



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

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

JAN - 9 2001

Mr. Doug Martin
Vice President
Research Products, Inc.,
of Alabama
P.O. Box 705
Theodore, AL 36590

Reference No. 00-0210

Dear Mr. Martin:

This is in response to your letter inquiring whether the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) permit the contents of an intermediate bulk container (IBC) to be discharged into a permanent storage tank while the IBC remains on a motor vehicle. You state that the IBC contained a Class 8 (corrosive) liquid.

The answer is no, the HMR do not permit IBCs to be unloaded prior to removal from a motor vehicle. Section 177.834(h) authorizes this practice for cargo tanks and IM portable tanks only, if certain conditions are met. We issued several exemptions that authorize IBCs to be unloaded without removing them from the vehicle. The procedures for submitting an application for exemption are contained in 49 CFR 107.105.

Our Office of Hazardous Materials Exemptions and Approvals (OHMEA) plans to consolidate the current exemptions that provide relief for IBCs from the unloading requirements in § 177.834(h) into one standardized exemption. On June 12, 2000, OHMEA published a notice in the Federal Register that solicited comments on the safety measures that should apply during the unloading operations (Docket No. RSPA-2000-6827; 65 FR 36882). A copy of the notice is enclosed for your information. Comments received in response to this notice are available for review by the accessing DMS website at "<http://dms.dot.gov>."

I hope this satisfies your request.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Enclosure



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177.834



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JULY 13, 2000

U.S. DEPARTMENT OF TRANSPORTATION
ADMINISTRATOR FOR HAZARDOUS MATERIALS SAFETY
WASHINGTON, DC 20590-0001

Edmonson
§ 177.834
00-0210

DEAR SIRs,

WE ARE SEEKING CLARIFICATION OF CFR 49 177.834 H.

IS IT PERMISSIBLE TO TRANSPORT CORROSIVE LIQUIDS IN INTERMEDIATE BULK CONTAINERS (IBC) TO DESTINATION AND THEN PUMP THE CONTENTS DIRECTLY FROM THE IBC INTO A PERMANENT STORAGE TANK WITHOUT REMOVING THE IBC FROM THE MOTOR VEHICLE?

SINCERELY,

DOUG MARTIN
VICE PRESIDENT

(gases). Class 8 (corrosive), Division 6.1 (poisonous), or Class 7 (radioactive) material must be secured against movement within the vehicle on which it is being transported, under conditions normally incident to transportation.

(b) *No hazardous materials on pole trailers.* No hazardous materials may be loaded into or on or transported in or on any pole trailer.

(c) *No smoking while loading or unloading.* Smoking on or about any motor vehicle while loading or unloading any Class 1 (explosive), Class 3 (flammable liquid), Class 4 (flammable solid), Class 5 (oxidizing), or Division 2.1 (flammable gas) materials is forbidden.

(d) *Keep fire away, loading and unloading.* Extreme care shall be taken in the loading or unloading of any Class 1 (explosive), Class 3 (flammable liquid), Class 4 (flammable solid), Class 5 (oxidizing), or Division 2.1 (flammable gas) materials into or from any motor vehicle to keep fire away and to prevent persons in the vicinity from smoking, lighting matches, or carrying any flame or lighted cigar, pipe, or cigarette.

(e) *Handbrake set while loading and unloading.* No hazardous material shall be loaded into or on, or unloaded from, any motor vehicle unless the handbrake be securely set and all other reasonable precautions be taken to prevent motion of the motor vehicle during such loading or unloading process.

(f) *Use of tools, loading and unloading.* No tools which are likely to damage the effectiveness of the closure of any package or other container, or likely adversely to affect such package or container, shall be used for the loading or unloading of any Class 1 (explosive) material or other dangerous article.

(g) *Prevent relative motion between containers.* Containers of Class 1 (explosive), Class 3 (flammable liquid), Class 4 (flammable solid), Class 5 (oxidizing), Class 8 (corrosive), Class 2 (gases) and Division 6.1 (poisonous) materials, must be so braced as to prevent motion thereof relative to the vehicle while in transit. Containers having valves or other fittings must be so loaded that there will be the minimum likelihood of damage thereto during transportation.

(h) *Precautions concerning containers in transit; fueling road units.* Reasonable care should be taken to prevent undue rise in temperature of containers and their contents during transit. There must be no tampering with such container or the contents thereof nor any discharge of the contents of any container between point of origin and point of billed destination. Discharge of contents of any container, other than a cargo tank, must not be made prior to removal from the motor vehicle. Nothing contained in this paragraph shall be so construed as to prohibit the fueling of machinery or vehicles used in road construction or maintenance.

(i) *Attendance requirements.* (1) *Loading.* A cargo tank must be attended by a qualified person at all times when it is being loaded. The person who is responsible for loading the cargo tank is also responsible for ensuring that it is so attended.

(2) *Unloading.* A motor carrier who transports hazardous materials by a cargo tank must ensure that the cargo tank is attended by a qualified person at all times during unloading. However, the carrier's obligation to ensure attendance during unloading ceases when:

(i) The carrier's obligation for transporting the materials is fulfilled;

(ii) The cargo tank has been placed upon the consignee's premises; and

(iii) The motive power has been removed from the cargo tank and removed from the premises.

(3) A person "attends" the loading or unloading of a cargo tank if, throughout the process, he is awake, has an unobstructed view of the cargo tank, and is within 7.62 meters (25 feet) of the cargo tank.

(4) A person is "qualified" if he has been made aware of the nature of the hazardous material which is to be loaded or unloaded, he has been instructed on the procedures to be followed in emergencies, he is authorized to move the cargo tank, and he has the means to do so.

(5) A delivery hose, when attached to the cargo tank, is considered a part of the vehicle.

(j) *Prohibited loading combinations.* In any single driven motor vehicle or in