

October 20, 1999

Mr. Steve Hermann
Hazardous Materials Coordinator
Arizona Department of Public Safety
2102 West Encanto Boulevard
Phoenix, Arizona 85005-6638

Ref. No. 99-0248

Dear Mr. Hermann:

This responds to your letter dated September 3, 1999, requesting clarification of the requirements of non-specification cargo tanks operating under the provisions of § 173.315 (k) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the final rule adopted under Docket HM225A requires these cargo tanks to be equipped with an internal self-closing stop valve.

The answer is yes. As you note in your letter, § 180.405 (n) requires non-specification cargo tanks conforming to § 173.315 (k) to be equipped with a means of thermal activation for the internal self-closing stop valve as specified in § 178.3378 (a)(4). Section 178.337-8 (a)(4) requires each vapor or liquid discharge outlet to be fitted with a primary discharge control system as defined in § 178.337-1(g). The definition in § 178.337-1 (g) states that a primary discharge control system consists of an internal self-closing stop valve that may include an integral excess flow valve or excess flow feature, together with linkages that must be installed between the valve and remote actuator to provide manual and thermal on-truck remote means of closure. Taken together, these sections require a nonspecification cargo tank operating under the provisions of § 173.315 (k) to be equipped with an internal self-closing stop valve as part of a primary discharge control system. Under the provisions of § 180.405 (n), a non-specification cargo tank that does not currently conform to § 178.337-8 (a)(4) must be retrofitted with a primary discharge control system by the date of its first scheduled leakage test after July 1, 1999.

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

Sincerely,

Thomas G. Allan
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards

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