U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

MAR 1 5 2012

Mr. E. A. Altemos
HMT Associates, L.L.C.
603 King Street
Suite 300
Alexandria, VA 22314-3105

Reference No.: 12-0032

Dear Mr. Altemos:

This is in response to your November 9, 2011 letter requesting confirmation, as the Competent Authority of the United States, for the purposes of implementation of the International Maritime Dangerous Goods (IMDG) Code, of your understanding of the meaning of the term "operational equipment" in the context of IMDG Code 6.9.3.1.2, and further that no competent authority approval of any operational equipment that may be employed to meet the requirements of that paragraph is necessary under the IMDG Code.

Your understanding is correct. You note that 6.9.3.1.2 of the IMDG Code allows, as an alternative to purpose-designed and constructed non-pressurized containers for dry bulk conforming to ISO 1496-4:1991 (see 6.9.3.1.1), the use as a bulk container of a general purpose freight container conforming to ISO 1496-1:1990, when such freight container is equipped with operational equipment designed to strengthen the end walls and to improve the longitudinal restraint as necessary to comply with the test requirements of ISO 1496-4:1991, provided all other applicable requirements of 6.9.3 are satisfied.

We concur with your understanding that the term "operational equipment" in the context of this provision includes additional structural members, and/or any other materials or means that may be installed that augment the end wall strength as necessary for the freight container with the operational equipment installed to comply with the end wall test requirements of ISO 1496-4:1991. Moreover, it is the responsibility of the person filling and offering the freight container for transport to ensure that this requirement, like all other

requirements attached to the use of bulk containers for the transport of solid substances in bulk, is satisfied. Further in this connection, since the need for competent authority approval of such operational equipment is not specifically required under 6.9.3.1.2, no approval by this agency of the arrangement employed to satisfy the requirements of that paragraph is necessary.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

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§171.12
IMDG
12-0032

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November 9, 2011

Mr. Shane Kelley
International Standards (PHH-13)
Pipeline and Hazardous Materials
Safety Administration
Department of Transportation
1200 New Jersey Avenue, SE
East Building, 2nd Floor
Washington, D.C. 20590-0001

Dear Mr. Kelley,

This is to request your confirmation of my understanding of a provision in the IMDG Code relating to the structural standards for freight containers used as "bulk containers." Specifically, the issue relates to the proper interpretation of the term "operational equipment" as that term is used in 6.9.3.1.2 of the IMDG Code. This paragraph allows, as an alternative to purpose-designed and constructed non-pressurized containers for dry bulk conforming to ISO 1496-4:1991 (see 6.9.3.1.1), the use as a bulk container of a "standard" freight container conforming to ISO 1496-1:1990 when such freight container is equipped with "operational equipment" designed to strengthen the end walls and to improve the longitudinal restraint as necessary to comply with the test requirements of ISO 1496-4:1991 – provided, naturally, that all other applicable requirements in 6.9.3 are satisfied.

My understanding of the term "operational requirement" in the context of this provision is that the term includes, for example, additional structural members (such as metal bars) and/or other materials that may be installed within a standard freight container so as to augment the end wall strength as necessary for the freight container with operational equipment installed to be capable of complying with the end wall test requirements in ISO 1496-4:1991. Moreover, I understand that it is the responsibility of the person filling and offering the freight container for transport to ensure that this requirement, like all other requirements attaching to the use of bulk containers for the transport of solid substances in bulk, is satisfied – for example in this particular case, by

engineering analysis to determine that the freight container with operational equipment installed is capable of complying with the end wall test requirements in ISO 1496-4:1991. Consequently, no approval of the operational equipment by the competent authority is required.

Your confirmation of my correct understanding of the meaning of the term "operational equipment" in the context of IMDG Code 6.9.3.1.2, and that no competent authority approval of any operational equipment that may be employed to meet the requirements of this paragraph is necessary under the IMDG Code, will be most appreciated.

Thank you for your consideration of this matter, and please do not hesitate to contact me if you have questions or require additional information in relation to this request.

Sincerely,

E. A. Altemos