



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590

SEP 13 2011

Mr. James Osterhaus
Railroad Commission of Texas
1701 N. Congress
Austin, TX 78711

Ref. No.: 11-0055

Dear Mr. Osterhaus:

This responds to your March 3, 2011 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to MC 331 cargo tanks. Specifically, you ask if the HMR permit the use of an excess flow valve and a manual shutoff valve instead of an internal self-closing stop valve for MC 331 tanks with vapor or liquid discharge openings greater than 1 ¼ NPT, but have been modified using a bushing to reduce the opening to less than 1 ¼ NPT.

Under the HMR, an internal self-closing stop valve is not required for an MC 331 tank if the vapor or liquid discharge opening is less than 1 ¼ NPT (National Pipe Thread) and is equipped with an excess flow valve together with a manually operated external stop valve (§ 178.337-8(a)(5)(i)). However, a change to the size of the opening on an MC 331 cargo tank is considered a modification to the cargo tank and must satisfy all of the requirements of the HMR that apply to cargo tank modification. Accordingly, the modification must be performed by a repair facility holding a valid National Board Certificate of Authorization for use of the National Board "R" stamp (§ 180.413(a)(1)), and the design of the modified cargo tank motor vehicle must be certified in writing by a Design Certifying Engineer as meeting the structural integrity and accident damage protection requirements of the applicable specification (§ 180.413(d)(1)). Also, the person performing the modification must be registered with the Federal Motor Carrier Safety Administration in accordance with Part 107, Subpart F (§ 180.413(a)(3)).

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Ben Supko
Acting Chief, Standards Development Branch
Standards and Rulemaking Division

Eichenlaub
§178.337-8(a)(5)
Cargo Tanks
11-0055

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Thursday, March 03, 2011 12:26 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Hazmat Information Center Feedback: Highway (Sections 177.800 & 177.870)

Hi Carolyn,

Mr. Osterhaus requested the below e-mail be submitted as a formal letter of interpretation. He previously spoke with Chris Ludwa in the Info Center.

Thanks,

Victoria

Victoria Lehman
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-----Original Message-----

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Wednesday, March 02, 2011 3:05 PM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Highway (Sections 177.800 & 177.870)

Secion 178.337-8(a)(5)(i)allows the use of an excess flow valve and a manual shutoff valve instead of an internal self-closing stop valve for MC 331 container openings of less than 1 1/4 inch. If an MC331 container is manufactured with a 1 1/4 inch or larger opening and a bushing is installed in the opening to reduce the opening to a size less than 1 1/4 inch, is it acceptable to install an excess flow valve and a manual shutoff valve instead of an internal self-closing stop valve?

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Nozzle welded into the tank - reducer-bushing
is attached to the end of the nozzle, then the
excess flow valve & manual shut-off