



U.S. Department  
of Transportation

Pipeline and Hazardous Materials  
Safety Administration

1200 New Jersey Ave., SE  
Washington, DC 20590

NOV 20 2009

Mr. Jim Silver  
Silver/Cims LLC  
1304 First Street  
Seabrook, TX 77586

Ref. No. 08-0197

Dear Mr. Silver:

This is in response to your electronic transmission requesting clarification of the Hazardous Materials Regulations (HMR: 49 CFR Parts 171-180) regarding the import of Dimethyl sulphate or Dimethyl sulfate, UN1595, 6.1, 8, PG I, Hazard Zone B in a UN portable tank that was manufactured outside the United States. You state that the portable tank is manufactured to the ASME Code, Section VIII, but is not "U" stamped. You ask whether the shipment, which is being transported in accordance with the International Maritime Dangerous Goods (IMDG) Code, may be imported into the United States without the "U" stamp.

The answer is no. A UN portable tank used to import Dimethyl sulfate, UN1595, 6.1, 8, PG I, Hazard Zone B into the United States is required to be certified and stamped to the ASME Code as specified in §§ 171.23(b)(10)(ii), 173.244, 178.273(b)(6) and 178.274(b)(1). The U.S. Department of Transportation requires the shipment of toxic-inhalation-hazard liquids to be transported in ASME Code "U" stamped portable tanks regardless of what other regulatory standards may allow. The "U" stamp can only be applied at the time of manufacture and is the only recognized form of certification that verifies the ASME quality system has been properly implemented. Additionally, the UN portable tank must conform to any applicable special provisions, such as Codes TP 38 and TP 45, listed in Column 7 of the § 172.101 Hazardous Materials Table.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

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

**Drakeford, Carolyn <PHMSA>**

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**From:** INFOCNTR <PHMSA>  
**Sent:** Wednesday, July 30, 2008 8:51 AM  
**To:** Drakeford, Carolyn <PHMSA>  
**Subject:** FW: Information Center Comments/Questions

McIntyre  
\$171.22  
\$171.23  
\$171.25  
IMDG  
08-0197

Carolyn  
This man would like an official letter of interpretation.  
Thanks,  
Rob

-----Original Message-----

From: jsilver@silvercims.com [mailto:jsilver@silvercims.com]  
Sent: Tuesday, July 29, 2008 4:17 PM  
To: INFOCNTR <PHMSA>  
Subject: Information Center Comments/Questions

Below is the result of your feedback form. It was submitted by Jim Silver (jsilver@silvercims.com) on Tuesday, July 29, 2008 at 16:17:17.

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Email: jsilver@silvercims.com

Name: Jim Silver

Category: Interpretations (Letters) issued by PHMSA

Organization: Silver/Cims LLC

Street: 1304 First St

City: Seabrook

State: Texas

Zip Code: 77586

Phone: 832 425 7124

Fax: 281 474 7840

Comments: Please confirm in writing (on USDOT letterhead) advising that a shipper may import UN 1595 Dimethyl Sulphate in accordance with IMDG code (as per 49 CFR 171.22, 171.23 and 171.25) in a UN Portable type T 20 tank (. Specific trade route for this shipment is ; load Italy and ship via vessel to USA, discharge USA and return empty via vessel to Italy). IMDG code specifies T 14 (T 20 is superior equipment ). The specific tanks to be used ( GESU 806600 series) were designed in accordance with ASME Section VIII Div 1 but not U stamped. Shipper will follow TP 38 and TP 45 rules.