



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

APR 27 1998

Mr. George Gaskill
Lockheed Martin
199 Borton Landing Road
Moorestown, NJ 08057-0927

Dear Mr. Gaskill:

This is in response to your letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to manufactured articles containing limited quantities of hazardous material. You state that you are using the proper shipping names "Ethyl ether," UN1155, PG I and "Pentanes," UN1265, PG I for transporting these manufactured articles and request confirmation of your understanding of the limited quantities provision (§ 173.150) specified for these entries in the exceptions column of the Hazardous Materials Table.

You are correct in your understanding of the limited quantity exceptions for Class 3 (flammable liquids) as provided in § 173.150. For Packing Group I materials, an inner packaging may not exceed .1 gallon and the gross weight of the packaging may not exceed 66 pounds. Although the quantity of hazardous material in your manufactured articles is less than .1 gallon, the gross weight of each article is over 66 pounds. Therefore, your manufactured articles do not meet the requirements for the limited quantity exceptions in § 173.150.

You may wish to contact the Research and Special Programs Administration's Office of Exemptions and Approvals. Exemptions are granted on a case-by-case basis to authorize the relief of certain requirements under the HMR. Procedures for applying for an exemption are set forth in § 107.105 of the HMR. The Office of Exemptions and Approvals may be reached by telephone at (202) 366-4512.

I hope this information is helpful. If we can be of further assistance, please do not hesitate to contact this office.

Sincerely,

for Hattie L. Mitchell, Chief
Exemptions and Regulations Termination
Office of Hazardous Materials Standards

FOR LOG IN
ASSIGNMENT**FAX COVER SHEET****LOCKHEED MARTIN**

Lockheed Martin
Government Electronic Systems
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Product Integration Center
Building 101-230
Fax No. (609) 722-3283

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2

McIntyre
File: 173.150
SC: 114, 385

DATE:

June 26, 1997

TO:

Department of Transportation tel. (800) 467-4922

FAX NO:

(202) 366-8700

FROM:

George Gaskill

MAIL STOP:

101-230

EXTENSION:

(609) 722-6077**COMMENTS:****ATTENTION: Edward T. Mazzullo, Director of the Office of Hazardous Materials Standards**

A written response to a query on CFR 49 is requested
See attached sheet for question details

Could you please confirm receipt of this FAX? *Done*

If You Have Trouble With This Transmission, Call (609) 722-6077

A written response is requested for the following question on CFR 49 regarding the shipping of a component which contains hazardous materials.

Q. Exception to regulations requirements for a finished article

1. We purchase manufactured assemblies containing a small quantity of flammable material. The material(s) are 2-Methyl butane or a mixture of Ethyl Ether and 2-Methyl butane. Section 173.150 exceptions are referenced in the 172.101 table of CFR 49.

The table 172.101 shows Ethyl Ether on P.171 (UN1155) and 2-Methyl butane (also known as Isopentane) on page 198 ("see Pentane") and P.226 ("Pentanes") (UN1265), both materials are shown as Class III, group 1)

2. The total quantity contained in the manufactured assembly (a temperature control valve) is less than .1 gallon. (*1/10th gallon*)

3. The manufactured article containing the small quantity weighs more than 66 lbs.

4. Our understanding is that the weight of the article (valve) is the factor that incurs the regulatory requirements (performance packaging and labeling) in shipment, whereas it would otherwise be exempted if it weighed less (assuming the same quantity of hazardous material).

5. The regulations performance packaging adds considerable cost and complexity in shipping, both for our supplier and ourselves. Have we understood the requirements correctly?

Can DOT explain the reasoning behind the requirements exemption for shipping devices with limited quantities of hazardous material, in particular the effect of the device weight on the exemption?