



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

NOV 26 2019

Randy Decker
Director of Maintenance
United Petroleum Transport
4312 S. Georgia Place
Oklahoma City, OK 73129

Reference No. 19-0006

Dear Mr. Decker:

This letter is in response to your February 4, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to pressure test requirements for MC 300 series cargo tanks. Specifically, you provide the following scenario:

- You are the owner of an MC 300 series cargo tank.
- In accordance with § 180.405(k), the cargo tank is marked with a MAWP of 3 psig.
- Historically, in accordance with §§ 180.405(k) and 180.407(g)(1)(iv), the cargo tank was pressure tested at 3 psig.

You note that table 1 to § 180.407(g)(iv) was amended following the November 7, 2018, publication of the final rule titled “Hazardous Materials: Response to Petitions from Industry to Modify, Clarify, or Eliminate Regulations” [83 FR 55792; HM-219A]. This rulemaking addressed a petition for rulemaking (P-1615) that revised the table 1 entry for MC 300, 301, 302, 303, 305, and 306 specification cargo tanks to read as: “The test pressure on the name plate or specification plate, or 1.5 times the MAWP, whichever is greater.” Previously, the entry had read as: “20.7 kPa (3 psig) or design pressure, whichever is greater.”

You ask whether it was the intention of PHMSA to require a MC 300, 301, 302, 303, 305, or 306 specification cargo tank with a marked MAWP or design pressure of 3 psig to be tested to 4.5 psig (1.5 x MAWP of 3 psig) instead of testing it to 3 psig.

The answer is no. In the HM-219A NPRM, PHMSA had originally proposed to revise § 180.407(g)(1)(iv) to read as: “The test pressure on the name plate or specification plate, 20.7 kPa (3 psig) or design pressure, whichever is greater” [81 FR 42609]. While PHMSA received comments to the proposed amendments in § 180.407(g)(1)(iv), these comments did not request a revision to the pressure specification of “20.7 kPa (3 psig) or design pressure.”

Following review of your request, PHMSA has identified that this revision was made in error and was not PHMSA's intention. PHMSA is working to address this error soon in an upcoming rulemaking. In the interim, you may continue to requalify the cargo tank at 3 psig.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk Der Kinderen". The signature is fluid and cursive, with a large initial "D" and "K".

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

January, Ikeya CTR (PHMSA)

19-00003

19-00003

From: INFOCNTR (PHMSA)
Sent: Monday, February 04, 2019 3:15 PM
To: Hazmat Interps
Subject: FW: Request for a letter of interpretation

Hello Alice and Ikeya,

Below is a request for letter of interpretation.

Thanks,

Jonathon, HMIC

From: Randy Decker [mailto:rdecker@otl-upt.com]
Sent: Monday, January 07, 2019 5:46 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request for a letter of interpretation

Hello,

I would like a better understanding of the new rule making on P-1615. The rule states on a MC300 series trailer, that the test pressure on the name plate or specification plate, or 1.5 times the MAWP, whichever is greater. Well, my concern is that 180.405 (k) states that, **DOT-specification cargo tank with no marked design pressure or a marked design pressure of less than 3 psig**. The owner of an MC 300, MC 301, MC 302, MC 303, MC 305, MC 306, or MC 312 cargo tank with a pressure relief system set at 3 psig, must mark or remark the cargo tank with an MAWP or design pressure of not less than 3 psig.

Now I have followed 180.405 (k) and marked the MC300 series trailers to have a MAWP of 3 and the test pressure was already 3 and by the new ruling the these trailer must be pressure tested at 4.5, which is 1.5 times higher the original test pressure that the trailer was designed to be tested. How is this not a safety issue?

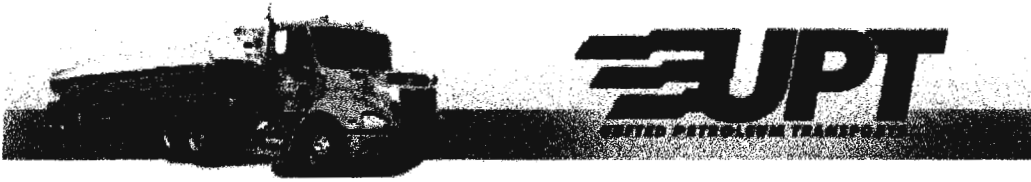
Randy Decker
4312 S. Georgia Place
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Office Number: 405-670-8933
Mobile Number: 405-406-3850

Thank you, Randy

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