



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

OCT 19 2001

Mr. Michael Ritchie
Office of Motor Carrier Services
Mail Stop 420
1110 Centre Pointe Curve
Medota Heights, MN 55120-4152

Ref. No. 01-0212

Dear Mr. Ritchie:

This is in response to your August 9, 2001 letter requesting clarification on an exemption issued under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask about hazard communication requirements and exceptions for a tank constructed in accordance with DOT-E 11911. This exemption authorizes the construction and use of a 100 gallon capacity tank constructed in conformance with the requirements of a UN31A or UN31B intermediate bulk container (IBC) and allows the tank to be unloaded while on the motor vehicle.

You present a number of questions that all rely on one central issue: Are these 100 gallon tanks, built to an IBC specification, considered bulk or non-bulk containers? These tanks, built in accordance with DOT-E 11911, are considered non-bulk packages for the purpose of hazard communication and are eligible to be considered for exceptions for combustible liquids in non-bulk packagings under § 173.150(f) and placarding exceptions provided in § 172.504(c).

I hope this satisfies your request.

Sincerely,

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



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Minnesota Department of Transportation

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August 9, 2001

Mr. Edward Mazzullo
Director, Office of Hazardous
Materials Standards
USDOT/ RSPA
400 Seventh St. SW
Washington DC 20590

Dear Mr. Mazzullo

The Minnesota Department of Transportation, Office of Motor Carrier Services has received a request for information from a USDOT registered cargo tank facility in our state. That cargo tank facility manufactures, installs, and inspects specification and non-specification cargo tanks. I have discussed this issue with Mr. Donald Burger of your staff.

The cargo tank facility is installing a tank manufactured under the provisions of USDOT Exemption number DOT-E 11911. The tank has a capacity of 100 gallons, and is marked by the manufacturer with a decal that states "This Transfer Flow, Inc. tank, has been granted D.O.T. Exemption Number DOT-E 11911".

DOT-E 11911 authorizes the manufacture, marking, sales and use of non-DOT specification metal refueling tanks containing one of six listed class 3 flammable liquids. It also allows those materials to be discharged from the fueling tanks without removing the tanks from the vehicle. The exemption grants relief from the provisions of 49 CFR § 178.700 (c) (1) in that the size of the package is less than 119 gallons, and § 177.834 (h) in that the tank is unloaded while on a motor vehicle. No relief from any other hazardous materials regulation is authorized.

Paragraph 7 indicates that the tanks must be constructed in conformance with the requirements for a DOT Specification UN31A or UN31B intermediate bulk container, except for water capacity.

Should non-bulk tanks authorized by DOT-E 11911, transporting gasoline, be marked and labeled in conformance with the requirements for non-bulk packaging or do the hazard communication standards for bulk packaging apply since the tanks are constructed to an IBC standard, other than capacity? Does the vehicle transporting this tank require placarding if the gross weight of the tank and gasoline is less than 1,001 pounds?

If a DOT-E 11911 tank transports a material eligible for the combustible liquid exception in § 173.150 (f), could that movement be covered by the provisions of subparagraph (2) of that section, i.e., excepted from the requirements of the subchapter as a non-bulk packaging, or will the requirements of subparagraph (3) for bulk packaging apply to that transportation?

Thank you for your consideration of these issues. If you have any questions, or need more information, please contact me at (651) 405-6120 or by email at michael.ritchie@dot.state.mn.us.

Yours truly,



Michael Ritchie
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