



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

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

FEB 20 2001

Ms. Karen Huffman
Criterion Catalyst Company L.P.
Two Greenspoint Plaza, Suite 1000
16825 North Chase Drive
Houston, Texas 77060

Ref. No. 01-0017

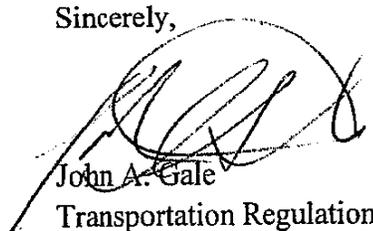
Dear Ms. Huffman:

This responds to your letter regarding what constitutes "a closed freight container" or a "closed transport vehicle" under § 173.241(d) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Your understanding is correct that a material described as "Self-heating solid, inorganic, n.o.s. (Sulfides, sulfur), 4.2, UN 3190, PG II," (solids only) may be transported in flexible, intermediate bulk containers (FIBCs), which must be loaded in a "closed freight container" or a "closed transport vehicle" in accordance with § 173.241(d). A freight container is used primarily for containment of packages (in unit form), and a transport vehicle is a cargo-carrying conveyance. A "closed" freight container or transport vehicle means the container or vehicle has some method of closing. Generally, a flatbed truck or trailer is not a "closed vehicle." However, it is the opinion of this Office that a "tarped, flatbed trailer with removable, solid sides and back" is acceptable to transport FIBCs, containing Packing Group II, solid material.

I hope this answers your inquiry.

Sincerely,



John A. Gale

Transportation Regulations Specialist
Office of Hazardous Materials Standards



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CATALYSTS

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January 10th, 2001

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§ 173.240
Packaging

U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590-0001
Attn.: Mr. Edward Mazzullo
Director, Office of Hazardous Material Standards
U.S. D.O.T./RSPA, DHM-10

Dear Mr. Mazzullo,

I recently had conversations with members of your department (Jeff Furr and Jessica Parson) regarding D.O.T.'s recognized definition of enclosed van. They were kind enough to fax me the attached letter describing D.O.T.'s position on this issue. I am specifically referring to the following commodity description in the following packaging:

"Self-heating solid, inorganic, n.o.s. (sulfides, sulfur), 4.2, UN 3190, PGI1"

The FIBC package numbers in question are 13H3 and 13H4 with regard to 49CFR173.240.

My reason for writing is that we at Criterion are requesting a letter from D.O.T. confirming more specifically that "a tarped, flatbed trailer with removable, solid sides and back" is acceptable to transport FIBCs containing the material class indicated above. Please advise if this is possible to provide such a document at your earliest convenience. I can be reached by phone at (281) 874-2581. Thank you in advance for your assistance.

Sincerely,


Karen Huffman
Logistics Manager