



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

NOV 20 2012

Mr. Jerry Mahl
Groendyke Transport, Inc.
2510 Rock Island Blvd.
Enid, OK 73701

Ref. No. 12-0226

Dear Mr. Mahl:

This responds to your October 1, 2012 email requesting clarification of the recordkeeping requirements for cargo tank inspections and testing under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification whether the reports specified in § 180.417(b) on the testing and inspection of a cargo tank under § 180.407 may be kept in electronic format.

The answer is yes. Unless specifically prohibited in the HMR, electronic methods of recordkeeping are authorized; with the general understanding that a record must be in such a format that it can be made available to a DOT representative upon request. Thus, in accordance with § 180.417(b)(3), so long as the owner and the motor carrier, if not the owner, each retain a copy of the test and inspection report until the next test or inspection of the same type is successfully completed, the copy may be in electronic format.

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Benedict".

Robert Benedict
Chief, Standards Development Branch
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Der Kinderen
§172.201
§180.417

From: INFOCNTR (PHMSA)
Sent: Friday, October 05, 2012 4:09 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: electronic records

Shipping Papers
12-0226

Hi Carolyn,

Mr. Mahl requested we forward this e-mail regarding 49 CFR 180.417 as a request for a formal letter of interpretation.

Thanks,
Victoria

-----Original Message-----

From: Jerry Mahl
Sent: Monday, October 01, 2012 3:36 PM
To: 'Infocntr@dot.gov'
Subject: FW: electronic records

Can I please get a written determination on having electronic files for the HM183 inspections. These files can be printed if needed.

Thank you,

Jerry

-----Original Message-----

From: kris.phillips@dot.gov [<mailto:kris.phillips@dot.gov>]
Sent: Monday, September 24, 2012 4:23 PM
To: Jerry Mahl
Subject: RE: electronic records

Safety records (Parts 391-397) can be maintained electronically as per 390.31. As far as the Part 180 cargo tank inspection and testing records, the only thing I can find is in 180.417 where it says that non-fading copies must be maintained. Since PHMSA writes these regulations, interpretations on whether electronic printable versions are considered non-fading copies must come from them. Please call 1-800-467-4922.

Sorry I couldn't do any better...kp

-----Original Message-----

From: Jerry Mahl [<mailto:jmahl@groendyke.com>]
Sent: Monday, September 24, 2012 4:04 PM
To: Phillips, Kris (FMCSA)
Subject: RE: electronic records

Sorry, i should have clarified. I am wondering about anual inspections and hm183 inspections.

Sent from my Samsung smartphone on AT&T

"kris.phillips@dot.gov" <kris.phillips@dot.gov> wrote:

49 CFR 172.201(e). This is for retention only. There is no allowance for using electronic shipping papers while in transportation. Hope this is what you need...kp

From: Jerry Mahl [<mailto:jmahl@groendyke.com>]
Sent: Friday, September 21, 2012 10:54 AM
To: Phillips, Kris (FMCSA)
Subject: electronic records

Kris,

I was hoping you could give me the regulation number that allows electronic record retention as long as the form is printable.

Thank you,

Jerry Mahl
Maintenance Coordinator
Groendyke Transport, Inc.
Enid, OK.
580-213-9235 direct
580-242-3350 fax
[\[cid:image001.jpg@01CD9A6C.4D560180\]](#)

The information in this message is confidential and may be legally privileged. It is intended solely for the addressee. Access to this message by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, or distribution of the message, or any action or omission taken by you in reliance on it, is prohibited and may be unlawful. Please delete the message and immediately contact the sender if you have received this message in error.

The information in this message is confidential and may be legally privileged. It is intended solely for the addressee. Access to this message by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, or distribution of the message, or any action or omission taken by you in reliance on it, is prohibited and may be unlawful. Please delete the message and immediately contact the sender if you have received this message in error.