



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

MAR 17 2008

1200 New Jersey Avenue, SE
Washington, D.C. 20590

Mr. Nick Paulick
Director of Engineering
Brenner Tank LLC
P.O. Box 670 (54936-0670)
450 Arlington Ave.
Fond du Lac, WI 54935

Ref. No.: 07-0228

Dear Mr. Paulick:

This is in response to your letter dated November 29, 2007 regarding the modification of an MC 307 cargo tank motor vehicle in accordance with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the requirements for modifying a cargo tank in § 180.413(d) would require a shortened MC 307 cargo tank to be subject to the HMR as a DOT 407 cargo tank. You indicate that no new material or equipment would be added to the cargo tank motor vehicle.

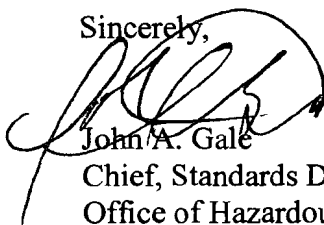
As defined in § 180.403, shortening of an MC 307 cargo tank involves a **modification** to the original design that affects the structural integrity and lading retention capability of the cargo tank. In addition, this modification is also a **repair**, as defined in § 180.403, because welding is required to return the cargo tank to specification. The modification and repair must conform with § 180.413.

As provided in § 180.413(d)(2), new materials must meet the DOT 407 specification in effect at the time of the modification. However, in accordance with your letter, no new material will be added to the cargo tank motor vehicle. Therefore, the modification and repair described in your letter may be made in accordance with either Specification DOT 407 or MC 307.

You should note that § 180.413(d)(1) requires certification in writing by a Design Certifying Engineer and §§ 180.413(b) and (d)(4) require certification by a Registered Inspector in accordance with the most recent version of the original specification or in accordance with the DOT 407 specification in effect at the time of the repair. In addition, the cargo tank must be recertified in accordance with § 180.405.

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

Sincerely,



John A. Gale

Chief, Standards Development
Office of Hazardous Materials Standards

Supko
 §180.413
 Cargo Tanks

07-0228

Drakeford, Carolyn <PHMSA>

From: Gorsky, Susan <PHMSA>
Sent: Friday, November 30, 2007 7:11 AM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: stretching per 180.413
Attachments: image001.png; image004.jpg

Please assign this as an interp. Thanks.

From: Nick J Paulick [mailto:NJPaulick@brennertank.com]
Sent: Thursday, November 29, 2007 4:28 PM
To: Gorsky, Susan <PHMSA>
Cc: Staniszewski, Stanley <PHMSA>
Subject: stretching per 180.413

Ms. Gorsky,

If I stretch a MC307, it is my understanding that any NEW materials must meet the requirements of 178.345-3, as indicated in 180.413(d)(2). However, if we're making the tank shorter, we would not be adding any new materials, so we would only need to verify that it meets the structural integrity and accident damage protection requirements of the applicable specification (which I read to be MC307). Could you please verify if this is your understanding?

FYI, I have spoken with Mr. Joe DeLorenzo and Mr. Stan Staniszewski about this. It appears the DOT's opinion on this matter is less than black-and-white. Perhaps you could shed some light?
 Nick

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11/30/2007