



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

1200 New Jersey Avenue, SE
Washington, DC 20590

September 28, 2021

Trooper Scott Maguire
Massachusetts State Police
906 Elm Street
Concord, MA 01742

Reference No. 21-0060

Dear Mr. Maguire:

This letter is in response to your May 25, 2021, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to portable tanks and cargo tanks. We have paraphrased and answered your questions as follows:

- Q1. You ask whether it is permissible to weld a specification Department of Transportation (DOT) 51 portable tank to a chassis and convert it to a cargo tank motor vehicle (CTMV) for the transportation of liquefied petroleum gas (LPG).
- A1. The answer is no. The definition of a “cargo tank” as specified in § 171.8 of the HMR does not authorize a bulk packaging that is fabricated to the specification of a portable tank. Additionally, the HMR defines a CTMV as a “motor vehicle with one or more cargo tanks permanently attached to or forming an integral part of the motor vehicle.” Therefore, a DOT 51 portable tank which has been permanently attached to a motor vehicle would not constitute a CTMV as the tank is not an integral part of the motor vehicle.
- Q2. You ask whether a specification DOT 51 portable tank retains its specification after being permanently attached to a vehicle.
- A2. The answer is no. The portable tank as described in your inquiry was originally fabricated as a specification DOT 51 portable tank. However, once the specification DOT 51 portable tank was permanently attached to the motor vehicle, it no longer meets the definition of a “portable tank” as defined in § 171.8. Therefore, the specification DOT 51 portable tank loses its specification because it can no longer be defined as a “portable tank.” See Answer A1.

Q3. You ask whether § 173.32(a)(3) applies to both specification and non-specification portable tanks.

A3. The answer is yes. The use of portable tank requirements in § 173.32(a)(3) can apply to both specification and non-specification portable tanks.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink that reads "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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

Andrews
21-0060

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Letter of Interpretation
Date: Thursday, May 27, 2021 4:32:04 PM
Attachments: [PT Interp Request.docx](#)

Hi Alice,

Please see the attached LOI request.

Below, is the mailing address and phone number for the inquirer.

Please let me know if you need anything else.

Regards,

-Breanna

Scott Maguire
PO Box 9
Millbury, MA 01527-0009

508.259.0875

From: Maguire, Scott (POL) [mailto:scott.maguire@state.ma.us]
Sent: Tuesday, May 25, 2021 3:10 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Letter of Interpretation

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