



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety
Administration**

JUL 25 2013

Mr. Randy Martin
DuPont Company
Sourcing & Logistics
974 Centre Road
CRP730/3350-2
P.O. Box 2915
Wilmington, DE 19805

Ref No.: 13-0117

Dear Mr. Martin:

This is a response to your May 23, 2013 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) with regard to the loading requirements for portable tanks. Specifically, you seek clarification on the loading of high viscosity liquids in portable tanks as specified in § 173.32(f)(5). In your email, you request clarification of the applicability of filling restrictions for portable tanks found in § 173.32(f)(5), commonly referred to as the “80/20 Rule.” Your questions are paraphrased and answered below.

Q1: Does § 173.32(f)(5) only apply to IM and UN portable tanks and not DOT specification 51 tanks?

A1: The answer is yes. This subparagraph refers specifically to IM or UN portable tanks, and does not apply to DOT 51 portable tanks.

Q2. For what materials does the “80/20 Rule” apply to the filling of IM or UN portable tanks with?

A2. These restrictions are applicable when filling an IM or UN portable tank with materials other than non-flowable solids and liquids with a viscosity of 2,680 centistokes (millimeters squared per second) or greater at 20 °C (68 °F), including liquefied compressed gases and refrigerated liquids.

For more material-specific filling limitations, refer to both the T Codes and TP Codes referenced for the material in Column 7 of the § 172.101 Hazardous Materials Table (HMT; § 172.101), and, §§ 173.313, 173.315, 178.276, and 178.277, for liquefied compressed gases and refrigerated liquids in portable tanks.

I hope this information is helpful. If you have any more questions, please do not hesitate to contact this office.

Sincerely,

Robert Benedict
Chief, Standards Development
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Suchak
≈ 173.32(f)(5)
Portable Tanks

From: INFOCNTR (PHMSA)
Sent: Tuesday, May 28, 2013 2:33 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Interpretation of 49CFR 173.32(f)(5)

13-0117

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks,
Victoria

From: Randolph.Martin@dupont.com [mailto:Randolph.Martin@dupont.com]
Sent: Thursday, May 23, 2013 2:49 PM
To: INFOCNTR (PHMSA)
Subject: Interpretation of 49CFR 173.32(f)(5)

Dear Sir/Madam - the above mentioned reference seems to eliminate non-flowable solids and high viscosity liquids from what is referred to as the "80/20 Rule". As written it would then seem to apply then to flowable solids, low viscosity liquids and both liquefied and compressed gases, in IM or UN portable tanks only (and not to DOT 51 tanks).

Please confirm if this is the correct interpretation and answer the following:

- 1) Does this subparagraph refer only to IM and UN portable tanks, and not to DOT 51 tanks?
- 2) Does this subparagraph include both liquefied and compressed gases?
- 3) If liquefied and compressed gases are not included, how is their filling density determined? 173.315(a) Table Note 1?
T50 (172102) → fill w/ 173.313 [liq. compressed gas]

The UN Recommendations and IMDG Code at 4.2.1.9.6 specifically only includes low viscosity liquids in the 80/20 Rule. Was the intent of DOT to mirror these requirements?

We would appreciate your prompt response.

Regards,

Randy Martin
302-992-3443

This communication is for use by the intended recipient and contains information that may be Privileged, confidential or copyrighted under applicable law. If you are not the intended recipient, you are hereby formally notified that any use, copying or distribution of this e-mail, in whole or in part, is strictly prohibited. Please notify the sender by

return e-mail and delete this e-mail from your system. Unless explicitly and conspicuously designated as "E-Contract Intended", this e-mail does not constitute a contract offer, a contract amendment, or an acceptance of a contract offer. This e-mail does not constitute a consent to the use of sender's contact information for direct marketing purposes or for transfers of data to third parties.

The dupont.com web address will continue in use for a transitional period for communications sent or received on behalf of DuPont Performance Coatings., which is not affiliated in any way with the DuPont Company.

Francais Deutsch Italiano Espanol Portugues Japanese Chinese Korean

http://www.DuPont.com/corp/email_disclaimer.html