



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAR 25 2010

Mr. Daniel Taylor
Product Engineer
Labconco Corporation
8811 Prospect Avenue
Kansas City, MO 64132

Ref. No. 10-0003

Dear Mr. Taylor:

This responds to your letter regarding the proper classification and exceptions for hazardous materials under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a refrigerating machine that contains a small amount of a flammable, non-toxic liquefied gas refrigerant (ethylene) under pressure is subject to the HMR. You state the refrigerating machine you intend to offer for transportation contains 65g of the Division 2.1 material in one of its stages.

Under § 173.307(a)(4)(v), a refrigerating machine is not subject to the HMR if it contains 100g (0.2 pounds) or less of a flammable, non-toxic liquefied gas. Thus, the refrigerating machine you describe is not subject to the HMR provided it contains less than 100g (0.2 pounds) of the ethylene gas.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



Protecting your
laboratory environment

LABCONCO

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December 22, 2009

Mr. Ed Mazzullo
Director- Office of Standards Development
PHH-10
1201 New Jersey Ave.
Department of Transportation
Washington DC 20590

Stevens
§ 173.307(a)(4)(iii)
Exceptions
10-0003

Dear Mr. Mazzullo

On January 23, 2009 we received a clarification on the shipping requirements for one of our Refrigerating Machines. Please see the attached response letter. We have a new similar product which uses a different refrigerant and would like a clarification on the shipping requirements for this product also. The new Freeze Dryer uses 65 gm of ethylene, a class 2.1 gas, in the low stage compressor. Please see the attached the MSDS. Our questions is, does this machine also fall under the Exception for Compressed Gases 173.307(a) (4) (iii) since we use less than 12kg of this refrigerant?

Sincerely

Daniel K Taylor
Product Engineer
816-823-0336
Attachments
MSDS Ethylene
DOT Letter