



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

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

MAR - 9 2001

Ref. No. 01-0072

Mr. Stephen C. Fulton
Container Service Co.
P.O. Box 1115
Warrenton, OR 97146-1115

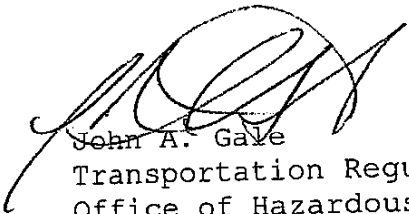
Dear Mr. Fulton:

This is in response your March 8, 2001 letter, regarding the applicability of the 24-hour emergency response phone number to Carbon dioxide, solid (Dry ice) under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Section 172.604 requires offerors of hazardous materials to include on a shipping paper a 24-hour emergency response phone number for use in the event of an emergency involving the hazardous material. However, certain hazardous materials are not required to have an emergency response phone number (§ 172.604(c)). A material properly described under the shipping name "Carbon dioxide, solid or Dry ice" is specifically excluded from the emergency response phone number requirement (§ 172.604(c)(2)).

I hope this satisfies your request.

Sincerely,



John A. Gale
Transportation Regulations Specialists
Office of Hazardous Materials Standards



010072

172.604

DC Container Service Co.

BAAH
§172.604 (c)
Emergency Response (Telephone Number)

P.O. Box 1115
Warrenton, OR 97146
Tel 503 861 3338
Fax 503 861 0287

Ref. No. 01-0072
P.O. Box 2164
Lake Oswego, OR 97035
Tel 503 682 6812
Fax 503 682 7741

March 8, 2001
Ref: NM-1001

Mr. Edward Muzzullo
Director, Office of Hazardous Material Standards
United States Department of Transportation/RSPA (DHM-10)
400 7th Street SW
Washington, D.C. 20590-0001

(via fax 1-202-366-3012, hard copy by mail)

Re: Letter of Interpretation

Dear Mr. Muzzullo:

I am writing to your office to request a letter of interpretation for CFR 49, 172.604 (c). Do the requirements of the section of the regulations (for a 24-hour emergency contact number) apply for Carbon dioxide, solid?

In CFR 49, 172.604 (c) it states, "The requirements of this section do not apply to- (1) Hazardous materials that are offered for transportation under the provision applicable to limited quantities; and (2) Material properly described under the following shipping names: Battery powered equipment....Carbon dioxide, solid.....Dry ice.....Wheelchair, electric"

I have spoken to your staff via your office via telephone at 1-800-467-4922. I was informed that shipments containing Carbon dioxide, solid, as a refrigerant, by water, do not require a 24-hour emergency response telephone number to be listed. I understand the basis for this interpretation is that the traditional use of "and" does not apply to link 172.604 (c) (1) and 172.604 (c) (2) together. Carbon dioxide, solid is listed in 172.604 (c) (2) thus the 24-hour emergency response number is not required.

I request that your office confirm the interpretation for me in writing at the Warrenton, Oregon address listed above and by fax at 1-503-861-0827 if possible.

Sincerely,


Stephen C. Fulton
President

Container Service Co, Warrenton, Oregon Office
scf@pacifier.com