



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

JAN 19 1999

Mr. Clifford J. Harvison, Jr.
President
National Tank Truck Carriers, Inc.
2200 Mill Road
Alexandria, VA 22314

Ref. No. 98-0363

Dear Mr. Harvison:

This responds to your recent letter concerning certain cargo tank tests and inspections required under the Hazardous Materials Regulations (49 CFR Parts 171-180; HMR). Specifically, you ask about the elements of a pressure test and the procedures that should be followed if more than one facility performs the inspections and testing.

Your interpretation is correct. The pressure test required by § 180.407(g) of the HMR is not considered complete until both the external and internal inspections, as well as the pressure test, have been completed. An operator may use more than one facility to perform the required inspections and testing. In that event, as you have advised your members, the pressure test marking required by § 180.415 is applied to the cargo tank only when all inspection and testing requirements are fulfilled. Further, the relevant documentation must indicate that different facilities performed the external and internal inspections and the pressure test. Until the inspection and testing requirements are completed, the specification plate on the cargo tank should be covered. We advise against removing the specification plate in this situation.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Thomas G. Allan
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards

180.407



NATIONAL TANK TRUCK CARRIERS, INC.

THE NATIONAL ORGANIZATION SERVING THE INTERESTS OF THE FOR-HIRE TANK TRUCK INDUSTRY

CLIFFORD J. HARVISON
PRESIDENT

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§ 180.407

November 24, 1998

Mr. Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety
Research & Special Programs Administration
U.S. Department of Transportation
Washington, DC 20591

(Via fax, hard copy to follow)

Dear Mr. Roberts:

Please consider this letter a request for interpretation regarding various tests and inspections of cargo tanks specified at 49 CFR 180.407 (g).

The regulatory provision, dealing with the pressure test, specifies (in part) that, "*(i) As part of the pressure test, the inspector must perform an internal and external visual inspection....*" (the exception for MC 338 cargo tanks is not relevant, here).

In complying with this provision, a question is raised by the fact that some registered "CT facilities" are equipped to perform external and internal inspections, but do not hold themselves out to perform the pressure test (nor do they perform the pressure test). Therefore, for a carrier to comply, it is forced to use more than one CT facility to perform all three elements of the pressure test.

NTTC reads the regulation in the following context: That the pressure test is not **completed** (and the cargo tank may not be represented as being in compliance with the HMR) until all elements of the test/inspection regime (i.e. external visual inspection, internal visual inspection and the pressure test) have been completed. In other words, a carrier may use more than one CT facility to achieve compliance.

Furthermore, and in such cases, we have counseled our members to take the following actions:

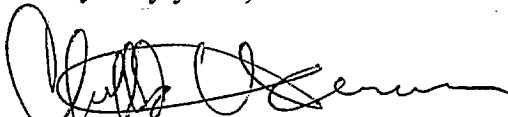
- 1) Once the cargo tank has been removed from service for the purpose of inspection and testing, the specification plate should be removed or covered;

- 2) No exterior markings (required by 49 CFR 180.415) should be affixed to the cargo tank until all three elements of the test/inspection regime have been completed; and,
- 3) All relevant documentation should reflect the fact that different CT facilities performed portions of the test/inspection regime.

Mr. Roberts, please advise whether or not NTTC's interpretation (and our advice to our membership in this matter) is correct.

Thank you for your consideration in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Clifford J. Harvison", written over a horizontal line.

Clifford J. Harvison
President