

Mr. Jasbir Grover
Transportation of Dangerous Goods Inspector
Transport Canada, Ontario Region
4900 Yonge Street-3rd Floor,
North York, Ontario M2N 6A5
Government of Canada

Reference No. 11-0104

Dear Mr. Grover:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the requalification of IM 102 portable tanks. Specifically, you state that a company in Canada is using portable tanks that are fitted within a large outer steel frame that has the top cover bolted down. You further state that the tanks were made in 1999 and have never been inspected. You ask whether these tanks may be requalified by a Transport Canada registered facility that is authorized to test other types of cargo tank and portable tanks and apply the re-test marks, or must the facility be registered with the U.S. Department of Transportation (DOT).

IM 102 portable tanks may be tested by a Transport Canada registered facility that is authorized to test tank types other than IM 102 without that facility being registered with the U.S. DOT. The HMR does not require a party to be registered with DOT to conduct inspections, tests and apply re-test marks on IM 102 portable tanks. However, the HMR requires that the hydrostatic or pneumatic testing of IM portable tanks be witnessed by a designated approval agency (See § 180.605(h)). A listing to designated approval agencies can be found at <http://phmsa.dot.gov/portal/site/PHMSA/menuitem>. In addition, all applicable requirements in Subpart B of Part 172 (Table of Hazardous Materials and Special Provisions), Subpart B of Part 173 (Preparation of Hazardous Materials for Transportation), Part 178 (Specifications for Packagings) and Part 180 (Continuing Qualification and Maintenance of Packagings) must be met, including record retention in § 180.605(l).

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

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

OFFICIAL FILE COPY

CONCURRENCES	
RTG. SYMBOL	PHH-12
INITIALS/SIG.	JM
DATE	5/31/11
RTG. SYMBOL	PHH-12
INITIALS/SIG.	AT
DATE	5/31/11
RTG. SYMBOL	PHH-10
INITIALS/SIG.	OTB
DATE	5/31/11
RTG. SYMBOL	PHH-22
INITIALS/SIG.	SS
DATE	7/28/11
RTG. SYMBOL	PHH-33
INITIALS/SIG.	YMC
DATE	8-4-2011
RTG. SYMBOL	
INITIALS/SIG.	
DATE	
RTG. SYMBOL	
INITIALS/SIG.	
DATE	



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

AUG 04 2011

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I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

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

Drakeford, Carolyn (PHMSA)

McIntyre
§ 173.302
§ 172.101

Portable Tanks
11-0104

From: INFOCNTR (PHMSA)
Sent: Friday, April 29, 2011 12:19 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Request for formal letter of interpretation.
Importance: High

Hi Carolyn,

We received the following request for a formal letter of interpretation at the HMIC. The caller previously spoke with Neal Suchak.

Thanks,
Victoria

Victoria Lehman
Hazmat Information Center (HMIC)
<http://phmsa.dot.gov/hazmat/info-center>
(202) 366-1035

From: Grover, Jasbir [<mailto:Jasbir.Grover@tc.gc.ca>]
Sent: Thursday, April 28, 2011 6:35 PM
To: INFOCNTR (PHMSA)
Subject: Request for formal letter of interpretation.
Importance: High

Good afternoon:

I am a Dangerous Goods Inspector with Transport Canada. There is a company here in Brampton, Ontario Canada, which uses large IM102 tanks that are fitted within a large outer steel frame that has top cover bolted down. These tanks were made in 1999 and have never been inspected.

TDG Regulations allow the use of these portable tanks as long as these are IM 101 or IM102 portable tank, in accordance with the requirements of Subpart B of Part 172 and section 173.32 of 49 CFR; Since these tanks are recognized under 49 CFR under DOT, we (Transport Canada) do not grant authorization for their re-qualifications to our registered facilities. Very soon Transport Canada is about to release a Standard for Portable Tanks that would capture the re-qualifications of these tanks in Canada as well

The requirements for marking are in 49 CFR 180.605 (k)
(k) *Inspection and test markings.* (1) Each IM or UN portable tank must be durably and legibly marked, in English, with the date (month and year) of the last pressure test, the identification markings of the approval agency witnessing the test, when required, and the date of the last visual inspection. The marking must be placed on or near the metal identification plate, in letters and numerals of not less than 3 mm (0.118 inches) high when on the metal identification plate, and 12 mm (0.47 inches) high when on the portable tank.

Can these tanks be re-qualified by a Transport Canada registered facility that is authorized to test other types of cargo and portable tanks and apply the re-test marks on these IM102 tanks. I looked into Section 107 and 180 of 49 CFR and could not find any direct reference that the re-qualifiers of IM 102 tanks must be registered with US DOT. Also spoke with one individual at US DOT Hazmat Helpline who told me that there is no requirement for the formal registration of companies aspiring to conduct inspection and tests on these IM 102 portable tanks, but I am looking for a formal interpretation for this question.

Please clarify and oblige at your earliest convenience.

Regards!

Jasbir Grover

Transportation of Dangerous Goods Inspector

Tel: (416) 973-9820 / Fax: (416) 973-9907

jasbir.grover@tc.gc.ca / www.tc.gc.ca/tdg

Transport Canada / Transports Canada

Ontario Region/Region de l'Ontario

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Government of Canada / Gouvernement du Canada