



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

APR 29 2008

Mr. James Osterhaus
Deputy Director, Safety Division
Texas Railroad Commission
1701 N. Congress
Austin, TX 78711

Ref. No.: 08-0043

Dear Mr. Osterhaus:

This is in response to your February 19, 2008 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to cargo tanks intended for use in liquefied petroleum gas service. Your scenario involves inspection and marking of MC330 and MC331 cargo tanks manufactured within the last five years. Your questions are paraphrased and answered below.

Q1: Is a newly manufactured MC330 or MC331 cargo tank required to be marked with a "P" as specified in § 180.415 to indicate that the cargo tank has been subjected to a pressure test?

A1: No. Section 180.415 specifies the marking requirements for a cargo tank successfully completing the periodic test and inspection requirements in § 180.407. The HMR do not require a new cargo tank, including MC 331, that is not due for its first requalification inspection or test as specified in § 180.407 to be marked in accordance with § 180.415. Please note that, although authorized for continued use, MC 330 cargo tanks are no longer authorized for manufacture. See § 180.405(c).

Q2: Is a newly manufactured MC 331 cargo tank required to be marked with an "I" as specified in § 180.415 to indicate that the cargo tank has been subjected to an internal visual inspection?

A2: No. See A1.

Q3: Must a person who conducts the 5-year internal visual inspection for MC 330 and MC 331 cargo tanks with manholes physically climb inside the cargo tank to perform the inspection?

A3: No. The HMR do not require a person who conducts internal visual inspections in accordance with § 180.407(e) to physically climb into the cargo tank. It is this Office's

opinion that nothing required by § 180.407(e) would prohibit the use of a video camera to perform a cargo tank visual inspection provided all internal areas of the cargo tank can be viewed in a manner which provides details equivalent to that which would be expected if viewed directly by a person inside the tank. Therefore, except for tank liners which must be inspected in accordance with § 180.407(f), a video camera may be utilized to perform the internal visual inspection of a cargo tank as required by § 180.407(e).

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

Sincerely,

A handwritten signature in black ink, appearing to read 'H.L. Mitchell', with a long horizontal flourish extending to the right.

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

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Wednesday, February 20, 2008 10:32 AM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Information Center Comments/Questions

Satterthwaite
3180.405

Cargo Tanks
08-0043

Carolyn,
This gentleman would like an official letter of Interp.
Have a great day,
Rob

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

From: james.osterhaus@rrc.state.tx.us [mailto:james.osterhaus@rrc.state.tx.us]
Sent: Tuesday, February 19, 2008 6:33 PM
To: INFOCNTR <PHMSA>
Subject: Information Center Comments/Questions

LEFT MESSAGE/VERIFY REQUEST FOR FORMAL LETTER/ 2/20/2008, 9:48AM GR

Below is the result of your feedback form. It was submitted by James Osterhaus (james.osterhaus@rrc.state.tx.us) on Tuesday, February 19, 2008 at 18:33:17.

Email: james.osterhaus@rrc.state.tx.us

Name: James Osterhaus

Category: Qualification and Maintenance of Packagings (Sections 180.1 - 180.519)

Organization: Texas Railroad Commission

Street: 1701 N. Congress

City: Austin

State: Texas

Zip Code: 78711

Phone: 512-463-6692

Fax: 512-463-7319

Comments: I'm requesting clarification of the requirements for the internal inspection and test/inspection markings for MC330 and MC331 Cargo Tanks in liquefied petroleum gas service.

RE: Markings

MC330 and MC331 cargo tank manufacturers are marking newly manufactured cargo tanks with a "P" to indicate a hydrostatic pressure test. However, some cargo tank manufacturers of newly manufactured cargo tanks, equipped with a manhole, are not marking the cargo tank with an "I" to indicate an internal visual inspection.

Those manufacturers that are not marking an "I" on newly manufactured cargo tanks (i.e., cargo tanks manufactured within the last 5 years) are saying the "I" marking is not required on newly manufactured cargo tanks. They are arguing the "I" marking is only required when a cargo tank with a manhole is due for the 5 year internal inspection. However, these same manufacturers are marking a "P" on newly manufactured cargo tanks with and without a manhole. Both the hydrostatic pressure test and the internal test/inspection on cargo tanks with manholes are required every 5 years.

Is a newly manufactured MC330/MC331 cargo tank (i.e., a cargo tank manufactured within the last 5 years) required to be marked with a "P" to indicate a hydrostatic pressure test has been performed on it?

Is a newly manufactured MC330/MC331 cargo tank equipped with a manhole (i.e., a cargo tank manufactured within the last 5 years) required to be marked with an "I" to indicate a visual inspection has been performed on the cargo tank?

The Code of Federal Regulations, Title 49, §180.407 (a)(1) states: "a cargo tank constructed in accordance with a DOT specification for which a test or inspection specified in this section has become due, may not be filled and offered for transportation or transported until the test or inspection has been successfully completed. This paragraph does not apply to any cargo tank filled prior to the test or inspection due date."

The portion of this paragraph stating..."test or inspection in this section that has become due"... would indicate the cargo tank is only required to be marked when a test or inspection becomes due, which for a pressure test and an internal inspection on a container with a manhole is every 5 years. It would appear that cargo tanks manufactured within the last 5 years would not be required to be marked with either a "P" or an "I".

RE: Procedure for conducting a Visual Inspection of an MC330/MC331 Cargo Tank with a Manhole

I've been contacted by CT's that are not entering the inside of MC330/MC331 cargo tanks with manholes to conduct an internal inspection of the cargo tank. It is their belief that DOT does not require them to climb inside the cargo tank to conduct the required 5-year visual inspection.

CT's that are entering into MC330/MC331 cargo tanks with manholes want to know why other CT's are allowed to conduct the 5-year visual inspection without having to enter the cargo tank. They believe DOT intends for someone to climb inside the cargo tank and visually inspect it.

Could someone at DOT please clarify what a person must do to comply with the DOT 5-year visual inspection required for MC330 and MC331 cargo tanks with manholes, after the cover is removed from the manhole? Specifically, MUST a person climb inside the container to inspect it?

Thank You,

James T. Osterhaus
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Railroad Commission of Texas
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Fax: 512-463-7319
James.Osterhaus@rrc.state.tx.us