



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

July 25, 2023

Chris Vleugels
APRAGAZ (Notified Body 0029)
Head of Department ADR/RID/IMDG/CSC
Vilvoordsesteenweg 156, 1120 Brussels, Belgium

Reference No. 23-0004

Dear Mr. Chris Vleugels:

This letter is in response to your January 23, 2023, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to foreign-made United Nations (UN) portable tanks which are approved and inspected by a foreign approval agency. You state that a customer believes that UN portable tanks manufactured outside of the United States must be approved by a PHMSA-designated agency prior to use in the United States. Specifically, you ask whether a UN portable tank inspected by a foreign approval agency that is recognized by the competent authority—in this case APRAGAZ and the country of Belgium—respectively, may be loaded and unloaded with a hazardous material before and after transportation into, from, and/or within the United States. You note that the UN portable tanks:

- Comply with Tank Instruction T1 and T22 and are manufactured by a Belgian manufacturer;
- Are designed according to American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code Section VIII - Rules for Constructions of Pressure Vessels, Div.1 and/or European Standard EN14025, Tanks for the transport of dangerous goods - Metallic pressure tanks - Design and construction;
- Comply with the rules of Agreements Concerning the International Carriage of Dangerous Goods by Rail (RID) and by Road ADR § 6.7 and the International Maritime Dangerous Goods (IMDG) Code § 6.7; and
- Are approved and inspected by APRAGAZ, which is not a United States approval agency but is recognized by the competent authority of Belgium for the approval and inspection of UN portable tanks.

Based on the information provided, the answer is yes. APRAGAZ is authorized to approve and inspect portable tanks as the HMR does not require foreign facilities that manufacture UN portable tanks to be inspected by a DOT designated approval agency or approved by PHMSA's

Associate Administrator for Hazardous Materials Safety. However, when offered for transportation or transported to, from, or within the United States, as outlined in your previous letter of interpretation, Reference No. 13-0151, there may be additional requirements that apply under § 171.25(c)(1).

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 prominent initial "D".

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

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#); [Hazmat Interps](#)
Subject: FW: Interpretation/clarification of 49CFR Parts 171-180
Date: Tuesday, January 24, 2023 9:36:41 AM
Attachments: [image001.png](#)
[CVL-B-2023-01-18-01.pdf](#)

Hi Alice and team,

Please see the LOI request below. Please see the letter in the attachment. Please note that the phone number and mailing address are international. Thanks!

-Rachel (HMIC)

From: Chris VLEUGELS <c.vleugels@apragaz.com>
Sent: Monday, January 23, 2023 10:10 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Cc: MERTENS Eddy <eddy.mertens@vanhool.com>
Subject: Interpretation/clarification of 49CFR Parts 171-180

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.

Dear Madam, Dear Sir,

Please find in annex our request for interpretation/clarification of 49CFR Parts 171-180.

Met vriendelijke groeten – Sincères salutations – Best regards

Eng. Chris Vleugels

Head of Department ADR/RID/IMDG/CSC

Engineer Design Approval Department

APRAGAZ (Notified Body 0029)

Vilvoordsesteenweg 156, 1120 Brussels, Belgium

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[APRAGAZ](#) is the Belgian control organisation specialized in the field of pressure equipment (vessels, cylinders, accessories), electricity (LV, HV, ATEX) and fire extinguishers (type approval).

[APRAGAZ](#) offers all services related to initial and periodical controls, certification and training for companies of all sizes in Belgium or abroad.

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forbidden and may be unlawful.

Any attachment to this e-mail has been thoroughly swept for viruses by Apragaz. However we cannot be held accountable for any damage incurred as a result of software viruses or other malicious applications.

We would advise that you carry out your own checks before opening any attachment.

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
USA

infocntr@dot.gov

Y/Ref. :
O/Ref.: CVL-B-2023-01-18-01
Subject: Interpretation/clarification 49CFR Parts 171-180

Brussels, January 23, 2023

Dear Madam, Dear Sir,

This letter is to request interpretation/clarification of the Hazardous Materials Regulations (49CFR Parts 171-180) applicable for foreign-made UN Portable Tanks approved and inspected by a foreign approval agency.

Given:

- UN Portable Tanks with Tank Instruction T1 through T22 manufactured by a Belgian manufacturer. Designed according to ASME VIII Div.1 and/or EN14025. These UN Portable Tanks comply with the rules of ADR/RID §6.7 and IMDG §6.7 both based on the UN Recommendations on the Transport of Dangerous Goods (Model Regulations).
- The UN Portable Tanks are approved and inspected by the non-US approval agency Apragaz vzw. This agency is not designated by PHMSA's Associate Administrator for Hazardous Materials Safety.
- The approval agency Apragaz vzw is
 - recognized by the competent authority of Belgium for the approval and inspection of UN Portable Tanks;
 - accredited by BELAC (the Belgian Accreditation Body) conform EN ISO/IEC 17020 for approval and inspections of UN Portable Tanks;
 - notified by the European Commission as Notified Body 0029 for Transportable Pressure Equipment.

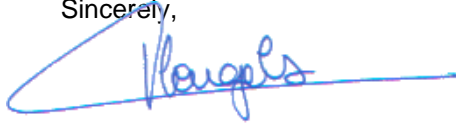
Question:

May the above-mentioned UN Portable Tanks be loaded and unloaded with a hazardous material authorized for that container before and after transportation into, from and/or within the United States?

A similar demand for interpretation has already been answered by your Administration (ref. 13-0151R) but the manufacturer asked for a more clearly answer: can Apragaz vzw approve and inspect their manufactured UN Portable Tanks (T1 through T22) for use within the United States.

Your response will be very appreciated.

Sincerely,



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