



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

MAR 19 2014

Mr. David Ford
200 Hardy Ivy Way
Holly Spring, NC 27540

Reference No. 14-0010

Dear Mr. Ford:

This is in response to your December 5, 2013 letter, and March 4, 2014 telephone conversation with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the mounting of an existing Department of Transportation (DOT) specification cargo tank on a new or used motor vehicle chassis. Specifically, you ask several questions concerning the type of certification, registration, and/or documentation needed to perform this activity.

You state those performing the installation may not be cargo tank manufacturers or cargo tank motor vehicle manufacturers. You also state those performing this installation may either: (1) do so at the request of a customer who owns the cargo tank, or (2) purchase a used cargo tank and vehicle chassis and assemble it to sell to the general public. Further, you state the cargo tanks you observed undergoing this procedure are bolted, and not welded, to their new chassis. We have paraphrased your questions, and answered them in the order you provided.

Q1. Is a person, as this term is defined in § 171.8, who mounts an existing DOT specification cargo tank on a motor vehicle chassis required to issue a certificate of compliance and/or apply a specification plate to the newly mounted cargo tank motor vehicle?

A1. The answer is no provided the mounting of a cargo tank on a cargo tank motor vehicle chassis is performed: 1) with no structural change (i.e., "modification" as defined in § 180.403) to the cargo tank, 2) in conformance with the cargo tank's original specification for attachment to the chassis or the specification for attachment to the chassis in effect at the time of the mounting, and 3) under the supervision of an inspector registered with the DOT in conformance with § 107.502(b) (see § 180.413(e)(2)). If the mounting involves modifications such as welding on the cargo tank head or shell, or a change or modification of the tank's method of attachment to the chassis, § 180.413(e)(1) requires the person mounting a cargo tank on a motor vehicle chassis to perform this task in conformance with § 180.413(d)(2), which include modifications to the cargo tank's specification plate, and that this task be certified through the issuance of a certificate by a Design Certifying Engineer (DCE).

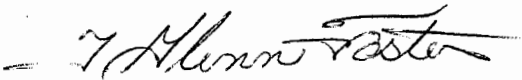
- Q2. Does the person who mounts an existing DOT specification cargo tank on a motor vehicle chassis meet the definition of a “cargo tank motor vehicle manufacturer,” and must he or she be registered as such?
- A2. A person who mounts a DOT specification cargo tank on a motor vehicle or to a motor vehicle suspension component without making changes to the cargo tank’s structure or design, such as through bolting in a manner that does not affect a cargo tank’s structure or design, is not a cargo tank manufacturer as this term is defined in § 178.320(a). This person is performing a cargo tank “assembly,” and must register to perform this type of activity as an assembler in conformance with 49 CFR Part 107, Subpart F, entitled “Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers, Assemblers, Repairers, Inspectors, Testers, and Design Certifying Engineers” (see §§ 107.502(a)(1)(i), 107.502(b), and 180.413(a)(3)). Section 178.320(a) defines a cargo tank “manufacturer” as any person who engages in the manufacture of a DOT specification cargo tank, cargo tank motor vehicle, or cargo tank equipment that forms part of the cargo tank wall, and includes attaching a cargo tank to a motor vehicle or to a motor vehicle suspension component that involves welding on the cargo tank wall. A cargo tank manufacturer must register with DOT as a manufacturer in conformance with 49 CFR Part 107, Subpart F.
- Q3. A person mounts an existing DOT specification cargo tank on a motor vehicle chassis. The cargo tank still has the original rear-end protection device. Is the person who mounts the cargo tank on the chassis required to obtain documentation (e.g., DCE certification) that verifies the existing rear-end protection device meets the current HMR? If so, does he or she have to retain that documentation? Does that person also have to provide that documentation to the cargo tank owner?
- A3. If the mounting affects the cargo tank’s tank wall or shell, the answer is yes to all three questions (see “modification” as defined in § 180.403). If the mounting does not affect the cargo tank’s wall or shell, no DCE certification is needed. A person who modifies a cargo tank must obtain its manufacturer’s certificate and, where applicable, American Society of Mechanical Engineers (ASME) manufacturer’s data report, such as Form U-1A, to ensure the modified cargo tank’s design configuration meets applicable HMR design and accident protection requirements in conformance with § 180.413(e)(1). The records of this modification must be retained by the person making the modification and provided to the cargo tank owner in conformance with § 180.413(f). Section 180.413(f) requires that each owner of a cargo tank motor vehicle must retain all records of repair, modification, stretching, or rebarrelling made to each of their cargo tanks during the time the cargo tank motor vehicle is in service and for one year afterward. These records must be retained at the owner's principal place of business and include notations of any tests conducted to verify the suitability of each cargo tank’s repair, modification, stretching, or rebarrelling. If a motor carrier is not the owner of the cargo tank motor vehicle in its service, that motor carrier must retain copies of the manufacturer’s certificate and related papers or the alternative report authorized in § 180.417(a)(3)(i) or (a)(3)(ii), and the vehicle certification report at its principal place of business during the period

the cargo tank motor vehicle is in its service and for one year afterward (see § 180.417(a)(2)).

- Q4. Is the person who mounts an existing DOT specification cargo tank on a motor vehicle required to obtain documentation of the original chassis attachment system and follow that documentation? Is this person required to retain copies and provide copies to the cargo tank owner?
- A4. The answer is yes to both questions if the mounting performed is an assembly, as this term is defined in § 107.502(a)(1). As stated in Answer A3, if the mounting performed is a modification, § 180.413(f) requires that each owner of a cargo tank motor vehicle must retain at the owner's principal place of business all records of repair, modification, stretching, or rebarrelling, including notation of any tests conducted to verify the suitability of the repair, modification, stretching, or rebarrelling made to each cargo tank during the time the cargo tank motor vehicle is in service and for one year thereafter. Section § 180.413(f) also requires that copies of these records must be retained by a motor carrier, if not the owner of the cargo tank motor vehicle, at its principal place of business during the period the cargo tank motor vehicle is in the carrier's service.
- Q5. Is the person who mounts an existing DOT specification cargo tank on a motor vehicle chassis required to obtain the original certificate of compliance and an ASME U-1A form, titled "Manufacturer's Data Report for Pressure Vessels," if applicable, prior to doing the work? Is this person required to retain copies and provide copies of this form to the cargo tank owner?
- A5. See Answers A3 and A4.
- Q6. If the person doing the work or the cargo tank owner is unable to obtain the DCE certification for the rear-end protection, may the cargo tank still be mounted on a new chassis and serve in specification service?
- A6. Provided the mounting does not involve any cargo tank modifications as stated in Answer A3, the answer is yes.

I hope this satisfies your request.

Sincerely,



T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

U.S. DOT
PHMSA Office of Hazardous Materials Standards
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East Building
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Edmonson
\$ 180.413
\$ 178.320
Cargo Tanks
14-0010

December 5, 2013

REQUEST FOR INTERPRETATION

I am writing with questions regarding the mounting of an existing DOT specification cargo tank on a vehicle chassis, commonly referred to as a remount or as an assembly. In this scenario, the person doing the assembly is not a true cargo tank or cargo tank motor vehicle manufacturer. They obtain an existing specification cargo tank from another source and mount it on a new or used motor vehicle chassis.

In some circumstances, they will perform this service as a request from a customer who owns the cargo tank. In other circumstances, they will purchase a used cargo tank, purchase a vehicle chassis, and assemble it for sale to the general public. If any of the answers to the questions below vary based on these circumstances (especially #3), please explain.

1. Is a person who mounts an existing DOT specification cargo tank on a motor vehicle chassis required to issue a certificate of compliance and/or apply a specification plate for the "new" cargo tank motor vehicle?
2. Does the person who mounts an existing DOT specification cargo tank on a motor vehicle chassis meet the definition of a cargo tank motor vehicle manufacturer, and must they be registered as such?
3. A person mounts an existing DOT specification cargo tank on a motor vehicle chassis. The cargo tank still has the original rear end protection device. Is the person who mounts the cargo tank on the chassis required to obtain documentation (e.g., DCE certification) that verifies the existing rear end protection device meets the current HMR? If so, do they have to retain that documentation? Do they have to provide it to the cargo tank owner?

December 5, 2013
Page 2

4. Is the person who mounts an existing DOT specification cargo tank on a motor vehicle required to obtain documentation of the original chassis attachment system and follow that documentation? Are they required to retain copies and/or provide copies to the cargo tank owner?

5. Is the person who mounts an existing DOT specification cargo tank on a motor vehicle required to obtain the original certificate of compliance and U-1A form, if applicable, prior to doing the work? Are they required to retain copies and/or provide copies to the cargo tank owner?

6. If the person doing the work or the cargo tank owner is unable to obtain the DCE certification for the rear end protection, may the cargo tank still be mounted on a new chassis and serve in specification service?

I appreciate your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Ford', with a stylized, cursive script.

David Ford

200 Hardy Ivy Way

Holly Springs, NC 27540

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