



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

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

JAN 15 2015

Mr. Christopher Foshe  
Acro Trailer Company  
2320 North Packer Road  
Springfield, MO 65803

Reference No. 14-0232

Dear Mr. Foshe:

This is in response to your November 17, 2014 e-mail and November 20, 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 specification plate requirements for cargo tanks. You state your company manufactures new cargo tanks that meet both the DOT 407 and DOT 412 design specifications. You ask if the HMR permit such cargo tanks to receive a variable specification plate that meets two different specification design requirements. We have paraphrased your questions and answered them in the order you provided.

- Q1. Does the HMR allow a variable specification plate to be placed on a newly constructed cargo tank that was originally rated for the maximum allowable working pressure (MAWP) and constructed to meet both the DOT 407 and 412 design specifications (e.g., DOT 407/412)? I have enclosed an example of a DOT 407/412 variable specification plate my company might use.
- A1. The answer is yes. Newly constructed cargo tanks that meet two design specifications must have a certificate signed by the responsible official of the manufacturer and a Registered Inspector certifying that the cargo tank, its certificate of construction, and specification plates meet both specification requirements prior to marking (see § 178.345-15(c)(2)).
- Q2. When a cargo tank is originally manufactured to meet two design specification requirements, do the HMR require that the cargo tank must be marked with the "variable specification" plate prescribed in § 178.345-14(e), and must comply with the certificate of compliance (COC) requirements in § 178.345-15(c)(2)?
- A2. The HMR require the manufacturer of a specification cargo tank to mark the cargo tank with a nameplate and specification plate that comply with § 178.345-15(b) for specification or American Society of Mechanical Engineers cargo tanks, and § 178.345-15(c) for variable specification cargo tanks. Further, the HMR require the

manufacturer provide a COC for each cargo tank's design type listed in § 178.345-15(b) that the cargo tank is constructed to meet (see §§ 178.345-14(a) and 178.345-15(c)(2)).

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

Edmonson  
§178-345-14(b)(e)  
Marking  
14-0232

**Dodd, Alice (PHMSA)**

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**From:** Edmonson, Eileen (PHMSA)  
**Sent:** Thursday, November 20, 2014 3:50 PM  
**To:** Dodd, Alice (PHMSA); Goodall, Shante CTR (PHMSA)  
**Subject:** FW: Code question on CFR 49. 178.345-14 (b)&(e)

Please log this letter in to me.

Thanks,

Eileen Edmonson  
USDOT/PHMSA  
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[eileen.edmonson@dot.gov](mailto:eileen.edmonson@dot.gov) (e-mail)  
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**From:** Chris Foshe [<mailto:chris@acrotrailer.com>]  
**Sent:** Monday, November 17, 2014 3:02 PM  
**To:** Edmonson, Eileen (PHMSA)  
**Subject:** Code question on CFR 49. 178.345-14 (b)&(e)

Good afternoon Eileen

I have a question over 178.345-14 (b) and (e).

Acro Trailer was a tank show and seen a tank that the nameplate was stamped, "DOT407/412" and did not have a variable specification plate.

Q1. Can this be done when the tank is rated for the same MAWP for both 407 & 412? When nothing changes between the two codes because the unit meets the requirements under both codes as built, does the unit still require the "variable specification" plate discussed under 178.345-14(e), and the COC requirements under 178-345-15(2)?

Thanks

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