



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 2, 2025

Timothy Nuoffer
Supervisor Code Services
The Hartford Steam Boiler
Inspection and Insurance Company
One State Street
P.O. Box 5024
Hartford, CT 06102

Reference No. 24-0022

Dear Mr. Nuoffer:

This letter is in response to your March 20, 2024, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to offshore portable tanks. In your email, you note that The Hartford Steam Boiler Inspection and Insurance Company (HSB) is a designated approval agency (DAA) for the new manufacture and periodic testing of United Nations (UN) portable tanks—including UN portable tanks approved and certified under Chapter 6.7 of the International Maritime Dangerous Goods (IMDG) Code. You add that the approval document that authorizes HSB to perform this activity—CA2003040001¹—does not specifically address offshore portable tanks as defined in § 178.274(a)(3). Specifically, you ask about HSB's DAA authority and whether it includes approval and certification of UN portable tanks for offshore service in accordance with Chapter 6.7 of the IMDG Code.

The answer is no; however, approval specific to such offshore service is not required by the HMR. HSB's approval allows for the certification of newly manufactured and periodic retesting of UN portable tanks, as well as the periodic testing and inspections of existing Department of Transportation specification intermodal (IM) 101 and IM 102 portable tanks. Offshore portable tanks are portable tanks meeting the "Guidelines for the Approval of Containers Handled in Open Seas" specified in the IMDG Code (MSC.1 Cir.860) and marked "OFFSHORE PORTABLE TANK" on the identification plate. The certification of an offshore portable tank's

¹ https://www.phmsa.dot.gov/hazmat/documents/approval/1_CA2003040001_2021104386.pdf/ApprovalsCA_19718_CAApapproval-5d365c8c-91fa-4f00-8642-c55bd89fc2a9

design, manufacture, testing, and/or inspection for compliance with MSC.1 Cir.860 is not required to be authorized by PHMSA. As a result, DAA's that certify and/or test offshore portable tanks may do so independently of a DAA approval with PHMSA.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Andrews".

Steven Andrews
Acting Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Jones, Jessie Jane CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Monday, March 25, 2024 4:30 PM
To: Dodd, Alice (PHMSA)
Cc: Hazmat Interps
Subject: FW: Request for Interpretation- DAA Approval of Offshore Portable Tanks
Attachments: DAA Scope-Offshore Portable Tank_Interp03202024.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Alice,

Please see the attached letter of interpretation request.

Let me know if you need anything.

Regards,

-Breanna

From: Nuoffer Timothy - Hartford-Remote-HSB <Timothy_Nuoffer@hsb.com>
Sent: Wednesday, March 20, 2024 6:19 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Cc: Pascal, Irwin (PHMSA) <irwin.pascal@dot.gov>; douglas.r.lincoln3@uscg.mil; Redfield Bruce - Hartford-Remote-HSB <bruce_redfield@hsb.com>; Babka Sandy - Hartford-HSB <sandy_babka@hsb.com>
Subject: Request for Interpretation- DAA Approval of Offshore Portable Tanks
Importance: High

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Please find attached my letter requesting interpretation of 49CFR requirements for the approval of offshore portable tanks.

Regards,

Timothy Nuoffer
Supervisor Code Services

**The Hartford Steam Boiler
Inspection and Insurance Company**
One State Street
P.O. Box 5024
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Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration
Attn: PHH-10
US Department of Transportation
East Building
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Copy

Irwin Pascal, US DOT
Douglas Lincoln, US Coast Guard
Sandy Babka, HSB
Bruce Redfield, HSB

20 March 2024

Timothy J. Nuoffer
Field Services Manager
Codes & Standards
Tel.: +(618) 444-7628

Timothy_Nuoffer@hsb.com

To whom it may concern:

Approval of Offshore Portable Tanks

I have the following inquiry regarding if HSB can approve offshore portable tanks under our US DOT approval, CA2003040001.

Background:

HSB's scope as a designated approval agency (DAA) covers new manufacture and periodic testing of UN portable tanks and MEGCs. HSB's approval letter also states, "When the approval holder performs a function required by 49CFR, Parts 100-180, or the requirements of 6.7 IMDG Code, to be performed by an approval agency, that function must be performed in accordance with the applicable regulations." The approval specifically does not state "Offshore portable tank" in the approval.

In reviewing, 49CFR178.274 definition for offshore portable tank, which states "a portable tank specifically designed for repeated use in the transportation of hazardous materials to, from and between offshore facilities. An offshore portable tank is designed and constructed in accordance with the Guidelines for the Approval of Containers Handled in Open Seas specified in the IMDG Code." Also, note that paragraph 49CFR178.274(j)(3), states, "If a portable tank is designed and approved for open seas operations, such as offshore oil exploration, in accordance with the IMDG Code, the words "OFFSHORE PORTABLE TANK" must be marked on the identification plate." it appears that HSB's US DOT DAA approval would include offshore portable tanks.

Additionally, in review of the definition for Offshore portable tank in part 6.7.2.1 of the United Nations Transport of Dangerous Goods Model Regulations, it refers to "the Guidelines for the Approval of Containers Handled in Open Seas specified by

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the International Maritime Organization in document MSC/Circ.860." versus "the IMDG Code" in 49CFR178.274's definition.

Timothy J. Nuoffer
Field Services Manager
Codes & Standards
Tel.: +(618) 444-7628

Question: Does HSB's US DOT DAA approval include approval and certification of offshore portable tanks in accordance with Part 6.7 of the IMDG Code?

Timothy_Nuoffer@hsb.com

Answer: Yes, provided the UN portable tank satisfies the requirements of 49CFR178.273 thru 178.277, as applicable, and the Guidelines for the Approval of Containers Handled in Open Seas specified by the International Maritime Organization in document MSC/Circ.860 for the container.

A reply as soon as possible would be greatly appreciated. Should you have additional questions or need to discuss, please call 618-444-7628.

Sincerely,



The Hartford Steam Boiler Inspection and Insurance Co.



A Munich Re company



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