



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

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

JAN 10 2007

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

Ref. No.: 06-0245

Dear Mr. Dritschel:

This is in response to your letters of October 23 and 26, 2006, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a flexible intermediate bulk container (FIBC) detailed in your letter and attached photographs is properly labeled and placarded.

Based on information contained in your letter and photographs, your FIBCs qualify for the exception in § 172.514(c)(4) and are not subject to the duplicate labeling requirements in § 172.406(e). Section 172.514(c)(4) provides an exception from placarding requirements for IBCs provided they are labeled in accordance with Subpart E of Part 172. Furthermore, § 172.406(e) specifies instances in which duplicate labeling is required by the HMR. However, you should also be aware of the label specification requirements contained in § 172.407 concerning the appropriate size and design of labels.

In addition, while you appear to be in compliance with the labeling and placarding requirements detailed in your letter and photographs, it is important to note that these are not the only requirements in determining full compliance with the HMR. Please be aware that the UN (or NA) number must be displayed on a bulk packaging in accordance with the marking requirements in §§ 172.302 and 172.332 through the use of an orange panel or a white square-on-point configuration.

I hope this satisfies your request.

Sincerely,

Charles E. Betts
Senior Transportation Specialist
Office of Hazardous Materials Standards



060245

172.406(e)
172.514(c)(4)
172.302
172.332



Reagent Chemical & Research, Inc.

124 RIVER ROAD • MIDDLESEX, NEW JERSEY 08846
OFFICE: (732) 469-0101 • FAX: (732) 469-1074

October 23, 2006

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

BATH
\$172.504 (F) (9)
\$172.560
\$172.446
Labeling & Placarding
06-0245

Dear Edward,

I am writing this letter to you in order to request assistance in the application of the Hazardous Material regulations where the shipment is a bulk container of powdered sulfur.

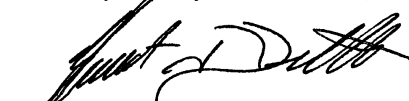
The material in question, powdered sulfur, is not formed to any specific shape and will be transported in bulk packaging exceeding 880 pounds. The packaging is a woven polypropylene supersack, an FIBC, (Picture Attached, Attachment 1) which would carry either 1875 pounds or 2000 pounds, based upon customer requirements.

My request for assistance deals with the labeling and placarding requirements of this package. Upon reading the Federal Regulations, hazardous material placarding and labeling are required.

The placard to be offered to the transportation partner and affixed to the trailer transporting this material, (Placard Attached, Attachment 2), is a Class 9 placard with the imprinted identification number of 1350. The label to be affixed to each supersack, (Attached, Attachment 3), has the Class 9 label above the proper shipping name and the identification number. Due to the irregular surface of the packaging, the filled supersack, the label shall be affixed to the front side by use of a document holder, instead of being imprinted on the packaging.

Upon reviewing the narrative above and the enclosed attachments, my question to you is "Are all of the requirements of the Hazardous Material Transportation Regulations being properly applied in this case?" I would appreciate your comments and official review of this request for compliance.

Thank you for your assistance,


Robert Dritschel
Site Manager



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

ATTACHMENT 5

MICHELIN AMERICAS

Fort Wayne, IN

SULFUR

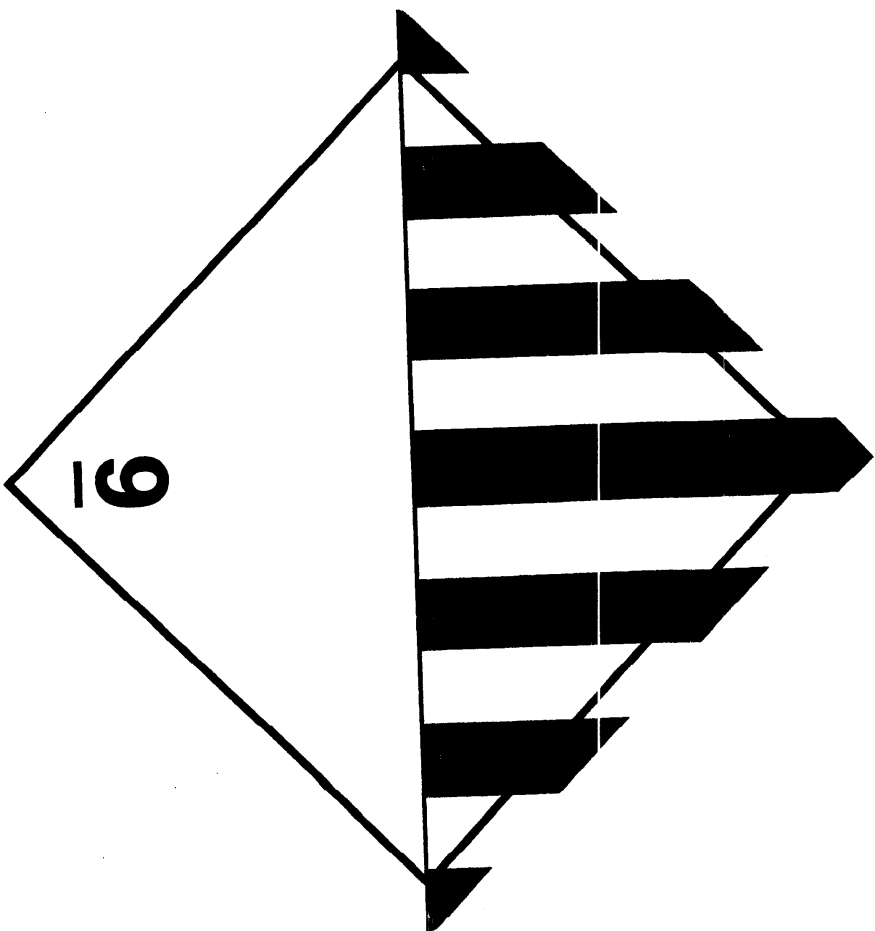
CAS # 7704-34-9

Code # VS667

Lot #B461023

Net Wt: 1875 lbs

PALLET #



SULFUR

NA 1350

ATTACHMENT 1



3.2006 08:15



Reagent Chemical & Research, Inc. *B4#*

124 RIVER ROAD • MIDDLESEX, NEW JERSEY 08846
OFFICE: (732) 469-0101 • FAX: (732) 469-1074

\$172.504 (\$) (g)

\$172.560

\$172.446

*Labeling + Placarding
06-0245*

October 26, 2006

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

Dear Edward,

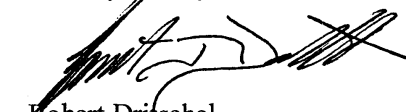
I am writing this letter to you in order to request assistance in the application of the Hazardous Material regulations where the shipment is a bulk container of powdered sulfur.

The material in question, powdered sulfur - NA 1350, is not formed to any specific shape and will be transported in bulk packaging exceeding 880 pounds. The packaging is a woven polypropylene supersack, an FIBC with a volume of 52 cu.ft., (Picture Attached) which would carry either 1875 pounds or 2000 pounds, based upon customer requirements.

My request for interpretation is the requirement of labeling for this type of packaging for this Class 9 hazardous material. Does the requirement for labeling of these containers state that a single label is required on this package (As shown in the picture attached), or are multiple labels required to be strategically placed on this package? The irregular shaped, rough surface FIBC container does not have placards attached.

Upon reviewing the picture enclosed and the request for assistance, I would appreciate your comments and official review of this request for compliance.

Thank you for your assistance,


Robert Dritschel
Site Manager



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