



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

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

JUL 31 2006

Mr. Thomas P. Lynch
Vice President and General Counsel
National Tank Truck Carriers, Inc.
2200 Mill Rd.
Alexandria, VA 22314

Ref. No. 06-0034

Dear Mr. Lynch:

This is in response to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the applicability of an exception allowing cargo tank motor vehicles to undergo a partial external visual inspection and a leakage test to fulfill annual test and inspection requirements. You ask whether the exception applies to all materials being transported in insulated MC 330 and MC 331 cargo tank motor vehicles and, in particular, to the transportation of pyrophoric materials.

The answer is yes. The table in § 180.407(c) excepts insulated MC 330 and MC 331 cargo tank motor vehicles from the internal visual inspection requirement and this exception applies to all hazardous materials being transported in insulated MC 330 and MC 331 cargo tank motor vehicles. These cargo tank motor vehicles are required to have an internal visual inspection at least once every five years in conjunction with the pressure test. Because the insulation prevents a complete external visual inspection, those items able to be externally inspected must be inspected annually in accordance with § 180.407(d) and noted in the inspection report. The annual, partial external visual inspection and a leakage test performed in accordance with § 180.407(h) fulfill the annual inspection and test requirements applicable to insulated MC 330 and MC 331 cargo tank motor vehicles. Once the external visual inspection and leakage test have been successfully completed, the tank may be marked in accordance with § 180.415(b).

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



060034

180.407(c)



CLIFFORD J. HARVISON
PRESIDENT

NATIONAL TANK TRUCK CARRIERS, INC.

THE NATIONAL ORGANIZATION SERVING THE FOR-HIRE TANK TRUCK INDUSTRY

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McIntyre
§180.407(c)
Cargo Tanks
06-0034

February 10, 2006

Mr. Edward Mazzullo
Director, Office of Hazardous Materials Standards
Pipelines and Hazardous Materials Administration
U.S. Department of Transportation
400 Seventh St., SW
Washington, DC 20590

SENT BY FAX: 202/366-3012

RE: Annual §180.407(c) Inspections for Insulated MC-330 and 331 Cargo Tank Motor Vehicles

Dear Mr. Mazzullo:

Enclosed please find a copy of a letter you wrote to Mr. R. J. McGrath with the Compressed Gas Association, dated October 1, 2004, in which you noted that HM 213 did not alter the exception granted to insulated MC 330, 331 and 338 cargo tanks in carbon dioxide, refrigerated liquid service. Due to both the impossibility of conducting a full external visual inspection because of the insulation and the hardship of conducting annual internal visual inspections, the exception allows for them to undergo a partial external visual inspection under §180.407(d) and a leakage test performed in accordance with §180.407(h) to fulfill annual test and inspection requirements.

Accordingly, NTTC respectfully asks whether that exception also applies to all insulated MC 330 and 331 cargo tank motor vehicles. NTTC has received inquiries from members specifically regarding applicability of this exception to pyrophoric transportation by means of an insulated MC 330 or 331.

NTTC notes that the exact same design characteristics that led the Administrator to grant the exception for insulated MC 330 and 331 cargo tank motor vehicles in carbon dioxide, refrigerated liquid service, apply equally to insulated MC 330 and 331 cargo tank motor vehicles in other product service, such as that for pyrophorics. Likewise, without the exception, the same attendant challenges of having to conduct more frequent internal visual inspections would also apply.

Thank you for consideration in this matter. If you have any questions about this request, or desire any information, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in cursive script that reads "Tom Lynch".

Thomas P. Lynch
Vice President and General Counsel