



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

1200 New Jersey Avenue, SE  
Washington, DC 20590

JUL 10 2019

Mr. David T. Hird  
North America Transportation Manager:  
Health, Safety & Environment  
Baker Petrolite, LLC  
2001 Rankin Road  
Houston, TX 77073

Reference No. 19-0005

Dear Mr. Hird:

This is in response to your December 23, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to safety control measures in Section 7 of the Department of Transportation Special Permit (DOT-SP) 12412. Specifically, you ask two questions concerning how this special permit applies to intermediate bulk containers (IBCs). We have paraphrased your questions and answered them in the order presented.

Q1. You ask whether the safety control measures in DOT-SP 12412 apply to all IBCs.

A1. The answer is no. The safety control measures prescribed in DOT-SP 12412 apply only to the IBC specifications listed in paragraph 7.a of that special permit: UN 31A, UN 31B, UN 31N, UN 31H1, UN 31H2, and UN 31HZ1.

Q2. You ask whether an IBC (e.g., a UN 31A) that meets the bottom outlet requirements in § 178.275(d)(3), as specified in DOT-SP 12412, is also subject to the remaining bottom outlet requirements stipulated in § 178.275(d).

A2. The answer is no. IBCs conforming with DOT-SP 12412 are not subject to the remaining requirements prescribed in § 178.275(d) because these apply to portable tanks with bottom outlets only.

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 Branch  
Standards and Rulemaking Division

# INTERPRETATION LETTERS

<b>Requester</b>	David Hird	<b>Date Received:</b>	2/4/2019
<b>Company</b>	Baker Hughes	<b>Tracking</b>	19-0005
<b>Phone</b>	713-879-1673	<b>Revision Date:</b>	2/4/2019

<b>Date Assigned</b>	02/04/2019	<b>Date of Letter</b>	02/04/2019
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<b>Staff</b>	Edmonson	<b>First Draft Due:</b>	2/25/2019
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<b>Section</b>		<b>First Draft Date:</b>	
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<b>Subject</b>	
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<b>Concurrence</b>	
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<b>Status</b>	PHH-10-Specialist	<b>Status Date</b>	2/4/2019
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<b>Sign Date</b>		<b>Signor</b>	
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<b>Comment</b>	HBP <input type="checkbox"/>	Copy to Docket <input type="checkbox"/>	Copy to DHM-60 <input type="checkbox"/>
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**January, Ikeya CTR (PHMSA)**

**From:** INFOCNTR (PHMSA)  
**Sent:** Monday, February 04, 2019 9:50 AM  
**To:** Hazmat Interps  
**Subject:** FW: Request for Interpretation of DOT-SP 12412

Hello Alice and Ikeya,

Below is a request for interpretation.

Thanks,

Jonathon, HMIC

**From:** Hird, David T [mailto:david.hird@bhge.com]  
**Sent:** Sunday, December 23, 2018 7:57 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Cc:** Hird, David T <David.Hird@bakerhughes.com>  
**Subject:** Request for Interpretation of DOT-SP 12412

December 23, 2018

Standards and Rulemaking Division  
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.

**Request for Interpretation of DOT-SP 12412**

Dear Associate Administrator for Hazardous Materials,

Baker Petrolite LLC is authorized under DOT-SP 12412 (the "Permit") to unload liquid hazardous materials from certain UN intermediate Bulk Containers ("IBCs") and DOT Specification 57 portable tanks without removal from the transport vehicle.

We are requesting **clarification** of the Permit with respect to Section 7 – Safety Controls, wherein the Permit language reads, "Packaging – Packaging prescribed is a UN 31A, 31B, 31N, 31H1, 31H2 or 31HZ1, IBC or DOT Specification 57 portable tank."

- 1) The packagings may not be manifold together or have discharge outlets hard piped onto the vehicle.
- 2) An IBC or Specification 57 portable tank contains a liquid hazardous material of Class 3, PGII, or PGIII, with a flash point of less than 100 degrees Fahrenheit; Division 5.1, PGII; or Division 6.1, PGII, must conform to the outlet requirements in 178.275(d)(3) or 178.345-11 as applicable.

The Permit authorizes a UN31 A packaging in the first sentence of the Safety Control Measures, but later contradicts that safety control measure by applying additional requirements when the HM contained in an UN31A IBC must conform to the bottom packaging outlets for UN Portable Tanks (as stipulated in 178.275(d)(3) or 178.345-11). These additional

requirements pertain to liquid hazardous material of Class 3, PGII, or PGIII, with a flash point of less than 100 degrees Fahrenheit; Division 5.1, PGII; and Division 6.1, PGII.

**Question 1: Do the safety control measures in the Permit apply to all IBCs?**

When considering the verbiage in 178.275(d) (3) – “Except as provided in paragraph (d) (2) of this section, every bottom discharge outlet must be equipped with three serially fitted and mutually independent shut-off devices. The design of the equipment must include:

(i) A self-closing internal stop-valve, which is a stop-valve within the shell or within a welded flange or its companion flange.”

It would appear, based on the language above, that a self-closing internal stop-valve could be within the shell of the IBC, with a welded flange of an IBC or within a companion flange associated to the IBC.

**Question 2: If meeting the bottom outlet requirements (as stipulated in 178.275(d)(3) with an IBC (example UN31A), does this make IBCs used in this configuration subject to all bottom outlet requirements as stipulated in §178.275 - Specification for UN Portable Tanks intended for the transportation of liquid and solid hazardous materials?**

Thank you for your time and the undersigned is available as the point of contact to respond to any technical or other questions that may arise.

Regards,  
David

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