



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

JAN -9 2001

400 Seventh Street, S.W.
Washington, D.C. 20590

Mr. John P. McGavis
Specialized Transport Repair
100 Commerce Drive
Buffalo, NY 14218

Ref. No. 00-0189

Dear Mr. McGavis:

This responds to your letter requesting clarification of the modification, repair, and certification requirements of MC 307 and DOT 407 cargo tank motor vehicles under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you inquire whether the installation of larger nozzles into manway covers would be considered a repair, rather than a modification and, therefore, would not require certification by a Design Certifying Engineer. You state that the 1998 National Board Inspection Code, in Appendix 6(b)(9), describes one example of a repair as "the installation of new nozzles or openings of such a size that reinforcement is not a consideration."

The installation of new nozzles in a manhole cover that differ in size or design from the originally installed nozzles would be considered a design change and categorized as a modification, not a repair under the HMR. A design type change requires approval and certification by a Design Certifying Engineer as specified in § 180.413 of the HMR. As defined in § 180.403, a "modification" means any change to the original design and construction of a cargo tank or cargo tank motor vehicle that affects its structural integrity or lading retention capability. Excluded are the replacement of components of similar design and of the same size.

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

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



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June 27, 2000

Stevens

Ref. No. 00-0157

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00-0189

Federal Motor Carrier Safety Administration
Hazardous Materials Division
Research and Special Programs Administration
400 7th St. SW
Washington, DC 20590

Mr. Daniel Shelton,

This letter is a continuation of our dialogue regarding the addition of nozzles into the manway covers of MC307 and DOT407 cargo tanks. The most recent letter from your office, dated 6-21-00, states that this would be considered a modification and as such would require concurrence of a Design Certifying Engineer as well as a supplemental manufacturer's certificate, etc. Through the past several years as HM183 cargo tank regulations have evolved and been put into practice, it has been stated that design, construction, repair, and alteration of these tanks would follow ASME and National Board standards. The National Board Code clearly states in Appendix 6[B][9] as an example of a repair (as opposed to alterations):

"installation of new nozzles or openings of such a size that reinforcement is not a consideration (for example, the installation of a 3 NPS nozzle to a shell or head of 3/8 inch or less in thickness or the addition of a 2 NPS nozzle to a shell or head of any thickness)." (Per ASME UG-36[c][3][a] this nozzle does not require reinforcement.)

The example National Board chose is exactly the same as the installation we have been discussing. If in fact this is a "repair", the role of the Design Certifying Engineer would not be called for. Also the associated documents would not be required.

Our questions are:

1. Can installation of 3" nozzles be treated as a "repair", considering that this is a specific example of a repair per National Board?
2. If so, could Design Certifying Engineer services and related documentation become optional but not required?

Thank you,

John P. McGavis

Enc: National Board Appendix 6 [B][9]
ASME UG-36[c][3][a]