



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

JUL 18 2017

Michael Daum
Compliance & Quality Manager
SeaFair USA LLC
1090 King Georges Post Road Suite 403
Edison, NJ 08837

Reference No. 17-0045

Dear Mr. Daum:

This letter is in response to your April 19, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the requirements for the use of portable tanks. Specifically, you ask if a specification portable tank filled with a non-regulated material needs to be filled in accordance with the requirements of § 173.32(f)(5).

The answer is no. A material that is not defined as a "hazardous material" in accordance with the HMR is not subject to the requirements of the HMR, including the requirements for loading of portable tanks in § 173.32(f)(5).

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

Goodall, Shante CTR (PHMSA)

Ciccarone
173.32
Portable Tanks
17-0045

From: INFOCNTR (PHMSA)
Sent: Thursday, April 20, 2017 4:19 PM
To: Hazmat Interps
Subject: FW: International shipments of not-regulated (non-hazardous) materials in un portable tanks in accordance with 49 CFR 173.32(f)(5) - 80/20 rule

Hi Shante/Alice,

Please submit this as a letter of interpretation. Mr. Daum spoke with Jodi and Breanna.

Please let me know if you have any questions.

Thanks,
Eamonn

From: Michael Daum [mailto:Michael.Daum@seafairgroup.com]
Sent: Wednesday, April 19, 2017 1:36 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: International shipments of not-regulated (non-hazardous) materials in un portable tanks in accordance with 49 CFR 173.32(f)(5) - 80/20 rule

Jodi completed via phone at 3:01 PM, requesting formal interp.

Dear Madam or Sir,

I would like to request clarification on the applicability of the filling requirements stated in 49 CFR 173.32(f)(5) in regards to international shipment of liquids not regulated under IMDG Code nor 40 CFR HMR as hazardous materials transported in UN portable tanks.

If those not-regulated liquids have a viscosity of less than 2,680 centistokes and the UN portable tank is not equipped with baffles, does an offeror of these shipments still have to abide by the 173.32(f)(5) requirement of loading to a filling density of less than 20% and more than 80% by volume?

I am looking forward to your clarification.

Kind regards | Mit freundlichen Grüßen | Saludos cordiales



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