



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

AUG 20 2001

Dr. Jack E. Helms
Albemarle Corporation
451 Florida Street
Baton Rouge, LA 70801-1765

Ref. No. 01-0187

Dear Dr. Helms:

This is in response to your July 12, 2001 letter and subsequent telephone conversation with Mr. Michael Johnsen of my staff regarding motor carrier test and inspection record retention requirements for cargo tanks under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the test and inspection record retention requirements for cargo tanks under § 180.417(b)(2) apply to a company, Quality Distribution, that supplies only the power unit and driver to haul cargo tanks in your fleet. You note that Quality Distribution does not perform any function other than those mentioned above and that no cargo tank from your fleet is under the courier's control for 30 days or longer.

Section 180.417(b)(2) requires the owner and operator of a cargo tank to retain copies of test and inspection reports until the next test or inspection of the same type is successfully completed. This requirement does not apply to a motor carrier leasing a cargo tank for fewer than 30 days. Although the exception uses the term "leasing," the intent of this provision is to except a motor carrier from the requirement to retain test and inspection reports for any cargo tank it uses for transportation for fewer than 30 days. Based on the information provided, it is the opinion of this Office that Quality Distribution is not required to retain copies of test and inspection reports for the subject cargo tanks.

I hope this satisfies your request.

Sincerely,

Thomas G. Allan

Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



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Baton Rouge, Louisiana 70801-1765

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Johnsen
\$180.417
Record Retention
01-0187

July 12, 2001

Mr. Thomas G. Allan
Senior Transportation Regulations Specialist
U.S. Department of Transportation
Research and Special Programs Administration
Office of Hazardous Materials Standards
400 Seventh Street, S.W.
Washington, D.C. 20590

Ref: Letter to Mr. Charles Boudin dated January 11, 2000

Dear Mr. Allan:

This is to request clarification of motor carrier test and inspection record retention requirements cited in the attached interpretation letter to Mr. Charles Boudin dated January 11, 2000. Quality Distribution, a contract motor carrier used by Albemarle Corporation, has requested fabrication/test/inspection records for cargo tanks which are owned and operated by Albemarle, based on the attached referenced letter. Albemarle believes that the regulations cited do not apply to our type of operation and we request clarification regarding the application of the referenced letter.

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Albemarle is a shipper of hazardous materials. We own our cargo tank fleet. Quality Distribution supplies the power unit and the driver which transports certain cargo tanks within our fleet to plant sites where the trailers are filled by Albemarle personnel and unloaded by customer personnel. Quality Distribution does not fill, load, or make deliveries with these trailers. They are strictly transported from one location to another. Therefore, the trailers are neither leased, operated or used by Quality Distribution. Therefore, as the owner of the cargo tank, Albemarle believes that, while they must retain copies of the test and inspections reports for their vehicles, they are not obligated to provide such reports to a motor carrier who is not leasing or operating their vehicles. Please confirm that our understanding of the regulations are correct.

Please call me at 225-388-7752 or contact me by E-mail at jack_helms@albemarle.com if you require further information.

Respectfully submitted,

Jack E. Helms, Ph.D., P.E.
Advisor, Transportation
CT-5464

cc: Mr. C. Boudin - Quality Distribution
Mr. W. D. Eby
Ms. P. Quinn - HMT Associates