



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DEC 9 1999

Ref. No. 99-0268

Mr. Franklin Hahn
Heraeus Incorporated
Cermalloy Division
24 Union Hill Road
W. Conshohocken, PA 19428-9306

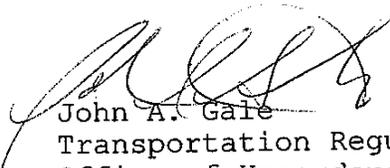
Dear Mr. Hahn:

This is in response to your letter dated September 22, 1999, regarding the transportation of a combustible liquid in a non-bulk packaging under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if liquids that meet the definition of a combustible liquid under § 173.120(b) are subject to the HMR when transported in non-bulk packagings.

A combustible liquid transported in non-bulk packaging is not subject to the HMR unless it is a hazardous substance, hazardous waste, or a marine pollutant (§ 173.150(f)).

I hope this satisfies your request.

Sincerely,



John A. Gaie

Transportation Regulations Specialists
Office of Hazardous Materials Standards



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Heraeus

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Heraeus Incorporated
Cermalloy Division

24 Union Hill Road
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September 22, 1999

RSPA Office of Hazardous Materials Standards
(DHM-10)
U.S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20599-0001

Dear Madame/Sir,

We manufacture and ship products which are mixtures of liquid and solid materials.
Also, we ship these products in non-bulk containers.

The flashpoints of the products are > 141 F and < 200 F.

We have reviewed CFR49, 173.120, 172.101, 173.150. and 171.8.

Our conclusion is that the regulations for combustible materials do not apply to these products because of the exemption for non-bulk packaging and that these products are non-regulated materials for the purposes of transportation.

We are requesting a written opinion concerning the transportation of our products and a statement that our above conclusion is correct.

Please refer to the letterhead for a return address and a daytime telephone number.

Sincerely,

Franklin Hahn
Compliance Manager

Cermalloy