



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAR 01 2019

Thomas Curey
Lloyd's Register
2, rue de Clémencièrè, BP 15
38360 Sassenage, France

Reference No. 18-0099

Dear Mr. Curey:

This letter is in response to your July 5, 2018, email and subsequent phone conversations requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to United Nations (UN) portable tank design specifications. Your letter referenced language in § 178.274(b)(1) that states, "Aluminum may not be used as a construction material for the shells of portable tanks intended for the transport of non-refrigerated liquefied gases. For portable tanks intended for the transport of liquid or solid hazardous materials, aluminum may only be used as a construction material for portable tank shells if approved by the Associate Administrator." You ask if aluminum may be used in UN portable tanks designed for the transport of refrigerated liquefied gases without the approval of the Associate Administrator.

The answer is yes. The intent of the language in § 178.274(b)(1) is to allow aluminum in the construction of portable tank shells intended for the transport of refrigerated liquefied gases and does not require approval from the Associate Administrator. PHMSA will consider clarifying this issue in a future rulemaking.

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

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention
Standards and Rulemaking Division

January, Ikeya CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Thursday, July 05, 2018 3:37 PM
To: Hazmat Interps
Subject: FW: Interpretation request

Hi Ikeya,

Please submit the e-mail below for a letter of interpretation. Let me know if you have any questions.

Thanks,
Jodi

From: Raynor, T'Mia (PHMSA)
Sent: Thursday, July 05, 2018 9:17 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: FW: Interpretation request

T'Mia Raynor
Webmaster
PHMSA Office of the CIO (PHF-30)
Desk: (202) 366-9818 | Mobile: (202) 580-9447

From: CUREY-SC, Thomas <thomas.curey-sc@airliquide.com>
Sent: Thursday, July 5, 2018 4:42:20 AM
To: PHMSA Webmaster
Subject: Interpretation request

Dear,

I'm working for Lloyd's Register on behalf of Air Liquide (AL). I'd like to have an official interpretation on clause §178.277 from Title 49 of the CFR. I already checked on your website if an existing interpretation would be available. So I send you my question (to be honest, I'm more familiarized with ASME VIII Interpretation request so I used the ASME BPVC template)

a) Purpose : request for Clause interpretation

b) background: For the manufacture of a UN portable tank, as defined for tank in clause §178.277(a)(1), intended for the transportation of refrigerated liquefied gases, the tank includes several cylindrical shells, all are in accordance with ASME BPVC VIII-1 requirements. For design purpose, one shell is made of Aluminum.

All those shells are inserted in a jacket.

The requirement from §178.277(a)(4) states that shells must be made of metallic material,

The requirement from §178.274(b)(1), states same requirements and adds that Aluminum can be used for liquid hazardous materials if approved by associate administrator.

Question 1: Is the Aluminum can be used for tanks aimed to transportation of refrigerated liquefied gases provided the requirement is not repeated in clause §178.277(a)(4)?

Question 1bis: Another way to ask this question is : Is the clause 178.277(a)(4) take precedence on clause 178.274(b)(1)?

Question 2: If the answer to question 1 is "No", is the approval from associate administrator means apply for a special permit as per §107.105?

Thank you very much in advance for your reply,

Thomas CUREY

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Lloyd's Register on behalf of AIR LIQUIDE ADVANCED BUSINESS & TECHNOLOGIES

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