. Glenn Foster". The signature is written in a cursive style with a large, sweeping initial "T" and a decorative flourish at the end.

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

Edmonson
§ 180.407(h)

19-004'7

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, April 05, 2019 4:51 PM
To: Hazmat Interps
Subject: FW: Letter of Interpretation Request

Alice and Ikeya,

Please see the information below for a letter of interpretation request.

Sincerely,

Lynsie Patschke
Transportation Regulatory Specialist
Hazardous Materials Information Center (HMIC)

From: Don Brittingham [mailto:aidtrain@comcast.net]
Sent: Friday, April 05, 2019 10:46 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Cc: aidtrain@comcast.net; KenU@Aglink.biz
Subject: Letter of Interpretation Request

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

U.S. Department of Transportation

1200 New Jersey Avenue, SE

Washington, DC 20590

To Whom It May Concern,

Please provide a written letter of interpretation to clarify whether a leakage test as required under Subpart E Part 180.407(h) applies to those nurse tanks considered to be Field Trucks that must be inspected as per Subpart E Part 180.407(h) according to Part 173.316 (m)(3)(ii).

Also, does a leakage test required under Subpart E Part 180.407 (h) apply to all Nurse tanks regardless of whether on a field truck, farm wagon or applicator trailer since following a pressure test, the relief valve must be reinstalled.

In addition, is rollover protection specified in Subpart J Part 178.337-10 required on a Nurse Tank mounted onto a farm wagon, applicator trailer and/or field truck?

Sincerely,

Donald Brittingham

208 143rd Street

Ocean City, MD 21842

302-743-2935

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