



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

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

JUN 07 2010

Mr. Michael Burdette
Burdette & Associates, Inc.
P.O. Box 264
Milton, LA 70558

Ref. No.: 09-0180

Dear Mr. Burdette:

This responds to your August 4, 2009 letter regarding the IM and UN portable tank periodic requalification requirements for the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether an approval agency must witness the leakage test required by § 180.605(e) and (h).

The answer is no. There is no requirement in § 180.605(e) and (h) for the leakage test to be performed or witnessed by an approval agency. The tank owner or user may have the tank inspected and tested by any qualified tester including an approved third party testing agency, as long as the qualified testers are trained in accordance with the HMR.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hattie L. Mitchell'.

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

McIntyre Page 1 of 1
§180.605(e)&(h)
Portable Tanks
09-0180

8/6/09
Drakeford, Carolyn (PHMSA)

From: Lehman, Victoria (PHMSA)
Sent: Tuesday, August 04, 2009 11:25 AM
To: Drakeford, Carolyn (PHMSA)
Subject: Letter of Interp Request @ HMIC

This letter is a request for a formal letter of interpretation;

This question regards an interpretation of 180.605 (e)&(h). During a 5 year periodic inspection of an IM or UN Portable tank is an Approval Agency required to witness the leakage test (air test to 25% of MAWP)? The leakage test is required if the pressure relief device is removed, and the hydrostatic (or pneumatic) test "shall" be witnessed, but what about the leakage test?

Thank you for your response.

Michael Burdette, P.E.

DOT Authorized Agency IA-9702

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8/4/2009