

allowable working pressure” to § 178.320(a).

#### *Section 178.345-2*

We revised paragraph (b) to address the requirements for minimum thickness as specified in § 178.320(a).

#### *Section 178.345-3*

Paragraph (b) is revised by adding a new paragraph (b)(3) to require that all cargo tank designers and manufacturers must consider all conditions specified in § 173.33(c) when matching the performance characteristic of the cargo tank to the characteristics of the lading being transported.

We are revising paragraph (f) for clarity and consistency. In addition, in paragraph (f)(3), the references to paragraphs (g)(1) and (g)(2) are corrected to read (f)(1) and (f)(2).

#### *Section 178.345-5*

In this final rule, we are revising paragraph (e) to specify that manhole markings must be placed on the outside of the manhole assembly where they can be seen without opening the manhole cover or fill opening.

#### *Section 178.345-8*

This final rule revises paragraph (a)(5) to specify minimum road clearance requirements for landing gear within 10 feet of an axle. In paragraph (d), we are clarifying that manufacturers must comply with applicable requirements in the Federal Motor Carrier Safety Regulations at 49 CFR 393.86 and with paragraph (b) of this section.

#### *Section 178.345-10*

In paragraph (a), we are adding a sentence to clarify that pressure relief vents are not required to conform to the ASME Code. The requirement for a cargo tank to be “constructed in accordance with the ASME Code” or “constructed and certified in conformance with the ASME Code” applies to the construction of the cargo tank walls and closure devices. Certification to the ASME Code may be done without the installation of pressure relief devices. Sections 178.345-10, 178.346-3, 178.347-4, and 178.348-4 set forth requirements for pressure relief systems for DOT 400-series cargo tanks. These requirements are different from and supersede the ASME Code venting requirements.

#### *Section 178.345-13*

In § 178.345-13, we are correcting out-of-date section references.

#### *Section 178.345-14*

This final rule revises paragraph (b)(1) to require that the words “See variable

specification plate” be added to the name plate on cargo tanks built to more than one specification. This requirement is consistent with industry practice.

We are also revising paragraphs (c)(6) and (c)(7) to eliminate the maximum loading and unloading pressure marking requirement from the specification plate.

#### *Section 178.346-1*

In paragraph (d)(6), the reference “§ 178.345-10” is corrected to read “§ 178.346-3”; and in paragraph (d)(7) the reference “§ 178.345-13 is corrected to read “§ 178.346-5.”

#### *Section 178.346-2*

We are revising the text and table titles to be consistent with the minimum thickness requirements in § 178.320(a).

#### *Section 178.346-5*

This final rule revises paragraph (c) to clarify the parameters for testing cargo tanks that are used to transport petroleum distillate fuels and are equipped with vapor recovery equipment. These cargo tanks may be tested in accordance with EPA’s annual certification test requirements as set forth in 40 CFR 63.425(e). To satisfy the leakage test requirements, however, the Method 27 test must be performed using air and not liquid.

#### *Section 178.347-1*

We are making a minor editorial correction in paragraph (c) to change the word “accordance” to “conformance.” We are also adding paragraph (d)(9) to provide for a weld joint efficiency of 0.85 for head seams in bulkheads on DOT 407 CTMVs.

In paragraph (d)(5) the reference to “§§ 178.345-5 and 178.347-5,” is revised to read “§ 178.347-3.” In addition, in paragraph (d)(6) the reference to “§ 178.345-10,” and the reference in paragraph (d)(7) to “§ 178.345-13,” are revised to read “§ 178.347-4” and “§ 178.347-5,” respectively.

#### *Section 178.347-2*

Paragraph (a) and the table titles are revised for consistency with the minimum thickness requirements in § 178.320(a).

#### *Section 178.348-1*

We are removing the reference to “§ 178.348-5,” in paragraph (e)(2)(v). We are also changing the reference to “§ 178.348-10,” in paragraph (e)(2)(vi), to read “§ 178.348-4.” In addition, the second reference to “§ 178.348-13,” in paragraph (e)(2)(vii), is revised to read “§ 178.348-5.”

#### *Section 178.348-2*

Paragraph (a) and the table titles are revised for consistency with the minimum thickness requirements in § 178.320(a).

### **Part 180**

#### *Section 180.403*

We are revising the term “corroded or abraded” to mean any visible reduction in the material thickness of the cargo tank wall or valve due to pitting, flaking, gouging, or chemical reaction to the material surface. In addition, we are modifying the definition of “corrosive to the tank or valve” to clarify its meaning that the lading has been shown through experience or test data to reduce the thickness of the tank wall or valve.

#### *Section 180.405*

We are revising paragraph (b) to allow a cargo tank motor vehicle that was originally built to a standard authorized by an exemption to be marked and certified to the applicable MC 306, MC 307, MC 312, MC 331, or MC 338 specification after August 31, 1995. Although the cargo tanks should have been marked and certified before August 31, 1995, we believe there may be a number of cargo tanks in operation that have not been certified to the appropriate specification. The practice of certifying these cargo tanks to the applicable MC 300-series specification was previously authorized. Continuing to permit these tanks to be marked and certified does not decrease the current level of safety. This change does not authorize these tanks to be used in DOT-specification service, after the expiration of the exemption under which they were manufactured, unless the necessary changes have been made and the tank is certified.

In addition, we are allowing a cargo tank manufactured to the MC 306, MC 307, or MC 312 specification, and that has not been stretched, rebarrelled, or modified, to be re-certified to its original specification. A set of criteria must be met to assure that re-certified cargo tanks conform to all applicable standards and maintain the same level of safety required of a new or continually maintained cargo tank.

Paragraph (g)(3) is removed. The period for retrofitting manholes has expired and the regulation is obsolete.

This final rule revises paragraph (k) to require MC 300-series cargo tanks that have a pressure relief system set at 3 psig and that have no MAWP or design pressure marked on the specification plate, or that have an MAWP or design pressure of less than 3 psig marked on the specification plate, to be marked or