



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

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

MAY 21 2002

Ref. No. 02-0113

Ms. Mana House
Customer Service Manager
ISK Magnetics, Inc.
600 Montgomery Street, 38th Floor
San Francisco, CA 94111

Dear Ms. House:

This responds to your April 5, 2002 letter requesting clarification on § 177.838(a) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if § 177.838(a) authorizes you to ship your Division 4.2 material on a flat-bed truck or on a soft-side trailer, and how to load the material onto these types of vehicles.

Your understanding of §177.838(a) is correct. All of the hazardous material must be contained entirely within the body of the motor vehicle and be covered by a tarpaulin or other suitable means, and, if the motor vehicle has a tailboard or tailgate, it must be closed and secured in place during transportation. In addition, shipment in water-tight bulk containers need not be covered by a tarpaulin or other means. The use of a flat-bed truck or soft-sided trailer is authorized provided the hazardous material is completely contained within the body of the motor vehicle, e.g., the material does not extend beyond the vertical planes projected from the outer edges of the transport vehicle, and, is completely covered by a tarpaulin if using a flat-bed truck. In addition to loading guidance provided in § 177.838 of the HMR, procedures for blocking and bracing the material on the truck is covered in more detail under the Federal Motor Carrier Safety Regulations contained in 49 CFR Parts 390-397.

I hope this answers your inquiry.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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177.838

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ISK MAGNETICS

Booth e
§177.838
Highway
02-0113

April 5, 2002

Mr. Edward Mazzullo
Director, Office of Hazardous Materials Standards
USDOT / RSPA (DHM-10)
400 7th Street SW
Washington, D.C. 20590 - 0001

Dear Mr. Mazzullo:

Can you please provide us with a written interpretation of Section 177.838 in the 49CFR: "(a) Lading within body..."? Does this mean that as long as the material is not coming off the edge of the truck, the transportation method is acceptable to the DOT?

ISK ships Magnetic Iron Oxide in 1H2 drums [Self-heating solid, inorganic n.o.s., (ferroso ferric oxide), 4.2 UN3190]. This material has always been shipped in a van-type trailer.

According to section 177.838, it seems this material can be shipped on, for example, a flat-bed truck as long as the drums are covered by a tarp? If ok, is there a rule on how the material should be secured to the flat-bed?

Also, can this material be shipped in a "soft-side" trailer? Is there also a rule on how to secure the material on this type of trailer?

Thank you for your assistance.

Best regards,

Ms. Mana House
Ms. Mana House
Customer Service Manager

Cc: Cameron - Hazardous Materials Information Center (202) 366-3012