



U.S. Department  
of Transportation  
**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Ave. S.E.  
Washington, D.C. 20590

AUG 13 2007

Mr. Norman W. Briggs  
Propane Poncho LLC  
300 Westbrook Drive  
Clifton Heights, Pennsylvania 19018

Ref. No.: 07-0123

Dear Mr. Briggs:

This responds to your letter dated June 14, 2007, regarding the use of a decorative cover on a permanently stationary propane tank used primarily for residential heating.

You state that your company is in the process of manufacturing a decorative cover for propane tanks used primarily for residential heating. These propane tanks would be permanently stationary, and the cover would never be used if the tank itself were being transported. You ask whether the requirements in 49 CFR 178.337-1(d) prohibit a decorative cover from being placed on a propane tank, even though the tank is stationary and located adjacent to an individual's residence.

The HMR do not apply to a permanently stationary propane tank used primarily for residential heating, including its decorative cover. The Department of Labor's Occupational Safety and Health Administration has jurisdiction over various type of containers used in the storage of certain hazardous materials. Also, some State and local agencies have requirements governing the storage and use of containers. You should contact these agencies for details of their requirements.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

John A. Gale  
Chief, Standards Division  
Office of Hazardous Materials Standards



070123

178.337-1(d)

Propane Poncho LLC  
300 Westbrook Drive  
Clifton Heights, Pa. 19018  
610-626-5583

Engrum  
§178.337-1(d)  
Cargo Tanks  
07-0123

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2nd Floor  
Washington, DC 20590

**Re: Interpretation of 49 C.F.R. 178.337-1(d)**

Dear Mr. Mazzullo:

This letter is a follow up to my telephone conversation with one of your agency's representatives on June 7, 2007.

Our company is in the process of manufacturing a decorative cover for propane tanks used primarily for residential heating. These propane tanks would be permanently stationary, and the cover would never be used if the tank itself were being transported. One of the potential concerns with this product is whether the above section, **49 C.F.R. 178.337-1(d)**, prohibits *any* covering to be placed on a propane tank, even though the tank is stationary and located adjacent to an individual's residence.

I spoke with a representative of your agency (Ben) on June 7, 2007 about this product and this particular section. Ben agreed that 178.337-1(d) would only apply to a cargo tank that is affixed to a motor vehicle, not a tank that is stationary and permanently affixed adjacent to a house or other structure. We requested that interpretation be placed in writing, and he advised that we should write this letter to your attention.

Please be so kind as to review this section and this letter. If you agree as to the non-applicability of this section to the product, then please forward a letter to my attention, confirming your agency's interpretation. Of course, if you require any additional information about our product, please do not hesitate to contact me.

Very truly yours,

  
NORMAN W. BRIGGS

cc: Joseph Fricker