



U.S. Department of Transportation  
**Pipeline and Hazardous Materials  
Safety Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

OCT 12 2011

Chithambarathanu G. Pillai, Ph.D.  
Carus Chemical Company  
1500 Eighth Street  
P.O. Box 1500  
LaSalle, IL 61301-3500

Ref. No.: 11-0191

Dear Dr. Pillai:

This responds to your August 8, 2011 letter seeking clarification of IBC marking requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if § 180.352(b)(2)(i) permits the IBC owner to replace the plates containing the manufacturer's markings.

The answer to your question is yes. Missing or damaged markings, or markings difficult to read, must be restored or returned to their original condition. This may include replicating and replacing the plates containing the manufacturer's markings.

I hope this answers your inquiry. If you need additional assistance, please contact the Standards and Rulemaking Division at (202) 366-8553.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Supko".

Ben Supko  
Acting Chief, Standards Development  
Standards and Rulemaking Division



Winter  
§180.352(b)(2)(i)  
§178.703  
IBC's  
11-2191

August 8, 2011

U.S. Department of Transportation  
PHMSA Office of Hazardous Materials Standards  
Attn: PHH-10 East Building  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

Re: Request for Interpretation of 49 C.F.R. § 180.352

Dear Sir or Madam:

As the Regulatory Manager and Responsible Care Coordinator for Carus Corporation, I am writing to request that you confirm our interpretation of 49 C.F.R. § 180.352(b)(2)(i). That section requires that IBC's be "marked in accordance with requirements in § 178.703 of this Subchapter."

The specific issue involves the language explaining that "missing or damaged markings, or markings difficult to read must be restored or returned to original condition." As the owner of IBCs, Carus conducts the required periodic visual inspections. In some cases, the visual inspection reveals that the plates on which the manufacturer's markings were placed are too worn to be readable. The question we have is whether under these circumstances the regulations permit Carus as the IBC owner to use a plate with the required markings that it fabricates instead of a plate from the original IBC manufacturer. The plate with the markings that Carus can fabricate will wear better and retain markings longer than the original plate provided by the manufacturer of the IBC. Whether replacement plates are even available from the original IBC manufacturer in all cases is unknown. Carus already provides the information required by 49 C.F.R. §180.352(e) by using plates that it fabricates.

The regulatory language appears to be sufficiently broad to allow the IBC owner conducting the required periodic re-tests of the IBCs to replace the plates containing the manufacturer's markings. When the plate is missing or damaged such that the markings are not readable, adding a new plate that contains the markings "restores" the markings. In addition, adding a new plate is the only way to return the markings "to original condition" in many cases. Section 180.352(b)(2)(i) could state explicitly that the required markings must be located on a plate provided by the original IBC manufacturer, but does not. The relevant requirement appears to be that the markings be readable, not that the plates on which the markings are contained must

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come from the original IBC manufacturer. Unfortunately, the Federal Register preambles to the proposed and final rule for this section of the regulations (57 Fed. Reg. at 36697 (August 14, 1992) and 59 Fed. Reg. at 38050 (July 26, 1994)) do not clarify the issue, and we could locate no letters of interpretation on the subject.

Thank you for your prompt attention to this matter.

Very truly yours,

Chithambarathanu G. Pillai, Ph.D.

CP:

cc: Eric E. Boyd