



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

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

**FEB 28 2013**

Ms. Suzanne Felix  
Corporate Secretary  
Poly-Coat Systems, Inc.  
501 Liverpool Spur  
Liverpool, TX 77577

Ref. No.: 12-0254

Dear Ms. Felix:

This is in response to your November 08, 2012 email requesting clarification of the requirements for application of the "L" decal on non-DOT specification glass fiber reinforced plastic (GFRP) DOT-407 and 412 equivalent special permit tankers under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask if an "L" marking should be applied to non-DOT specification GFRP DOT-407 and 412 equivalent tankers operating under special permit.

Your email does not reference any specific special permits. However, the lining inspection requirements of § 180.407(f) do not apply if cargo tanks are authorized by the special permit they are operating under to be manufactured and utilized in transportation without a liner.

Test and inspection marking requirements for cargo tanks are provided in § 180.415. Section 180.415(a) requires each cargo tank successfully completing the test and inspection requirements contained in § 180.407 to be marked as specified in the rest of that section; to include an "L" marking for lining inspections. If no liner is present in a cargo tank operating under a special permit, no lining inspection is required and no marking in accordance with § 180.415 is required.

Unless otherwise provided for by special permit, any cargo tank utilizing a liner is subject to the lining inspection requirements of § 180.407(f) and subsequently the marking requirements in § 180.415(b).

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

Sincerely,

Delmer Billings  
Senior Regulatory Advisor  
Standards and Rulemaking Division

**Drakeford, Carolyn (PHMSA)**

Webb  
\$180.407  
\$178.347-1

**From:** Supko, Ben (PHMSA)  
**Sent:** Thursday, November 08, 2012 3:08 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Cc:** Betts, Charles (PHMSA); Staniszewski, Stanley (PHMSA); Hochman, Charles (PHMSA); Turner, Ted (PHMSA)  
**Subject:** FW: Special Permit and "L" stickers

Cargo Tanks  
12-0254

Carolyn,

Please log this as a request for interpretation.

Thank you,

Ben

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**From:** [suzanne \[mailto:suzanne@polycoatsystems.com\]](mailto:suzanne@polycoatsystems.com)  
**Sent:** Thursday, November 08, 2012 2:12 PM  
**To:** Tomlinson, Donald (FMCSA); 'Chris Kellogg'; Turner, Ted (PHMSA); Staniszewski, Stanley (PHMSA); Supko, Ben (PHMSA); [charles.hockman@dot.gov](mailto:charles.hockman@dot.gov)  
**Cc:** [george@polycoatsystems.com](mailto:george@polycoatsystems.com)  
**Subject:** Special Permit and "L" stickers

All,

There has been much to do about the application or lack of application of the "L" decals for special permit DOT-407 and 412 tankers. PHMSA inspector Ted Turner was adamant that the "L" should not be there. At the NTTCC convention this year, Donald Tomlinson who is teaching classes and is including the special permits in his class, seemed to be of the opinion that the "L" should be applied. Across the board, this determination should be made. Per the PHMSA rulings ; 04-0005; 10-0219; 11-0002 ; and 11-0121; it clearly states that lining requirements do not apply. Conventional wisdom is that roadside inspectors expect to see a "L" on these tanks. With the addition of some special permits having a lining other than the corrosion barrier, it would seem the "L" sticker would simplify and stream line what roadside inspectors expect to see. Can we get a unanimous decision that we can all apply across the board? Can we get this formally stated?

Please respond, as this has been an issue for a very long time and since the goal is to stream line the special permits, I believe this would be of tremendous help.

Sincerely,  
*Suzanne*  
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