



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

SEP 21 2001

Mr. Clifford Rawn
Ventura-Lesbro
2418 E 23rd Street
Long Beach, California 90810

Reference No: 01-0230

Dear Mr. Rawn:

This responds to your letter of August 28, 2001, requesting clarification of the testing requirements for cargo tanks under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You provide an example where a cargo tanks had a thickness test (due every 2 years) performed on 8/1/99 and the cargo tank was marked 8/99. You ask whether the cargo tank must be retested by August 1, 2001 or if it may be tested anytime within the month of August, 2001.

It is acceptable to test a cargo tank within the month that the test is due (the month that is marked on the cargo tank). In your example, the cargo tank may be retested anytime within the month of August, 2001.

I hope this information is helpful.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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Retesting Cargo Tanks

01-0230



August 28, 2001

Mr. Edward Mazzullo
Director OHMS
USDOT/RSPA (DHM-10)
400 7th Street South West
Washington D.C. 20590-0001

Dear Mr. Mazzullo

This letter is to request a written interpretation of RSPA's position when it comes to the cargo tank inspection dates and the annual inspections due for tractors and trailers. It is my understanding that for cargo trailers tested for Pressure, Leaks, Visual Internal, Visual External, and Thickness; that as long as the test is done within the month they are due they are okay. For example, if a trailer has a thickness test done on 8/1/99, there is a two year requirement for the re-test, but as long as the trailer has been re-tested within the month of August 2001 (for example 8/15/01) it is considered to have not gone out of compliance. It would not have to be tested 8/1/01 to remain in compliance.

The same reasoning applies for annual inspections due on tractors and trailers. As long as they are inspected within the month they are due then they too have not fallen out of compliance even if they have gone past a 365 day period.

Is my understanding of these regulations correct? Please advise in writing so that if there is a question as to the interpretation of this rule we can document that we are in fact operating in compliance with the regulations, and if my interpretation is incorrect that we can adjust our policies accordingly. Thanks for your help.

Sincerely,

Clifford Rawn
Director of Safety and Compliance