



# Memorandum

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

Date: NOV - 9 2004

Reply to Attn. of: 04-0230

Subject: Request for Interpretation

From: John A. Gale  
Chief, Regulations Development  
Office of Hazardous Materials Standards

To: Danny Shelton  
Cargo Tank Program Manager  
Federal Motor Carrier Safety Administration

This responds to your October 1, 2004 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the requirements for test and inspection of MC 338 cargo tanks. Specifically, you ask whether a pressure test should be performed as part of the annual visual inspection requirement for insulated MC 338 cargo tanks. You also request the specific reference in the HMR that indicates MC 338 cargo tanks need only be pressure-tested every five years.

Section 180.407 of the HMR contains the requalification requirements for DOT specification cargo tanks. Paragraph (c) of this section includes a table that establishes test and inspection intervals for different types of cargo tanks. Paragraphs (d) through (i) of this section describe how each prescribed test must be performed. Section 180.407 must be read in its entirety in order to ascertain which tests and inspections are required for a specific cargo tank.

Paragraph (d) of § 180.407 sets forth requirements for the performance of an external visual inspection. Paragraph (d)(1) generally requires an internal visual inspection in accordance with paragraph (e) of § 180.407 in place of the external visual inspection where insulation precludes performance of the external visual inspection. Paragraph (d)(1) further requires that for cargo tanks where a visual internal inspection is not possible, because the cargo tank is lined, coated, or designed so as to prevent access for an internal visual inspection, the tank must be pressure tested in accordance with § 180.407(g)(1)(iv). The table in § 180.407(c) is consistent with paragraph (d)(1); in accordance with the table, insulated cargo tanks must be pressure tested every year. Note, however, that MC 338 cargo tanks are excepted from this requirement. Instead, as indicated in the table under the entry for pressure test requirements for "all other cargo tanks," MC 338 cargo tanks are required to have a pressure test every five years.

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

#



# Memorandum

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

Date: NOV -9 2004

Reply to Attn. of: 04-0230

Subject: Request for Interpretation

From: John A. Gale  
Chief, Regulations Development  
Office of Hazardous Materials Standards

To: Danny Shelton  
Cargo Tank Program Manager  
Federal Motor Carrier Safety Administration

This responds to your October 1, 2004 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the requirements for test and inspection of MC 338 cargo tanks. Specifically, you ask whether a pressure test should be performed as part of the annual visual inspection requirement for insulated MC 338 cargo tanks. You also request the specific reference in the HMR that indicates MC 338 cargo tanks need only be pressure-tested every five years.

Section 180.407 of the HMR contains the requalification requirements for DOT specification cargo tanks. Paragraph (c) of this section includes a table that establishes test and inspection intervals for different types of cargo tanks. Paragraphs (d) through (i) of this section describe how each prescribed test must be performed. Section 180.407 must be read in its entirety in order to ascertain which tests and inspections are required for a specific cargo tank.

Paragraph (d) of § 180.407 sets forth requirements for the performance of an external visual inspection. Paragraph (d)(1) generally requires an internal visual inspection in accordance with paragraph (e) of § 180.407 in place of the external visual inspection where insulation precludes performance of the external visual inspection. Paragraph (d)(1) further requires that for cargo tanks where a visual internal inspection is not possible, because the cargo tank is lined, coated, or designed so as to prevent access for an internal visual inspection, the tank must be pressure tested in accordance with § 180.407(g)(1)(iv). The table in § 180.407(c) is consistent with paragraph (d)(1); in accordance with the table, insulated cargo tanks must be pressure tested every year. Note, however, that MC 338 cargo tanks are excepted from this requirement. Instead, as indicated in the table under the entry for pressure test requirements for "all other cargo tanks," MC 338 cargo tanks are required to have a pressure test every five years.

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

#

Foster: DHM-11: 68553: 10/25/04  
File: 180.407



# Memorandum

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

Date: NOV - 9 2004

Reply to Attn. of: 04-0230

Subject: Request for Interpretation

From: John A. Gale  
Chief, Regulations Development  
Office of Hazardous Materials Standards

To: Danny Shelton  
Cargo Tank Program Manager  
Federal Motor Carrier Safety Administration

This responds to your October 1, 2004 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the requirements for test and inspection of MC 338 cargo tanks. Specifically, you ask whether a pressure test should be performed as part of the annual visual inspection requirement for insulated MC 338 cargo tanks. You also request the specific reference in the HMR that indicates MC 338 cargo tanks need only be pressure-tested every five years.

Section 180.407 of the HMR contains the requalification requirements for DOT specification cargo tanks. Paragraph (c) of this section includes a table that establishes test and inspection intervals for different types of cargo tanks. Paragraphs (d) through (i) of this section describe how each prescribed test must be performed. Section 180.407 must be read in its entirety in order to ascertain which tests and inspections are required for a specific cargo tank.

Paragraph (d) of § 180.407 sets forth requirements for the performance of an external visual inspection. Paragraph (d)(1) generally requires an internal visual inspection in accordance with paragraph (e) of § 180.407 in place of the external visual inspection where insulation precludes performance of the external visual inspection. Paragraph (d)(1) further requires that for cargo tanks where a visual internal inspection is not possible, because the cargo tank is lined, coated, or designed so as to prevent access for an internal visual inspection, the tank must be pressure tested in accordance with § 180.407(g)(1)(iv). The table in § 180.407(c) is consistent with paragraph (d)(1); in accordance with the table, insulated cargo tanks must be pressure tested every year. Note, however, that MC 338 cargo tanks are excepted from this requirement. Instead, as indicated in the table under the entry for pressure test requirements for "all other cargo tanks," MC 338 cargo tanks are required to have a pressure test every five years.

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

#

Gorsky, Susan

Foster  
§180.407  
Cargo Tanks  
04-0230

From: Shelton, Danny [Danny.Shelton@fmcsa.dot.gov]  
Sent: Friday, October 01, 2004 10:09 AM  
To: Gorsky, Susan <RSPA>  
Subject: FW: MC 338 Testing Requirements

Susan, here is another e-mail from industry, this time on MC 338 cargo tanks. :-)

From: Clifford Harvison [mailto:charvison@tanktruck.org]  
Sent: Tuesday, September 14, 2004 1:03 PM  
To: Shelton, Danny  
Subject: Fw: MC 338 Testing Requirements

Danny; Please review all info below. I need some guidance for this gentleman.

Regards...Cliff

----- Original Message -----

From: John Sorota <mailto:jsorota@transgaslng.com>  
To: charvison@tanktruck.org  
Sent: Tuesday, September 14, 2004 11:34 AM  
Subject: MC 338 Testing Requirements

Cliff,

As per our conversation this morning, I am looking for clarification of testing requirements concerning MC 338 cargo tanks. Specifically I am concerned with the requirement of the annual visual inspection and whether a pressure test should be performed as part of this requirement. In reading the current regulations, section 180.407 (d) (1) states "Where insulation precludes a complete external visual inspection as required by paragraphs (d) (2) through (d) (6) of this section, the cargo tank also must be given an internal visual inspection in accordance with paragraph (e) of this section. If external visual inspection is precluded because any part of the cargo wall is externally lined, coated, or designed to prevent an external visual inspection, those areas of the cargo tank must be internally inspected. If internal visual inspection is precluded because the cargo tank is lined, coated, or designed so as to prevent access for internal inspection, the tank must be hydrostatically or pneumatically tested in accordance with paragraph (g) (1) (iv) of this section. Those items able to be externally inspected must be externally inspected and noted in the inspection report".

Reading the section quoted above would lead one to believe that a pressure test would be necessary every year. However, in a letter addressed to you from John Gale and contained in the NTTTC Cargo Tank Maintenance Manual on page 53, Mr. Gale states near the end of the second paragraph that "an MC 338 cargo tank need only be pressure tested every five years". In reading the current regulations I can find no section that backs up Mr. Gale's statement that MC 338 cargo tanks only need to be pressure tested every five years.

I would greatly appreciate any information you may be able to gather to clarify this section of the regulations.

Gorsky, Susan

Foster  
\$180.407  
Cargo Tanks  
04-0230

From: Shelton, Danny [Danny.Shelton@fmcsa.dot.gov]  
Sent: Friday, October 01, 2004 10:09 AM  
To: Gorsky, Susan <RSPA>  
Subject: FW: MC 338 Testing Requirements

Susan, here is another e-mail from industry, this time on MC 338 cargo tanks. :-)

From: Clifford Harvison [mailto:charvison@tanktruck.org]  
Sent: Tuesday, September 14, 2004 1:03 PM  
To: Shelton, Danny  
Subject: Fw: MC 338 Testing Requirements

Danny; Please review all info below. I need some guidance for this gentleman.

Regards...Cliff

----- Original Message -----

From: John Sorota <mailto:jsorota@transgaslng.com>  
To: charvison@tanktruck.org  
Sent: Tuesday, September 14, 2004 11:34 AM  
Subject: MC 338 Testing Requirements

Cliff,

As per our conversation this morning, I am looking for clarification of testing requirements concerning MC 338 cargo tanks. Specifically I am concerned with the requirement of the annual visual inspection and whether a pressure test should be performed as part of this requirement. In reading the current regulations, section 180.407 (d) (1) states "Where insulation precludes a complete external visual inspection as required by paragraphs (d) (2) through (d) (6) of this section, the cargo tank also must be given an internal visual inspection in accordance with paragraph (e) of this section. If external visual inspection is precluded because any part of the cargo wall is externally lined, coated, or designed to prevent an external visual inspection, those areas of the cargo tank must be internally inspected. If internal visual inspection is precluded because the cargo tank is lined, coated, or designed so as to prevent access for internal inspection, the tank must be hydrostatically or pneumatically tested in accordance with paragraph (g) (1) (iv) of this section. Those items able to be externally inspected must be externally inspected and noted in the inspection report".

Reading the section quoted above would lead one to believe that a pressure test would be necessary every year. However, in a letter addressed to you from John Gale and contained in the NTTCC Cargo Tank Maintenance Manual on page 53, Mr. Gale states near the end of the second paragraph that "an MC 338 cargo tank need only be pressure tested every five years". In reading the current regulations I can find no section that backs up Mr. Gale's statement that MC 338 cargo tanks only need to be pressure tested every five years.

I would greatly appreciate any information you may be able to gather to clarify this section of the regulations.



Thank you,  
John J. Sorota  
Fleet Manager  
Transgas Inc.  
87 Industrial Ave. East  
Lowell, MA 01852-5193  
Phone: 978 454-7831 X618  
Fax: 978 454-7775

Thank you,  
John J. Sorota  
Fleet Manager  
Transgas Inc.  
87 Industrial Ave. East  
Lowell, MA 01852-5193  
Phone: 978 454-7831 X618  
Fax: 978 454-7775