

RI verifies that the cargo tank conforms to all applicable requirements of the specification in effect at the time the tank was originally constructed and the additional requirements proposed in § 180.405(b)(2).

Neither do we agree that enforcement personnel will be unable to verify the cargo tank certification. A cargo tank that is re-certified to the original specification will have records of the work performed on the tank, certifications from appropriate inspectors, and specification plates on the cargo tank that would reflect the same testing and certification data that a newly constructed cargo tank would have.

The August 31, 1995 date was placed in the regulations in § 180.405 during the rulemaking process under docket HM-183. This was the cut-off date for the manufacture of MC 307, MC 312, MC 331, and MC 338 specification cargo tanks. This date had been extended several times in the rulemaking process in response to petitions and requests by a number of cargo tank industry representatives who stated that the extra years were needed to complete the transition from the older MC specification cargo tanks to the 400 series specifications HM-183 required. None of the companies that commented on the HM-183 time line suggested that removing this date requirement presented an unfair situation. These companies were in the process of manufacturing new cargo tank motor vehicles, and through the HM-183 rulemaking process, we addressed their concerns by extending the compliance date. Removing this date extension in this rule addresses a different concern and does not create an unfair situation.

NATC recommends that RSPA include a provision in § 180.405 to allow a cargo tank to be removed from hazmat service without requiring the de-certification of the cargo tank. A specification cargo tank may be used for non-specification service and remain a specification cargo tank. The plate must be covered or removed only if tests or inspections expire. We do not see a need to further clarify the use of specification cargo tanks outside hazardous materials service.

D. Cargo Tank Qualification and Maintenance

To reduce confusion in the regulated industry, we proposed a number of clarifications to the requirements in Part 180 for cargo tank qualification and maintenance. We have reviewed the comments that we received concerning the variety of proposals under this topic below.

Test and inspection criteria. We proposed to clarify in § 180.407(b) the tests and inspections that must be performed when a cargo tank shows evidence of dents, corroded or abraded areas, or leakage; has sustained damage to an extent that may adversely affect its lading retention capability; or has any other condition that could render it unsafe for the transportation of hazardous materials. Several commenters suggested that this language was too ambiguous and could lead to excessive or unnecessary enforcement. In this final rule, we addressed many of these concerns by further modifying the definition of "corroded or abraded" (see discussion under "Definitions" above). The proposed language in § 180.407, in conjunction with our revised definition of "corroded or abraded," adds more clarity than the previous language in these sections. This final rule adopts the proposed language for test and inspection criteria.

Thickness testing of ring stiffeners and appurtenances. Consistent with an NTSB recommendation (H-95-14), we proposed to revise § 180.407(d)(1) to require thickness testing of ring stiffeners and appurtenances on cargo tanks that are constructed of mild steel, high-strength, low-alloy steel, or aluminum, when the ring stiffeners and appurtenances are installed in a manner that precludes an external visual inspection. NTSB investigated two catastrophic cargo tank failures where thickness testing of the cargo tanks' ring stiffeners might have detected the corrosion that caused the failures. In this final rule, we are adopting this proposal without modification. NATC and the commenters that supported NATC's comments, asked us to clarify how an RI should determine minimum thickness of the ring stiffener since there is no ready reference. The regulatory text describes this procedure.

Testing normal vents. We proposed changes to the testing of pressure relief devices in § 180.407(g)(1)(ii) to require self-closing pressure relief valves first to open at the required set pressure and, second, to close and seat to a leak-tight condition when the pressure has dropped to 90 percent of the set-to-discharge pressure or the pressure prescribed for the applicable cargo tank specification. Several comments asked us to better define the test requirements for a normal vent that is a self-closing pressure relief device, but is not an emergency relief device that would be tested at the above criteria. In response, we have clarified that normal vents must be tested accordance with the testing criteria established by the valve

manufacturer. This assures testing accuracy because the valves will be tested to the specification to which they were built.

Repair, modification, stretching, and rebarrelling. The NPRM proposed to clarify § 180.413 requirements for repair, modification, stretching, or rebarrelling of cargo tanks. We proposed to require facilities to perform repairs, modifications, stretching, or rebarrelling of cargo tanks in conformance with the National Board Inspection Code (NBIC). The NBIC establishes procedures for repairing or modifying pressure vessels. Prior to 1995, the NBIC applied only to tanks with a maximum allowable working pressure (MAWP) of 15 psi or greater. However, in 1995 the applicability of the NBIC was extended to all pressure vessels. In this final rule, we are adopting the clarifications as proposed. Adopting the NBIC requirements for all cargo tank repairs, modifications, stretching, and rebarrelling will provide clarity, consistency, and a greater level of safety. Note, however, that we did not propose and are not adopting requirements for certification by an NBIC Authorized Inspector, completion of the R-1 form, and stamping tanks with the "R" stamp for non-ASME cargo tanks.

In the NPRM, we proposed to clarify that modification, stretching, or rebarrelling must be inspected and certified by a DCE. We proposed to change the requirements in § 180.413(d)(1) to require the design of the modified, stretched, or rebarrelled cargo tank motor vehicle be certified in writing by a DCE as meeting the structural integrity and accident damage protection requirements of the applicable specification. Baltimore Cargo Tank comments that the proposal may be too restrictive because it appears that a DCE would be required to sign off on small changes. However, the definition of "modification" includes only those changes that affect a cargo tank or cargo tank motor vehicle's structural integrity or lading retention capability. Such modifications should be approved by a DCE.

Supplemental specification plate. We proposed to revise specification plate requirements to reflect the modification, stretching, or rebarrelling of a cargo tank. We proposed to require a supplemental specification plate to be installed adjacent to the original specification plate. Changes to the original specification plate would not be allowed. The information on the original specification plate should be permanent and not altered, even if modifications are performed by the