



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

APR 07 2007

Mr. Mark Connolly
Manager Transportation Regulations and Security
Akzo Nobel Chemicals Inc
300 South Riverside Plaza
Chicago, IL 60606-6697

Ref. No.: 07-0069

Dear Mr. Connolly:

This is in response to your March 23, 2007 letter regarding the schedule for the periodic inspection and test of IM and UN portable tanks under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your letter you describe a scenario in which the initial inspection and test before the portable tank was put into service was performed in May of 2002 and the intermediate periodic test and inspection (requalification) was performed in September of 2004; that is, two months early. You ask if an additional intermediate periodic requalification must be performed in March of 2007; that is, two months prior to the 5-year periodic requalification.

The answer is no. In accordance with § 180.605(c)(1), an intermediate periodic requalification must be performed at least 2.5 years following the initial inspection and thereafter every 2.5 years following the 5-year periodic requalification. It was our intention to align the periodic requalification schedule contained in the HMR with that contained in the United Nations' Recommendations on the Transport of Dangerous Goods. Paragraph 6.7.2.19 of the UN Recommendations provides for the 2.5-year intermediate periodic requalification to be performed within 3 months of the specified date. We take a similar position in this matter. Therefore, in the scenario described in your letter, the next required inspection and test, the 5-year periodic requalification, is due May 2007.

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

Sincerely,

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

180.605(c)(1)



070069

Vollack
§ 178.605(c)(1)
-Testing-
07-0069



March 23, 2007

Mr. Edward Mazzullo
Office of Hazardous Materials Standards (PHH-10)
Office of hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
400 Seventh Street S.W.
Washington, DC 20590

Subject: Periodic test/Inspection of IM and UN Portable Tanks 49CFR 178. 178.605 (c) (1)

Dear Mr. Mazzullo:

We have received feedback from our Isotank leasing company that our interpretation of the DOT regulations as they apply to instances when the intermediate periodic testing and inspection of IM or UN specification portable tanks is erroneous. We believe that the intermediate periodic test and inspection must be performed at least 2 ½ years from the initial inspection and that the 5 year periodic test and inspection must be performed within 5 years form the date of the initial or most recent 5 year periodic test and inspection.

We request your clarification of compliance with 49CFR 178.605 (c) (1) as we load and export portable tanks from the U.S. globally and must comply with DOT and IMO (6.7.2.19.2) regulations. Please review the following 3 scenarios...

Scenario 1: IMO Type 1 Portable Tank

May 2002	Initial inspection before being put into service
November 2004	Intermediate periodic test and inspection (30 months)
May 2007	5 year periodic test and inspection

It is Akzo Nobel Chemicals Inc' interpretation that the intermediate periodic test and inspection and 5 year periodic test and inspection meet DOT and IMO because:
The November 2004 intermediate periodic test and inspection was conducted at least 2 ½ years following the initial inspection. The May 2007 periodic test and inspection is within 5 years of the initial inspection.

Scenario 2: IMO Type 1 Portable Tank for Filling in U.S. and Export Water Shipment

May 2002	Initial inspection before being put into service
September 2004	Intermediate periodic test and inspection (28 months)
May 2007	5 year periodic test and inspection

From time to time, due to the long water transport times and extended foreign customer hold times Akzo Nobel Chemicals must perform its intermediate periodic test and inspection of portable tanks a few months earlier than the 2 ½ year interval. It is Akzo Nobel Chemicals Inc' interpretation that the intermediate periodic test and inspection and 5 year periodic test and inspection meet DOT requirements for scenario 2 because: The September 2004 intermediate periodic test and inspection was conducted at least 2 ½ years following the initial inspection. The May 2007 periodic test and inspection is within 5 years of the initial inspection.

Our Isotank supplier has advised us that the above noted interpretation of scenario 2 meets the requirements of the IMO regulations but not DOT regulations. Below is their interpretation of how 49CFR 178.605 (c) (1) applies to scenario 2:

Isotank supplier Interpretation of Scenario 2: IMO Type 1 Portable Tank for Filling in U.S. and Export Water Shipment

May 2002	Initial inspection before being put into service
September 2004	Intermediate periodic test and inspection (28 months early)
March 2007	Intermediate periodic test and inspection due per DOT (30 months after September 2004)
May 2007	5 year periodic test and inspection

Your assistance in clarification of the application of 49CFR 178.605 (c) (1) when performing early intermediate periodic tests and inspections is appreciated.

Sincerely,



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