



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 1, 2025

Cyndi Fink
Dangerous Goods Transportation Manager
LANXESS Corporation
111 RIDC Park West Drive
Pittsburgh, PA 15108

Reference No. 24-0108

Dear Ms. Fink:

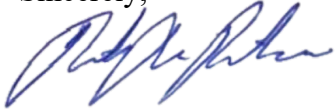
This letter is in response to your November 8, 2024 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to United Nations (UN) specification portable tanks. You state that your company manufactures “UN1738, Benzyl chloride, 6.1 (8), PG II” and packages it in UN specification portable tanks, in accordance with portable tank instruction T8 assigned to UN1738 in Column (7) of the § 172.101 Hazardous Materials Table (HMT). Portable tank instruction T8 prohibits the use of bottom openings for portable tanks containing this material. You further add that you are looking to change the means to unload these portable tanks to allow unloading at ground level. Specifically, your company proposes to add a hard piped extension to the top unloading valve flange and internal dip tube and direct this extension along the outside of the portable tank cladding to a secondary unloading valve that can be operated from ground level during unloading. You ask whether this proposed change to the UN specification portable tank would be considered a “modification” as stated in § 178.273(e) and require approval of the modification by an approval agency.

Yes. It is the opinion of this Office that the installation of the proposed non-removable piping on an approved portable tank design would constitute a modification of an approved portable tank because the hard piped extension may affect conformance with HMR portable tank design

requirements and the safe use of the portable tank. Thus, the portable tank with the proposed non-removable piping installed would be subject to the requirements in § 178.273(e).

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 "Dirk Der Kinderen". The signature is fluid and cursive, with a large initial "D" and "K".

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Request for Letter of Interpretation/UN Portable Tanks
Date: Friday, November 8, 2024 2:32:38 PM
Attachments: [2024-11-8 LOI Request.pdf](#)

Hello Alice,

Please see the attached interpretation request. Let us know if you need anything.

Sincerely,
Janaye

From: Fink, Cyndi <cyndi.fink@lanxess.com>
Sent: Friday, November 8, 2024 2:16 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request for Letter of Interpretation/UN Portable Tanks

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.

To Whom It May Concern:

Please see attached request for a letter of interpretation regarding UN Portable tanks.

Thank you for your review and response.

Cyndi

Cyndi Fink, DGSA, CDGP
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Mr. Shane Kelley
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590
infocntr@dot.gov

Subject: Letter of Interpretation Request: Modification of UN Portable Tank (via email)

To Whom It May Concern:

We are seeking an interpretation of 49CFR relating to changes to a UN Portable Tank as detailed in 178.273(e).

Our company manufactures benzyl chloride (UN1738) in Germany and packages the material in UN Portable Tanks. As required by the packing instructions in 49CFR172.101, UN Portable Tanks of T8 or above are used for transport, equipped with top load/unload valves and flanges, since bottom unloading is not permitted per 49CFR178.275(d). Material is shipped from our manufacturing location in Germany to US customers.

Some of our US customers have requested a means to unload these tanks from the ground level for easier access during unloading. To accommodate our customers, we are proposing adding a hard piped extension to the top unloading valve flange and internal dip tube, and direct this extension along the outside of the tank cladding to a secondary unload valve that can be operated from the ground during unloading. In addition, we are proposing the main unloading valve on the top of the tank be equipped with a remote valve cable extension that will allow manual opening and closing of the main valve from the ground level. All extension piping and remote valve will be located inside the frame of the Portable Tank.

Would these proposed changes to this Portable Tank be considered "modifications" as noted in 49CFR178.273(e)?

Sincerely,



Cyndi Fink
Dangerous Goods Transportation Manager

November 8, 2024

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