



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

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

APR 15 2004

Mr. Robert Dritschel
Reagent Chemical & Research, Inc.
Manager - Technical Services
124 River Road
Middlesex, NJ 08846

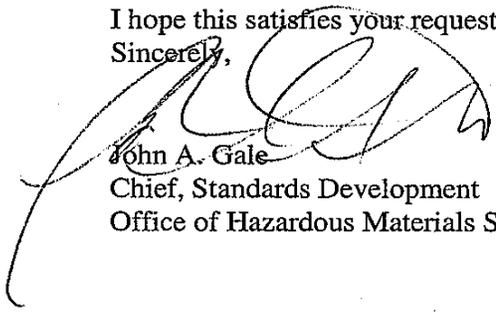
Ref. No. 04-0084

Dear Mr. Dritschel:

This is in response to your letter dated April 2, 2004 and subsequent telephone conversation with Ben Supko of my staff regarding the transportation and handling of sample containers of "Hydrochloric acid solution, UN1789, Class 8, PG II" under the Hazardous Materials Regulations (HMR: 49 CFR Parts 171-180). Specifically, you ask if this material could be transported as a limited quantity or as a material of trade. You want to transport the sample in a combination packaging consisting of an inner packaging, absorbent material, and outer PVC sleeve. Further, you state that the PVC sleeve will be fastened to the dolly leg subframe of the bulk trailer.

From the information you provided it is our opinion that your "Hydrochloric acid solution, UN1789, Class 8, PG II", packaged and transported as described above, is eligible for both the limited quantity exception and the materials of trade exception. In order to utilize those exceptions you must adhere to the requirements of § 173.154 and § 173.6, respectively.

I hope this satisfies your request.
Sincerely,


John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



040084

§ 173.154



Reagent Chemical & Research, Inc.

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OFFICE: (732) 469-0101 • FAX: (732) 469-1074

March 25, 2004

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
US DOT/RSPA (DHM-10)
400 7th Street SW
Washington, DC 20590-0001

Supko
§ 173.154
Exceptions
04-0084

Dear Edward,

Upon receiving the letter dated March 18, 2004 from your department (Attached), Reagent Chemical is requesting further information on the application of the use of the limited quantity exception and/or the materials of trade exception with regard to the specific handling and packaging of sample quantities (1 Pint) of hydrochloric acid solution, UN 1789, Class 8, PG II.

As detailed previously, Reagent Chemical & Research, Inc. distributes hydrochloric acid solution in their privately owned bulk tank trailers for delivery to their customers. Several customers are now requiring a co-shipment of the material to accompany the bulk shipment. In order to transport this sample quantity (1 pint), along with the bulk container, it would require an additional package to be carried along with the bulk container. Reagent Chemical & Research, Inc. would like to carry this sample container on the trailer, rather than in the tractor of the delivering vehicles. Reagent Chemical & Research, Inc. proposes to carry this limited quantity, as defined in 49 CFR 173.154, in a PVC sleeve that is attached to the dolly leg subframe on the bulk trailer. This PVC sleeve shall be capped on the bottom and have a threaded top in order to ensure protection against damage of the sample container. This PVC sleeve would also have absorbent material at the bottom in order to absorb any accidentally spilled quantity. It is Reagent Chemical's interpretation that the transportation of the sample in this manner complies with the limited quantity exemption as stated in 49 CFR 173.154, which requires a limited quantity (less than 0.3 gallon) packed in materials that will not be degraded with strong outer packaging.

Also, due to the fact that Reagent Chemical & Research, Inc. is in the business of wholesale trade of Hydrochloric Acid Solution, the exemption of materials of trade would also apply with regard to packaging as stated in 49 CFR 173.6 (b). Reagent



Reagent Chemical & Research, Inc.
Registered to ISO 9001
File # A6831

March 25, 2004

US DOT/RSPA Letter of
Interpretation

Chemical & Research, Inc. is a private motor carrier and the transportation of this sample is in direct support of our principal business of wholesale trade of hydrochloric acid solution. This CFR states that materials of trade may be transported in containers and outer packagings not being required for receptacles that are secured against movement in ... compartments.

Your letter dated March 18, 2004 states that the application of the limited quantity exemption and the materials of trade exemption is acceptable as stated in the above detail. The specific interpretation requested is the application of 49 CFR 173.154 and 49 CFR 173.6 with respect to the specific method of packaging during transportation, as stated above. Reagent Chemical & Research, Inc. requests your interpretation on the usage of the above mentioned container to be used for the transportation of hydrochloric acid solution samples and its compliance with applicable Federal Regulations regarding Hazardous Material transportation.

Sincerely,



Robert Dritschel
Mgr - Technical Services

Attachment - RSPA letter dated 3/18/04

CC: David Matuszkiewicz (Reagent Chemical)
Kelly Buell (Dow Chemical)