



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

FEB 21 2008

Mr. Barry D. Reichenberg
American Metals & Chemical Corporation
P.O. Box 1048
Dania, FL 33004

Reference No. 07-0208

Dear Mr. Reichenberg:

This is in response to your October 15, 2007 letter to Mr. Charles Hochman, Director, Office of Hazardous Materials Technology, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation (DOT), and your November 1, 2007, and November 11, 2007, telephone conversations with Ms. Eileen Edmonson of my staff. You asked if a 20-foot long, atmospheric pressure, 5,000-6,000 gallon capacity, International Standards Organization (ISO) tank in a box or beam type frame is a portable tank or cargo tank under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Mr. Hochman forwarded your letter to the Office of Hazardous Materials Standards for response.

An ISO tank in a framework is a portable tank under the HMR. The portable tank must meet the T-Codes listed in § 172.102(c)(7) for the hazardous material it contains. Fitted with structural equipment, mountings, or accessories to facilitate mechanical handling, this tank is typically used for intermodal and international transport. See "Intermodal portable tank," "Portable tank," and "UN portable tank" under § 171.8. After January 1, 2003, all newly manufactured portable tanks must conform to the requirements for the design, construction, and approval of UN portable tanks specified in §§ 178.273, 178.274, 178.275, 178.276, 178.277, and 49 CFR Part 180, Subpart G. See § 173.32(c)(2). The HMR prescribe additional requirements for the use of DOT specification and UN portable tanks in § 173.32.

You state you are considering transporting "UN 2586, Alkyl sulfonic acids, liquid, 8 (corrosive), PG III" in an ISO tank. Please note that Column 7 of the Hazardous Materials Table (HMT; § 172.101) for this material requires you to use a tank that conforms to the

minimum shell thickness and maximum degree of filling requirements prescribed in Special Provisions T4 and TP1, respectively. See §§ 172.102(c)(7)(ii) and (c)(8)(ii), and 178.274(d)(2).

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Mitchell', with a horizontal line extending from the end of the signature.

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards

American Metals & Chemical Corporation

Edmonson
§172.326
§172.328
Marking
07-0208

October 15, 2007

Mr. Charles A. Hockman, Director
Office of Hazardous Materials Technology
Pipeline of Hazardous Safety Administration
US Department of Transportation
1200 New Jersey Avenue SE
Room E21-312
Washington, D.C. 20590-0001

Dear Mr. Hockman:

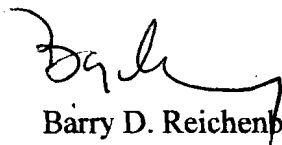
We are contemplating the import of a Class 8 Corrosive (UN 2586) in ISO Containers holding approximately 5,000 gallons. I'm confident that your office is familiar with these containers. They're stainless steel tanks supported within a steel frame and are certified for the transport of corrosives. All sides of the tank are visible through the frame.

A question has arisen with a USA inland carrier as to the markings required on the ISO Container. The carrier contends that these are "portable tanks" and are therefore required to be marked as set forth in Title 49 CFR 172.326. We contend that these are "cargo tanks" and are therefore required to be marked as set forth in Title 49 CFR 172.328.

We respectfully request an **Official Determination and Interpretation** from the USA Department of Transportation as to whether an ISO Container is a "portable tank" or a "cargo container" and as to whether required markings must be as per CFR 172.326 or as per CFR 172.328.

Thank you.

Yours truly,


Barry D. Reichenberg

CORRESPONDENCE

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