



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

December 6, 2019

Mr. Clayton Droste
Nutrien
3005 Rocky Mountain Avenue
Loveland, CO 80534

Reference No. 19-0119

Dear Mr. Droste:

This letter is in response to your October 10, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180) applicable to the marking requirements for a Department of Transportation (DOT) Specification MC 331 cargo tank. Specifically, you provide a photograph illustrating the placement of inlet and outlet markings on an MC 331 cargo tank and ask whether it complies with § 178.337-9(c) of the HMR.

The answer is yes. In accordance with § 178.337-9(c), each cargo tank inlet and outlet, with the exception of gauging devices, thermometer wells, and pressure relief devices, must be marked “liquid” or “vapor” to designate whether it communicates with liquid or vapor when the cargo tank is filled to the maximum permitted filling density. Provided the marking is readily visible, legible, durable to withstand transport conditions, and clearly associated with the corresponding inlet/outlet, the marking would satisfy the requirements of the HMR. The marking(s) requirement may be satisfied using various locations and methods, including marking on the cargo tank shell.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "T. Glenn Foster".

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Ballengue

19-0119

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Thursday, October 10, 2019 4:39 PM
To: Hazmat Interps
Subject: FW: CFR Interpretation Request
Attachments: Liquid Vapor marking.JPG

Hello Alice and Ikeya,

Please see below for letter of interpretation request. The requester spoke with me in the HMIC. I offered him letter 17-0020 and 17-0040 and advised him that the guidance ends at "Provided the marking is readily visible, legible, durable to withstand transport conditions, and clearly associated with the corresponding inlet or outlet, marking in the locations you describe would satisfy the requirements of the HMR." He decided he wanted to request for an LOI for his situation so that he can fight his violation.

If you have any questions, please contact our office.

Thanks,
Kathryn, HMIC

From: Clayton Droste [mailto:Clay.Droste@nutrien.com]
Sent: Thursday, October 10, 2019 11:36 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: CFR Interpretation Request

Good Morning,

I'm writing to request an interpretation related to CFR 178.337-9C. We were stopped in Umatilla, OR and cited under 178.337-9C. The inspector noted "MC331 inlets and outlets not marked as required. Inlets and outlets marked by a color code above the lines on tank surface. I have attached a photo of the tank in question and believe that we have met the statutory intent of the regulation.

I've looked at all of the interpretation letters on your website. Although some are close (17-0040) specifically, I provided this document to the Oregon DOT and they disagreed. ODOT explained that I would need an interpretation from PHMSA that specifically deals with the markings that are currently on the tank (photo attached to this request).

I look forward to hearing back from you.

Thanks,

Clayton Droste
Supervisor, Transportation Regulatory
Product Stewardship & Regulatory Affairs
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DOT 4.1

**LIQUID-ORANGE
VAPOR-YELLOW**

