



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

1200 New Jersey Ave., SE
Washington, DC 20590

SEP 25 2008

Mr. Aubrey R. Campbell
Senior Transportation Specialist
Baker Petrolite Corporation
12645 West Airport Blvd.
Sugar Land, TX 77478

Ref. No.: 08-0208

Dear Mr. Campbell:

This responds to your letter dated August 1, 2008, regarding requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the use of DOT 51 portable tanks. Specifically, you ask if the provisions in § 171.14(d)(4) and § 173.32(c)(2) allow for DOT 51 portable tanks to be used after January 1, 2010.

The January 1, 2010, transitional provision in § 171.14(d)(4) and grandfather provision in § 173.32(c)(2) were added under Docket HM-215D (66 FR 33316; June 21, 2001). The changes made to § 171.14(d)(4) allow, until January 1, 2010, IM portable tanks to use the "T" Code special provisions listed in Column 7 of the Hazardous Materials Table (HMT; § 172.101) that were in effect on September 30, 2001. The revisions to § 173.32(c)(2) clearly indicate that a DOT Specification 51, IM 101, or IM 102 portable tank may not be manufactured after January 1, 2003. The revisions do not prohibit the use of DOT 51 portable tanks after January 1, 2010. In accordance with § 172.102(a)(7), DOT 51 portable tanks are not subject to the "T" Code special provisions. Therefore, properly requalified and maintained DOT 51 portable tanks that meet the design requirements in effect at the time of manufacture and applicable special provisions (e.g. Special Provision B30 for minimum thickness) may continue to be used after January 1, 2010 to transport authorized hazardous materials (see Column 8 of the HMT for information on authorized packagings).

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Susan Gorsky
Acting Chief, Standards Development
Office of Hazardous Materials Standards



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§ 171.14 (d)(4)
§ 172.101

Baker Petrolite

Portable Tanks
08-0208

12645 West Airport Blvd.
Sugar Land, Texas 77478
P.O. Box 5050
Sugar Land 77487-5050
Tel 281-276-5400
Fax 281-275-7385

August 1, 2008

Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration,
Attn: PHH-10
U.S. Department of Transportation
East Building, 1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Re: Letter of Clarification

Dear Office of Hazardous Materials Standards:

Baker Petrolite Corporation (BPC) is requesting a letter of clarification regarding the "Sunset" provision specified in Title 49 Code of Federal Regulation (CFR) Part 171.14(d)(4) and 173.32(c)(2) regarding the continued use of DOT 51 specification portable tanks beyond January 1, 2010.

BPC uses DOT 51 portable tanks to ship UN 1092, Acrolein, stabilized, 6.1, (3), PG I, to domestic and international destinations. Our DOT 51 portable tanks are periodically tested and inspected in accordance with 49 CFR Part 180. We are concerned about our ability to continue to use the DOT 51 portable tanks beyond January 1, 2010. Specifically, 171.14(d)(4) states, "Until January 1, 2010, a hazardous material may be transported in an IM, IMO, or DOT 51 Specification portable tank in accordance with the T code (Special Provisions) assigned to a hazardous material in column (7) of the 171.101 Table in effect on September 30, 2001."

Question # 1: Is the intent of the "sunset" provision to eliminate the use of DOT 51 specification portable tanks after January 1, 2010?

Question # 2: Is PHMSA considering extending the January 1, 2010 transition date with new rule making?

We are mainly concerned about the tank shell and head thickness of our DOT portable tanks compared to the current requirements of T codes T22 and TP44 listed in the 172.101 Table as special provisions for shipping acrolein. Our DOT 51 portable tanks were manufactured using "carbon" steel with a minimum shell thickness of ¼ inch (6.35mm). Special provision code T22 indicates a minimum shell thickness for "reference" steel of 10 mm for portable tanks.

Special provision code TP44 indicates a minimum shell thickness the greater of 7.62mm for “stainless” steel UN portable tanks or the thickness required for a portable tank with a design pressure at least equal to 1.5 times the vapor pressure of the hazardous materials at 46 degrees C (115 degrees F).

Question # 3: May BPC continue to use our DOT 51 portable tanks, with the minimum shell thickness of ¼ inch (6.35mm, carbon steel), beyond January 1, 2010 as long as we maintain inspection and testing of tanks in accordance with 49 CFR Part 180?

BPC currently uses a fleet of approximately 500 DOT 51 specification portable tanks to ship acrolein. Based on our tank integrity testing results, the portable tank manufacturer has indicated that our tanks have a remaining serviceable life of 30 to 40 years. Additionally, we typically deal with relatively low pressures, as the acrolein is in liquid form rather than compressed gas, and the tanks leave our plant at 9-12 psig, and are never pressurized in field operations above 80 psig. Over the past 40 plus years, we have safely transported thousand of tons of acrolein using these tanks. BPC would like your consideration in allowing us to continue the use of these tanks, under a special permit if necessary, while continuing to monitor their mechanical integrity for the remaining effective life of the tanks. The replacement of such a large tank fleet, which still has 30-40 years of serviceable life, would have a significant economic impact on BPC. We estimate the cost of purchasing new UN portable tanks at \$8,000,000.

Please provide us a clarification regarding this issue, as January 1, 2010 is rapidly approaching and the economics of addressing this issue must be addressed. Additionally, others within the chemical manufacturing and transportation industries may have similar concerns on the continued use of DOT 51 specification portable tanks.

Sincerely,

Baker Petrolite Corporation



Aubrey R. Campbell

Senior Transportation Specialist