



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUN 6 2000

Mr. David Schappell
Kovatch Corporation
One Industrial Complex
Nesquehoning, PA 18240

Ref. No. 00-0137

Dear Mr. Schappell:

This is in response to your April 13, 2000, letter concerning the use of non-specification cargo tanks with a capacity over 3500 gallons under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if these cargo tanks may be used after July 1, 2000, for intrastate transportation of flammable liquid petroleum products.

The answer is no. The provisions of § 173.8(b) provide for the use of a non-specification cargo tank with a capacity under 3500 to transport flammable liquid petroleum products after July 1, 2000. There is no provision in the HMR to allow the use of a non-specification cargo tank greater than 3500 capacity for flammable liquid petroleum products after July 1, 2000.

I hope this satisfies your request.

Sincerely,

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



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KOVATCH CORPORATION

ONE INDUSTRIAL COMPLEX
NESQUEHONING, PA 18240
PHONE: 570-669-9461
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DO W/ASPA/CHMS
EXEMPTIONS & APPROVALS

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Research and Special Programs Administration
Department of Transportation
400 Seventh Street, SW
Washington, DC 20590

April 13, 2000

Dear Sir/Madam:

Under Paragraph 173.8 (b) of Title 49, Code of Federal Regulations (49CFR), non specification cargo tanks under 3500 gallon may be used for intrastate transportation of a flammable liquid petroleum product. Does this mean that those non specification tanks over 3500 gallons will no longer be permitted after July 1, 2000?

I have been watching all the commercial publications which list new rule changes and I have not seen any mention of this. I have mentioned this to several other tank manufacturers and they seem not to be aware of it.

If you could clear this up for me, it would be greatly appreciated. The address is:

Kovatch Corporation
ATTN: David Schappell
One Industrial Complex
Nesquehoning, PA 18240

Thank you for your assistance.

Sincerely,

DAVID A SCHAPPELL
Manager, KME Fuel Trucks