



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

1200 New Jersey Ave., S.E.
Washington, DC 20590

DEC 30 2008

Mr. Anthony Reid;
C&R Fleet Services, Inc.
353 O'Dell Road
Griffin, Georgia 30224

Ref. No.: 08-0097

Dear Mr. Reid:

This responds to your letter regarding whether Registered Inspectors performing requalification inspections in accordance with the Hazardous Materials Regulations (HMR), §180.407, specifically VKIP tests on a cargo tank motor vehicle, must also comply with Federal Motor Carrier Safety Administration Regulations (FMCSR), § 396.21, Subchapter B, Appendix G, known as "Annual" inspection. This inspection covers components such as brake system, coupling devices, exhaust system, fuel system, lighting devices, safe loading, steering mechanism, suspension, frame, tires, wheels and rims, windshield glazing, and windshield wipers.

The HMR do not require DOT Registered Inspectors to perform compliance reviews subject to Part 396 of the FMCSR. Also, a person who performs only the inspections specified in Part 396 of the FMCSR is not required to be a DOT Registered Inspector. As a matter of courtesy, if a Registered Inspector observes deficiencies in the components covered by the FMCSR inspection, the inspector should bring it to the motor carrier's or owner's attention.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,



Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards



DOT/RSPA/OHMS
UNIT

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Engrum
§180.407
Cargo Tanks
08-0097

March 27, 2008

Hazardous Materials Division
Research and Special Programs Administration
Department of Transportation
Washington, DC 20590-001

C & R Fleet Services, Inc
353 O'Dell Road
Griffin, Georgia 30224

Subject: Request for Interpretation of Hazardous Material Regulation 180.407

Sir:

This letter is to request an interpretation as to if it is intended for Registered Inspectors performing requalification inspections under HM Regulation 180.407, specifically VKIP tests on cargo tank motor vehicles to inspect for compliance with FMCSR 396.21 subpart B Appendix G. commonly known as an "Annual" inspection.

The fundamental question at hand is, does a HM tank mounted on a motor vehicle create an entity that requires inspection at requalification to ascertain the overall compliance of the vehicle to both HM and FMCSR safety guidelines? We frequently see vessels which meet HM 180 code for requalification but fail to meet standards outlined in FMCSR 396.21 subpart B appendix G. However, we are unclear as to the jurisdiction of the Registered Inspector during this requalification.

Please advise us as to your interpretation of these regulations and their intent.

If you require additional information please feel free to call (770) 412-8211.

Thank You,

Anthony Reid
RI - CT 7588