



U.S. Department  
of Transportation

Pipeline and Hazardous Materials  
Safety Administration

1200 New Jersey Avenue SE  
Washington DC 20590

MAR 13 2015

Mr. Tracey Smith  
Manager, Regulatory Compliance  
PCS Sales (USA), Inc.  
1101 Skokie Blvd., Suite 400  
Northbrook, IL 60062

Ref. No. 14-0164

Dear Mr. Smith:

This is in response to your September 3, 2014 email regarding insulated cargo tank requirements in the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). Specifically, you are concerned whether the conditions requiring test and inspection of a specification cargo tank under § 180.407(b)(1) and (2) apply to the jacket on an insulated cargo tank. Your questions regarding the jacket of an insulated cargo tank are paraphrased and answered as follows:

Q1. Do the criteria for dents under § 180.411 apply to the jacket of an insulated cargo tank?

A1. No, the acceptable results of tests and inspections found in §180.411 do not apply to the jacket of an insulated cargo tank. However, damage to the jacket may indicate that there is damage to the cargo tank, and additional inspection should occur.

Q2. If the insulated cargo tank's jacket is not weather tight because of a tear, gouge, or dent in the jacket, is it still acceptable to load the cargo tank?

A2. The answer is no. As stated in § 180.407(b), a cargo tank must be tested and inspected prior to further use if there is evidence of an unsafe condition, specifically, if it shows evidence of dents, cuts, gouges, corroded or abraded areas, leakage, or any other condition that might render it unsafe for hazardous materials service. We consider a tear, gouge, or dent in the insulating jacket as evidence of a condition that might render it unsafe for hazardous materials service. Thus, a cargo tank fitted with an insulating jacket that has evidence of a tear, gouge, or dent must be tested and inspected prior to further use.

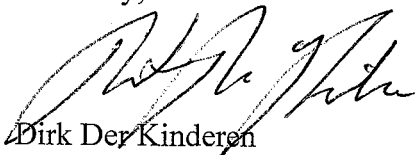
Furthermore, the jacket of an insulated cargo tank must satisfy the thermal insulation requirements of the DOT specification. Damage to the jacket may indicate that the jacket is no longer satisfactorily performing this function and must be restored to its intended condition according to its specification.

Q3. Prior to loading, who is responsible for inspecting the cargo tank for dents and to ensure the package is acceptable; the loading facility or the carrier?

A3. Section 171.2 (i) states that no person may certify that a hazardous material is offered for transportation in commerce in accordance with the requirements of the HMR unless the hazardous material is properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by applicable requirements of this subchapter or an exemption or special permit, approval, or registration issued under this subchapter or subchapter A of this chapter. The qualification and maintenance requirements for a DOT specification cargo tank are applicable to any person responsible for the continuing qualification, maintenance or periodic testing of a cargo tank. Each person who offers a package containing a hazardous material for transportation in commerce in accordance with the HMR must assure that the package remains in condition for shipment until it is in the possession of the carrier.

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

Sincerely,



Dirk Der Kinderen  
Acting Chief, Standard Development  
Standards and Rulemaking Division

Brouessard  
180.407(b)  
Cargo tanks requirements  
14-0164

**Goodall, Shante CTR (PHMSA)**

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**From:** Ciccarone, Michael CTR (PHMSA)  
**Sent:** Wednesday, September 03, 2014 4:16 PM  
**To:** Hazmat Interps  
**Subject:** FW: Request Written Letter of Interpretation 180.407(b)1&2

Shante and Alice,

Please submit this for a formal letter of interpretation. Mr. Smith spoke to Chris Ludwa in the HMIC.

Thanks,

Mike

**From:** [TGSmith@potashcorp.com](mailto:TGSmith@potashcorp.com) [mailto:TGSmith@potashcorp.com]  
**Sent:** Wednesday, September 03, 2014 3:20 PM  
**To:** PHMSA HM InfoCenter  
**Subject:** Request Written Letter of Interpretation 180.407(b)1&2

I am formally requesting a written letter of interpretation for the following question in reference to 180-407(b)1&2.

- Q1 Does the criteria for dents apply to a cargo tank's exterior jacket of a insulated cargo tank? Meaning if the tank has a dent which exceeds the criteria outlined in 180.411? Since the tank itself can not be seen from a visual inspection from the ground by a loader?
- Q2 If they Jacket of the insulated cargo tank is not weather tight because of tear or gouge/dent in the jack is it still acceptable to load?
- Q3 Who is responsible for inspecting the cargo tank prior to loading for dents to ensure the package is acceptable? The loading facility or the carrier?

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