



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

JAN 14 2013

John F. Cannon  
Vice President, Engineering  
Walker Group Holdings  
Transportation Tank Companies  
A Unit of Wabash National  
P.O. Box 670  
Fond du Lac, WI 54936

Reference No. 12-0264

Dear Mr. Cannon:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR 171-180) applicable to the requirements for the test and inspection of specification cargo tanks. Specifically, you request that the Pipeline and Hazardous Materials Safety Administration (PHMSA) amend the test pressure entries in the § 180.407(g)(1)(iv) test pressure table by beginning the entries with the phrase, "The test pressure on the nameplate (specification plate)." You state that doing so would close a disconnect between Part 180 and the applicable packaging specification.

In the scenario you present in your letter, you address pressure retesting a DOT 407 cargo tank at 45psi. You state that the DOT 407 cargo tank has a maximum allowable working pressure (MAWP) of 25psi and a cargo tank test pressure of 45psi stamped on its nameplate in accordance with § 178.345-14(b)(1). You further state that this test pressure of greater than 1.5 times MAWP is allowed by § 178.347-5(b)(1), which reads:

"Using the hydrostatic test method, the test pressure must be at least 40 psig or 1.5 times tank MAWP, whichever is greater."

You state that this is where the disconnect lies and recommend the addition of the wording as presented above.

If you believe a rulemaking change (revision, addition, deletion) is warranted, we invite you to file a petition in accordance with §§ 106.95, 106.100 and 106.105, including all information needed to support your petition. Your request will be further evaluated for merit to address in an upcoming rulemaking. For regulations in 49 CFR Parts 171 through

180, submit the petition to: Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration, PHH-10, U.S. Department of Transportation, East Building, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

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

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

**Drakeford, Carolyn (PHMSA)**

McIntyre  
§180.407  
Testing  
12-0264

**From:** INFOCNTR (PHMSA)  
**Sent:** Tuesday, November 20, 2012 4:16 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Request For Interpretation / Inconsequential Editorial Correction to 49 CFR 180.407

Hi Carolyn,

We received the following request for a formal letter of interpretation.

Thanks,  
Victoria

**From:** John F Cannon [<mailto:jfcannon@walkergroupholdings.com>]  
**Sent:** Tuesday, November 20, 2012 2:08 PM  
**To:** INFOCNTR (PHMSA)  
**Cc:** Staniszewski, Stanley (PHMSA)  
**Subject:** Request For Interpretation / Inconsequential Editorial Correction to 49 CFR 180.407

Dear DOT Professional:

Our company has become aware of an occurrence where a US DOT registered hazmat company has been cited for violation of the table, below, from 180.407(g)(1) (iv) – specifically, for pressure retesting a DOT 407 at 45psi.

Specification	Test pressure
MC 300, 301, 302, 303, 305, 306	20.7 kPa (3 psig) or design pressure, whichever is greater.
MC 304, 307	275.8 kPa (40 psig) or 1.5 times the design pressure, whichever is greater.
MC 310, 311, 312	20.7 kPa (3 psig) or 1.5 times the design pressure, whichever is greater.
MC 330, 331	1.5 times either the MAWP or the re-rated pressure, whichever is applicable.
MC 338	1.25 times either the MAWP or the re-rated pressure, whichever is applicable.
DOT 406	34.5 kPa (5 psig) or 1.5 times the MAWP, whichever is greater.
DOT 407	275.8 kPa (40 psig) or 1.5 times the MAWP, whichever is greater.
DOT 412	1.5 times the MAWP.

The subject tank has an MAWP of 25 psi and a cargo tank test pressure of 45 psi stamped on its nameplate, pursuant to 178.345(b). This test pressure of greater than 1.5 times MAWP is permissible by 178.347(b)(1), which reads ...

Using the hydrostatic test method, the test pressure must be **at least** 40 psig or 1.5 times tank MAWP, whichever is greater.

Therein lies the disconnect. As new, the tank is authorized by the hazmat regulations to be tested at 45 psi, but not, for continuing qualification?

We respectfully encourage US DOT PHMSA to amend the test pressure entries in the table, above, to start with the phrase "The test pressure on the nameplate (specification plate), ..." This would close a disconnect between Part 180 and the applicable packaging specification.

We are available to discuss this matter at your convenience.

Sincerely,

John

John F Cannon  
Vice President - Engineering  
Walker Group Holdings  
Transportation Tank Companies  
A unit of Wabash National  
[www.WalkerGH.com](http://www.WalkerGH.com)  
920.322.1051 (w)  
920.960.7377 (m)

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