



U.S. Department
of Transportation

Research and
Special Programs
Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

JAN 15 1993

Mr. Terrence Noonan
Eurotainer USA, Inc.
580 Howard Avenue
Summerset, NJ 08873

Dear Mr. Noonan:

This is in response to your letter requesting clarification on outage and filling limits for intermodal (IM) portable tanks under § 173.32c (j) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the filling density of no less than 80 percent by volume requirement applies to IM portable tank containers if the commodity is being transported in a non-flowable solid state. I apologize for the delay in responding and hope it has not caused you any inconvenience.

The answer is no. Provisions of § 173.32c (j) were developed to cover liquid and flowable solid hazardous materials transported in IM portable tank packagings. This provision was intended to minimize the risk of accidents resulting from slosh and the shift of the center of gravity. This Office has determined that a monolithic solid material which conforms to the tank geometry such that sloshing and the shifting of the center of gravity is not possible may be transported in an IM portable tank at a filling density of less than 80 percent by volume since such an action would not create an unsafe condition. In order to clarify this issue, Docket HM-166Y, "Transportation of Hazardous Materials; Miscellaneous Amendments; Notice of Proposed Rulemaking, (62 FR 50222) published September 24, 1997, is proposing to revise § 173.32c (j) to allow monolithic solid materials to be loaded into IM portable tanks to a filling density of less than 80 percent by volume.

I hope this answers your inquiry. If you need additional assistance, do not hesitate to contact us.

Sincerely,

Delmer F. Billings
Chief, Regulations Development
Office of Hazardous Materials Standards



Bookle
File 173.32a(j)
SC: 396, 351

Date: June 13, 1997

To: Office of Haz. Mat. Standards
Ed Mazullo
Fax: (202) 366-3753

From: Eurotainer USA, Inc.
Terrence Noonan
Phone: [1] 732-805-9330
Fax: [1] 732-805-0072

Pages: 1

Subject: 49 CFR 173.32~~(g)~~(j) *173.32c(j)*

Dear Mr. Mazullo,

We kindly request an interpretation of the above referenced rule with regards to the outage and filling limits. Specifically, does the filling density of no less than 80% by volume regulation apply to IM portable tank containers if the commodity is being transported in a solid state?

The favor of a written reply at your earliest convenience is requested.

Sincerely


Terrence Noonan

Eurotainer USA, Inc.
580 Howard Ave.
Summerset, NY 08873