



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 18, 2024

Ryan Paquet
Hazmat Safety Consulting, LLC
1765 Duke Street
Alexandria, VA 22314

Reference No. 23-0079

Dear Mr. Paquet:

This letter is in response to your August 17, 2023, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to special provision (SP) B81 approval. Specifically, you seek clarification regarding the use of venting and pressure relief devices (PRDs) for tank cars and cargo tanks.


We have paraphrased and answered your questions as follows:

- Q1. You ask whether a tank car manufacturer or tank car shipper is responsible for applying for and receiving approval from the PHMSA Associate Administrator for Hazardous Material Safety, as required by § 172.102(c)(3), SP B81.
- A1. While a tank car manufacturer or a tank car shipper may apply for an SP B81 approval, ultimately, it is the shipper's responsibility to ensure that a hazardous material offered for transportation is in an authorized packaging or container that has been manufactured, assembled, and marked in accordance with the HMR. Thus, it is the opinion of this Office that the primary responsible party for ensuring a valid SP B81 approval is obtained prior to offering the tank car for transportation is the shipper of the tank car.
See § 173.22(a)(2)(i) through (v).
- Q2. You ask whether a PRD approved in accordance with SP B81 would be specific to a designed system or can the same approved PRD be used for either a tank car or cargo tank.
- A2. It is the opinion of this Office that venting and PRDs approved in accordance with SP B81 would be specific to a designed system for a tank car or cargo tank and not transferrable for use on other tank cars or cargo tanks. Moreover, an approved PRD for a specific system designated in the approval application could not be installed on a different tank car or cargo tank that is not part of the application without prior approval from PHMSA's Associate Administrator of the Office of Hazardous Material Safety.

- Q3. You ask whether there is a list of PRDs approved under SP B81 and—if so—can those approved PRDs be integrated into future designs without requesting approval from PHMSA’s Associate Administrator of the Office of Hazardous Material Safety.
- A3. The answer is no. There is no approved list of PRDs and vents authorized under SP B81, as each approved PRD and vent authorized for use is based on the specifics in an approval application submitted to PHMSA.
- Q4. You ask whether PHMSA agrees there is no requirement for a Competent Authority Approval (CAA) when shipping “UN2015, Hydrogen peroxide, stabilized *or* Hydrogen peroxide aqueous solutions, stabilized *with more than 60 percent hydrogen peroxide*, 5.1, PG I” internationally by vessel in accordance with the International Maritime Dangerous Goods (IMDG) Code. Specifically, if a United Nations (UN) portable tank complies with portable tank instruction “T9” of section 4.2.5.2.6 of the IMDG Code—which requires “normal” PRD requirements—then there is no associated CAA necessary.
- A4. There is not a requirement to obtain a CAA provided the shipment of “UN2015” satisfies the requirements of the IMDG Code. A UN portable tank in compliance with the requirements for “T9” and any additional requirements of Part 171 Subpart C—as applicable—would not be required to obtain a SP B81 approval for venting and pressure relief devices in accordance with § 172.102(c)(3) as generally “B” code requirements do not apply to UN portable tanks or IBCs.

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

Sincerely,



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

From: [Foster, Glenn \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Subject: FW: B-81 Approval Questions
Date: Thursday, August 24, 2023 10:58:38 AM
Attachments: [image001.png](#)

Alice,

Please have the inquiry from Ryan Paquet checked in as a request for a LOI and assigned to a Specialist.

Thanks,
Glenn

From: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>
Sent: Thursday, August 24, 2023 10:56 AM
To: Foster, Glenn (PHMSA) <Glenn.Foster@dot.gov>; Nickels, Matthew (PHMSA) <Matthew.Nickels@dot.gov>
Subject: Fwd: B-81 Approval Questions

Glenn

Please have these questions routed as a formal interp request.

Thanks

From: Ryan Paquet <rpaquet@hazmatsafety.com>
Sent: Thursday, August 24, 2023 10:47:26 AM
To: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>; Burger, Donald (PHMSA) <donald.burger@dot.gov>
Subject: RE: B-81 Approval Questions

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That would be great, thank you.

Stay safe!

Ryan F Paquet, PG
Vice President
Hazmat Safety Consulting
1-401-222-0412 Cell
www.hazmatsafety.com
www.medicaldevicetransport.com



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From: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>
Sent: Thursday, August 24, 2023 10:45 AM
To: Ryan Paquet <rpaquet@hazmatsafety.com>; Burger, Donald (PHMSA) <donald.burger@dot.gov>
Subject: Re: B-81 Approval Questions

Yes sorry exceeds our ability to manage informally - I can however forward your below email as a request for interpretation to get it into the queue and save you that step if you would like us to do so.

From: Ryan Paquet <rpaquet@hazmatsafety.com>
Sent: Wednesday, August 23, 2023 1:27:51 PM
To: Burger, Donald (PHMSA) <donald.burger@dot.gov>
Cc: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>
Subject: RE: B-81 Approval Questions

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Does that mean that none of these questions can be answered unofficially?

I didn't intend for these to be controversial questions, I truly thought that these were more policy-based than technical in nature.

I will get in queue with a letter of interpretation as soon as possible.

Stay safe!

Ryan F Paquet, PG
Vice President
Hazmat Safety Consulting
1-401-222-0412 Cell
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From: Burger, Donald (PHMSA) <donald.burger@dot.gov>
Sent: Wednesday, August 23, 2023 1:15 PM
To: Ryan Paquet <rpaquet@hazmatsafety.com>
Cc: Majors, Leonard (PHMSA) <leonard.majors@dot.gov>; Kelley, Shane (PHMSA) <shane.kelley@dot.gov>; Freeman, Cheryl (PHMSA) <cheryl.freeman@dot.gov>
Subject: RE: B-81 Approval Questions

Ryan,

These questions will require research and collaboration for PHMSA to answer properly. It would be best if you were to submit a request for a letter of interpretation for us to provide you with the responses.

I hope this is helpful.

Thanks,

Don Burger (he/him/his)
Chief, General Approvals and Permits Branch
Office of Hazardous Materials Safety

US Department of Transportation
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Ave., Washington D.C., 20590
Office: 202-366-4535 ◊ Mobile: 202-280-9908

From: Ryan Paquet <rpaquet@hazmatsafety.com>
Sent: Thursday, August 17, 2023 11:24 AM
To: Majors, Leonard (PHMSA) <leonard.majors@dot.gov>
Cc: Burger, Donald (PHMSA) <donald.burger@dot.gov>
Subject: B-81 Approval Questions

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.

Good morning gentlemen,

I have a few questions pertaining to B-81 Approvals for PREDS on tank cars and cargo tanks.

1. Should a B-81 approval be applied for by the tank manufacturer or the shipper?
2. If a company has a B-81 approval for a PRD, is that specific to a system or can the same B-81 Approved PRD be used for a Cargo Tank and a Tank Car?
3. Is there a listing of B-81 approved PRDs? If so, can those be integrated into future designs without requesting a new approval?
4. For international transport of UN2015, the IMDG Code requires T9 compliant tank, which in ¶4.2.5.2.6 calls for “normal” PRD provisions, which appears to mean that there is not a requirement for Competent Authority Approval for the PRD, would you agree?

Thanks again gentlemen,

Stay safe!

Ryan F Paquet, PG
Vice President
Hazmat Safety Consulting
1-401-222-0412 Cell
www.hazmatsafety.com
www.medicaldevicetransport.com



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