



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

Mr. Loy McGee
Harmon Tank Company, Inc.
P.O. Box 2068
Lubbock, Texas 79408

Ref. No: 01-0027

Dear Mr. McGee:

This responds to your request for clarification of the periodic inspection and test requirements for non-specification cargo tanks authorized under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask about inspection and retest requirements for non-specification cargo tanks authorized to transport flammable liquid petroleum products in intrastate commerce.

As you note, § 173.8 of the HMR permits an intrastate motor carrier to transport flammable liquid petroleum products in a non-specification cargo tank having a capacity of 3,500 water gallons or less provided the conditions listed in paragraph (d) of § 173.8 are met. Beginning July 1, 2000, such non-specification cargo tanks must conform to all periodic test and inspection requirements applicable to DOT specification MC 306 cargo tanks, except for those listed in § 180.405(g) (see § 173.8(d)(6)). The non-specification cargo tank need not be retrofitted to meet the MC 306 specification, but operators must adhere to the same inspection and testing schedule as outlined for an MC 306 specification cargo tank. The operator must complete only the inspections and tests applicable to the tank itself and the equipment and appurtenances installed on the tank. In the example you provide, a non-specification cargo tank that is not equipped with self-closing stop valves, remote closures, or similar emergency devices and valves is not required to meet the inspection and testing requirements applicable to such devices.

I hope this information is helpful. If you have any questions, please do not hesitate to contact this office.

Sincerely,

Thomas G. Allan
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



010027

Gorsky
§ 180.407
Cargo Tanks
Inspection
01-0027

Re: Required inspection of non-specification fuel delivery trucks in intrastate service:

Request for Clarification:>

Our question is in reference to the following paragraphs from 49CFR:

§ 173.8 Exceptions for non-specification packagings used in intrastate transportation.

...(b) *Non-specification cargo tanks for petroleum products.* Notwithstanding requirements for specification packagings in subpart F of this part and parts 178 and 180 of this subchapter, a non-specification cargo tank motor vehicle having a capacity of less than 13,250 liters (3,500 gallons) may be used by an intrastate motor carrier for transportation of a flammable liquid petroleum product in accordance with the provisions of paragraph (d) of this section.

...(d) *Additional requirements.* A packaging used under the provisions of paragraphs (a), (b) or (c) of this section must—

...(6) On and after July 1, 2000, for a tank authorized under paragraph (b) or (c) of this section, conform to all requirements in part 180 (except for § 180.405(g)) of this subchapter in the same manner as required for a DOT specification MC 306 cargo tank motor vehicle.

§ 180.407 Requirements for test and inspection of specification cargo tanks.

...(d) *External visual inspection and testing.* ...

...(2) The external visual inspection and testing must include as a minimum the following:

...(iv) All emergency devices and valves including self-closing stop valves, excess flow valves and remote closure devices must be free from corrosion, distortion, erosion and any external damage that will prevent safe operation. Remote closure devices and self-closing stop valves must be functioned to demonstrate proper operation;

How can we inspect the condition and function of valves and devices that are not installed in most existing non-specification delivery tanks?

Thank you for your help,

Loy McGee

Harmon Tank Company, Inc.

(Address on second page)