



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

FEB 28 2003

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

Mr. Tom B. Jacobsen  
0854 West Battlement Parkway, #L108  
Parachute, CO 81635

Reference No. 03-0016

Dear Mr. Jacobsen:

This is in response to your January 17, 2003 letter and January 24, 2003 telephone calls with a member of my staff asking if environmental gas samples you describe as "Gas sample, non-pressurized, flammable, n.o.s., 2.1, UN 3167," qualify for the materials of trade (MOTS) exception in § 173.6 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state the samples are composed of a mixture of flammable gas and air (e.g., 10-20% pure methane diluted with 80-90% regular air). You also state you collect them at atmospheric pressure in 3-liter, polyvinyl fluoride film "tedlar" bags and transport them by private motor vehicle to a local testing laboratory.

The answer is no. Your proposed packaging does not meet the packaging requirements in § 173.306; therefore, use of your packaging will require an exemption from the HMR. Procedures for submitting an application for exemption are contained in § 107.105 of the HMR. Under § 173.6(a)(2) and (b)(5), to qualify as MOTS the flammable gas sample must be transported in a cylinder with a gross weight of 100 kg (200 pounds) or less that conforms to the packaging, qualification, maintenance, and use requirements for cylinders under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Under Column 8A of the Hazardous Materials Table (§ 172.101), the entry "Gas sample, non-pressurized, flammable, n.o.s., *not a refrigerated liquid*, 2.1, UN 3167," provides for transportation in a packaging prescribed in § 173.306. Section 173.306(a)(4) allows non-pressurized flammable gas samples to be transported in hermetically sealed glass or metal inner packagings of not more than 5 L (1.3 gallons) overpacked in a strong outer packaging.

I hope this satisfies your request.

Sincerely,

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



030016

173.6

Edmonson

§ 173.6 (a)(2)

MOT Exceptions

03-00/4

January 17, 2003

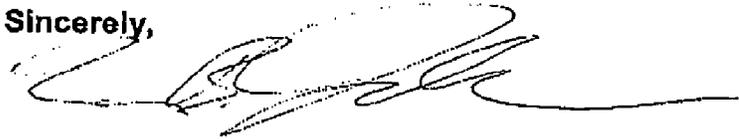
Mr. Edward T. Mazzull  
C/o Hattle Mitchell

Dear Mr. Mazzull:

49 CFR 173.6(a)(2) allows for handling up to 100 kg gross weight Division 2.1 cylinders under the Materials of Trade Exception. Would the exception for Division 2.1 materials apply to all Division 2.1 materials. In particular, I am asking does the Materials of Trade Exception apply to Division 2.1 UN3167 Gas sample, non-pressurized, flammable, n.o.s.

Your assistance is appreciated.

Sincerely,



Tom B. Jacobsen  
0854 West Battlement Pkwy., L108  
Parachute, Colorado 81635

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