



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 30, 2020

Craig F. Lowther
Lowther Johnson Attorneys at Law, LLC
901 St. Louis Street
20th Floor
Springfield, MO 65806

Reference No. 19-0107

Dear Mr. Lowther:

This letter is in response to your August 14, 2019 and October 2, 2019, letters and subsequent phone conversation requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the reflective design of an MC 331 cargo tank. Specifically, you ask whether the cargo tank, as described in your letters and shown in the enclosed photographs, meets the reflective design requirements of § 178.337-1(d).

In your letter, you describe an MC 331 cargo tank wrapped with 3M IJ180CV3-10 Controltac and 3M Scotchcal Gloss Overlamine 8518 with UV protection. The enclosed photographs show that the wrap that covers approximately the front half of the MC 331 cargo tank is light gray with a green decal, darkening to a charcoal gray at the tank's midsection. The rear half of the cargo tank is covered with a bright green wrap. You provide temperature test data for the cargo tank and product description data for the wrap.

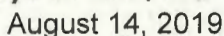
In accordance with § 178.337-1(d), every uninsulated MC 331 cargo tank permanently attached to a cargo tank motor vehicle shall, unless covered with a jacket made of aluminum, stainless steel, or other bright nontarnishing metal, be painted a white, aluminum or similar reflecting color on the upper two-thirds of area of the cargo tank.

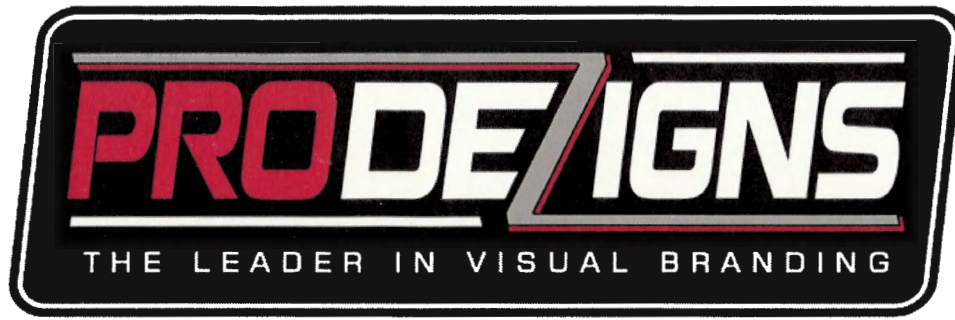
Based on the information provided in your letters, and in conformance with previously issued Letters of Interpretation including Ref. Nos. 11-0067, 14-0180, and 15-0242, the cargo tanks shown in the photographs and data you supplied appear to meet the intent of this section. We recognize the requirements of § 178.337-1(d) have generated confusion for motor carriers and we may consider amending the section in a future rulemaking.

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

Sincerely,

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





The Ozark Mountain Energy propane trailer in question is wrapped using 3M™ IJ180CV3-10 Controltac™ and 3M™ Scotchcal™ Gloss Overlaminate 8518 with UV Protection, approved by D.O.T. in compliance with their requirements.

Kind Regards,

Jim Wheat

Pro DeZigns
36 Scrivner Rd.
Eldon Mo.65026

573.392.0500 Office
573.392.0094 Fax





U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave, SE
Washington, D.C. 20590

MAY 17 2011

Mr. John Anderson
Airgas SAFECOR
P.O. Box 20067
Cheyenne, WY 82003

Ref. No.: 11-0067

Dear Mr. Anderson:

This responds to your March 22, 2011 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the general requirements for specification MC 331 cargo tanks.

In your letter, you state that your company, Airgas SAFECOR (Airgas), carries permitted hazardous materials within specification MC 331 cargo tank motor vehicles. You state that some of your MC 331 cargo tanks are painted white with a light teal stripe across the horizontal axis of the tank. Additionally, you state that your other MC 331 cargo tanks are "wrapped" in a 3M ControltacTM Graphic Film with ComplyTM v3 Adhesive. The wrap is an ultraviolet (UV) reflective material that is designed to breathe and resist fading. You provide data of the temperature tests on the striped cargo tanks and product description data for the wrap. Specifically, you ask whether the light teal stripe and the wrap are permitted under § 178.337 of the HMR.

As specified in § 178.337-1(d), every uninsulated cargo tank permanently attached to a cargo tank motor vehicle shall, unless covered with a jacket made of aluminum, stainless steel, or other bright non-tarnishing metal, be painted a white, aluminum or similar reflecting color on the upper two-thirds of area of the cargo tank.

It is the opinion of this Office that both the light teal "striped" and the "wrapped" Airgas cargo tanks as shown in the photographs and data you supplied do not conflict with § 178.337-1(d); therefore, you appear to be in compliance with this section.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

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



Scotchcal™

Gloss Overlamine 8518

Description

3M™ Scotchcal™ Gloss Overlamine is a 2-mil film that can enhance gloss and provide additional ultraviolet and durable physical protection for selected digitally-imaged graphic constructions. It is designed for cold roll lamination only. Refer to the base film's Product Bulletin to determine compatibility and durability.


Characteristics

Characteristic	Description
Color	Clear
Gloss	Gloss
Adhesive	Pressure sensitive, clear
Liner	Polyester
Thickness	2 mil (0.05 mm) <i>without adhesive</i> 3–4 mil (0.08 to 0.10 mm) <i>with adhesive</i>
Tensile strength (minimum)	5 pounds/inch at 73°F (0.9 kg/cm at 23°C)
Dimensional stability	0.015 inch (0.4 mm)
In use temperature range	-65° to +225° F (-54° to +107° C)
Chemical resistance	<ul style="list-style-type: none">• Resists mild alkalis, mild acids and salt• Excellent resistance to water• Resists petroleum vapors

Shelf Life, Storage, and Shipping

Activity	Recommendation
Shelf life	Total shelf life: 2 years Up to 2 years unprocessed, OR process within 1 year and apply within 1 year of processing
Storage conditions	<ul style="list-style-type: none">• 86°F (30°C) maximum (<i>Bring to room temperature before using</i>)• Out of sunlight• Clean dry area• Original container
Shipping finished graphics	Refer to the base film's Product Bulletin

Health and Safety

 Caution
<p>When handling any chemical products, read the manufacturers' container labels and the Material Safety Data Sheets (MSDS) for important health, safety and environmental information.</p> <p>To obtain MSDS sheets for 3M products:</p> <ul style="list-style-type: none">• By fax, call 1-800-364-0768 in the US and Canada or 1-650-556-8417 for all other locations.• Electronically, visit us at http://www.3M.com/MSDS.• By mail, or in case of an emergency, call 1-800-364-3577 or 1-651-737-6501. <p>When using any equipment, always follow the manufacturers' instructions for safe operation.</p>

Warranty and Limited Remedy

The following is made in lieu of all other express or implied warranties, including any implied warranty of **merchantability** or fitness for a particular purpose or implied warranty arising out of a course of dealing, custom or usage of trade: all 3M products are warranted to be free of defects in materials and manufacture at the time of shipment and to meet the specifications stated in this Product Bulletin. 3M will replace or refund the price of any unused 3M materials that do not meet this warranty. These remedies are exclusive. **In no case shall 3M be liable for any direct, indirect, or consequential damages, including any labor or non-3M materials charges.**

See the Graphics Market Center Warranty Brochure, which gives the terms, additional limitations of the warranty, if any, and limitations of liability.

3M Related Literature

Before starting any job, be sure you have the most current Product and Instruction Bulletins.

The information in 3M Product and Instruction Bulletins is subject to change. Current Bulletins, as well as a list of all Bulletins updated within the last three months, are available at www.scotchprint.com or through our Fax-on-Demand system. Any warranty, if offered, is based on information in the appropriate Bulletin(s) that was current at the time you purchased the 3M products. The following Product and/or Instruction Bulletins provide the information and processes you need to properly make the graphics described in this Bulletin.

Fax-on-Demand phone numbers:
United States or Canada: 1-800-364-0768
International: 1-651-732-6506

Subject	Bulletin No.	FOD No.
Product Bulletins		
Films Please visit our Web site or our Fax-on-Demand system to identify and order the base film bulletins you need.		
Instruction Bulletins		
Cold roll lamination	4.22	6522
Storage, handling, maintenance, removal	6.5	8505
Warranties		
Worldwide 3M Graphics Center Warranty Brochure		9503

3M

Graphics Market Center

3M Center, Building 220-12E-04
PO Box 33220
St. Paul, MN 55144-3220 USA
General Info. 1-800-374-6772
Technical Info. 1-800-328-3908
Fax 1-651-736-4233

Fax-on-Demand 1-800-364-0768 US/Canada or 1-651-732-6506 International
Fax-on-Demand document: 4600
www.3M.com/graphics

3M Canada

P.O. Box 5757
London, Ontario
Canada N6A 4T1
1-800-265-1840
Fax 519-452-6245

3M México, S.A. de C.V.

Av. Santa Fe No. 55
Col. Santa Fe, Del. Alvaro Obregón
México, D.F. 01210
52-55-52-70-04-00
Fax 52-55-52-70-22-77

3M Puerto Rico, Inc.

Puerto Rico Industrial Park
P.O. Box 100
Carolina, PR 00986-0100
787-620-3000
Fax 787-750-3035









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WEB

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October 2, 2019

Eamonn Patrick
U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration
1200 New Jersey Ave. SE
Washington, D.C. 20590

RE: **State of Missouri v Robert F. Foley; Cass County Case #702915174**
Tracking No. 19-0107
Matter ID 33791-000

Dear Patrick:

You requested that I have testing done on the Ozark Mountain Energy propane trailer to make sure that the wrap does in fact reflect the UV rays and keep the internal temperature of the tank cool.

I have enclosed for you the testing report performed by Trux Trailer and Tractor Repair Inc. located here in Springfield. It looks like the wrap does in fact reflect UV rays, which is the purpose of the regulation, and the report is consistent with the previous opinion letter I received from D.O.T.

I would appreciate it if you would review this report and see if you have enough information to respond to my letter of August 14, 2019. I need this in order to get the Missouri State Highway Patrol to understand that the wrap was placed on the trailer for the purpose of reflecting the UV rays and it does work as advertised, and is not a violation of the D.O.T. regulations.

Please call me if you have any questions.

Very truly yours,

LOWTHER JOHNSON
Attorneys at Law, LLC

Craig F. Lowther

CFL:kcl
Enclosure





**TRAILER/TRACTOR
REPAIR INC.**

"Ozarks Symbol of Service"

Trux Trailer and Tractor Repair Inc.
900 N. West Bypass
Springfield, Mo. 65802
417-831-4074 Fax: 417-831-4079

Date In:	9/26/2019
Date Out:	9/30/2019
Service Order #:	105121
Page:	1

Customer:

PETROLEUM EXPRESS INC
1150 E INDUSTRIAL DRIVE
Mount Vernon, MO 65712

Manufacturer: 2019 POLAR

Model: LP TANKER

Serial Number: K8050773

Alternate ID: # 0773

Reference: # 0773

Mileage:

TERMS OF REPAIR

WE UNDERSTAND AND AUTHORIZE THE LABOR MATERIALS SHOWN HEREON; AND I ACKNOWLEDGE AND UNDERSTAND THAT TRUX TRAILER AND TRACTOR REPAIR, INC SHALL HAVE A LIEN UPON THE EQUIPMENT ON WHICH THE LABOR AND MATERIALS ARE FURNISHED TO SECURE PAYMENT. PAYMENT SHALL BE DUE IN FULL FOR SAID LABOR AND MATERIALS UPON COMPLETION. ALL SUMS NOT PAID BY THIS DATE SHALL EARN INTEREST AT A RATE OF 1-1% PERCENT PER MONTH, AND CUSTOMER SHALL PAY ALL COSTS OF COLLECTIONS, INCLUDING COURT COSTS AND REASONABLE ATTORNEY FEES. ANY LAWSUIT ARISING OUT OF OR RELATING TO THESE REPAIRS MUST BE FILED IN GREENE COUNTY MISSOURI. I EXPRESSLY GRANT TO TRUX TRAILER AND TRACTOR REPAIR, INC. PERMISSION TO OPERATE THE TRUCK OR EQUIPMENT DESCRIBED HEREIN ON STREETS, HIGHWAYS OR ELSEWHERE FOR THE PURPOSE OF TESTING AND/OR INSPECTION.

Phone: 417-466-7632

Alternate Phone:

Terms:

Service Rep: DJ

Cust PO: 0773

Status: CLOSED

Due Date: 10/10/2019

Job # Stock Code

Description

Indications/Work Performed

Quantity

Price

Extended

1

Technician:

RECORD AMBIENT AIR TEMPERATURE AND BARREL TEMPERATURE

LOADED

BARREL TEMP - 81.3

PRODUCT TEMP - 74.0

AMIENT TEMP - 81.0

EMPTY

BARREL TEMP - 87.7

PRODUCT TEMP - 80.0

AMIENT TEMP - 79.0

Parts:	0.00	Labor:	80.00	Sublet:	0.00	Disposal:	0.00	Pickup/Delivery:	0.00
						Shipping:	0.00	Service Call:	0.00
						Tax:	0.00	Total:	80.00
								Paid:	0.00
									Balance:
									80.00

WARRANTY AND DISCLAIMER

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CUSTOMER SIGNATURE