



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

SEP 1 1998

Mr. Philip M. Hayden
H. A. Holden, Inc.
12811 16th Avenue North
Plymouth, MN 55441

Ref. No. 98-0252

Dear Mr. Hayden:

This is in response to your letter regarding the packing group determination of Polyester resin kits, 3, UN3269, under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you asked if Special Provision 40 can be used in determining the packing group for shipping these kits.

The answer is yes. Special Provision 40 applies to Polyester resin kits. Special Provision 121 was shown for the entry in the § 172.101 Table through a printing error. RSPA has proposed to correct this error in a notice of proposed rulemaking that was published in the Federal Register on August 18, 1998. In the interim, Special Provision 40 must be used.

I hope this satisfies your request.

Sincerely,

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

H. A. Holden, Inc.

August 26, 1998

Beets
§ 172.101 (P)
Polyester Resin Kits
98-0252

Edward Mazzullo
Office of Hazardous Materials Standards
Department of Transportation

Dear Sir:

I have an urgent request for an interpretation regarding Polyester Resin Kits, 3, UN3289.

My understanding, which has been verified over the telephone by Hattie Mitchel at your office, is that special provision 40 is to be used, although the current 49CFR does not point to that provision in the table. This provides for a packing group to be used when shipping Polyester Resin Kits.

Recently, I have had conversations with Bob Gordon (1-404-828-6536) and Brad Cook (1-404-828-6153) at United Parcel Service concerning UPS's requirements to use computer based software for the preparation of hazardous material shipments with UPS. These programs will not allow for a packing group on Polyester Resin Kits. Furthermore, UPS has informed me that if we include a packing group, as recommended by your office, the package will be returned to me as being non-compliant.

What I need from you is either a letter telling UPS that yes, allow the inclusion of a packing group for Polyester Resin Kits, or a letter telling me that Polyester Resin Kits may be legally shipped without a packing group.

My deadline with UPS is September 1, 1998. So, please reply via fax. My fax number is 612-557-6009. My telephone number, if you would like to discuss this further is 612-577-5555.

Thank you for your time.

Respectfully yours,

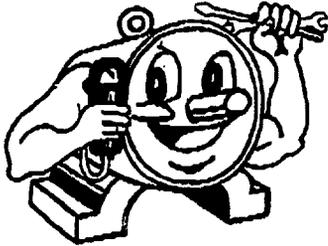


Philip M. Hayden
Warehouse Manager

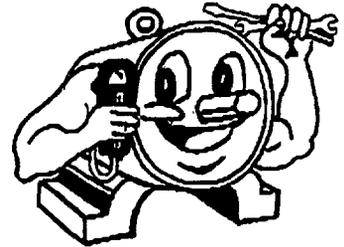
H. A. Holden
12811 16th Ave North

Plymouth MN 55441

H. A. HOLDEN, INC.



MINNEAPOLIS
12811 16th Ave. N.
Plymouth, MN 55441
1-800-328-4662



FACSIMILE TRANSMISSION

FAX ~~612-333-6116~~ 612-557-6009

Date: 8-31-98

Number of Pages: 2 (including this cover sheet)

Message to: D.O.T.

Firm:

From: PHIL HAYDEN

SPECIAL INSTRUCTIONS: _____

PLEASE RESPOND BY FAX TODAY!

URGENT URGENT!

THANK YOU.

Charles -
this will be
filed under
4M-218.

ATLANTA

6675-A Corners Ind'l Court.
Norcross, GA 30092-3604
1-800-447-0135
770-446-5887
FAX 770-446-0059

CHARLOTTE

600 West 28th Street
Charlotte NC 28206
1-800-235-9491
704-375-3399
FAX 704-375-6555

DENVER

3900 Nome St, Unit F
Denver CO 80239
1-800-367-8333
303-371-9109
FAX 303-371-9155

PHILADELPHIA

2825 Southampton Road
Philadelphia PA 19154
1-800-367-1212
215-673-7220
FAX 215-673-7320

MIAMI

6173 N.W. 72nd Ave.
Miami, FL 33166
1-800-524-0180
305-863-0999
FAX 305-863-3099

HOUSTON

6121 Long Drive
Houston, TX 77087
1-800-223-7321
713-847-7771
FAX 713-847-7772

SACRAMENTO

869 Stillwater Road #8
West Sacramento, CA 95605
1-800-567-3838
916-372-9790
FAX 916-372-9791

H. A. Holden, Inc.

August 26, 1998

Edward Mazzullo
Office of Hazardous Materials Standards
Department of Transportation

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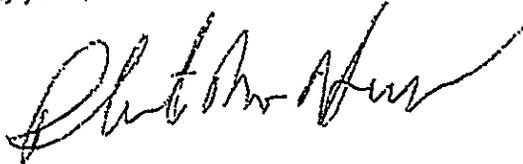
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Philip M. Hayden
Warehouse Manager

H. A. Holden
12811 16th Ave North

Plymouth MN 55441

MODE = MEMORY TRANSMISSION

START=AUG-31 16:20

END=AUG-31 16:40

FILE NO. = 112

STN NO.	COM	ABBR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
001	BUSY	*	916125776009	000/002	00:00'00"

-HMC

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RETURN FAX NUMBER (202) 366-3012

NUMBER OF PAGES (INCLUDING COVER) 2

DATE 8/31/98 TIME 4:20

ADDRESSEE Mr. Philip M. Hayden

557 FAX NUMBER 612-577-6009 INITIATOR L. E. Betts

PHONE 612-577-5555 PHONE 1-800-467-4922

MESSAGE Hope this help.

YOU ARE RECEIVING A TELEFAX
 FROM
 THE HAZARDOUS MATERIALS INFORMATION CENTER
 OFFICE OF HAZARDOUS MATERIALS STANDARDS

FOR INFORMATION ON HAZARDOUS MATERIALS TRANSPORTATION
 PLEASE VISIT OUR WEBSITE
 AT
<http://hazmat.dot.gov>

MODE = MEMORY TRANSMISSION

START=AUG-31 16:55

END=AUG-31 16:56

FILE NO. = 116

STN NO.	COM	ABBR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
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Regulatory Review and Reinvention
Office of Hazardous Materials Standards



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of Transportation

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Administration

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

JUN 12 1996

Mr. Mike Sweet
Vice President, Sales
FMS Corporation
8635 Harriet Avenue South
Minneapolis, MN 55420-2727

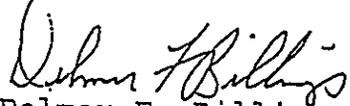
Dear Mr. Sweet:

This is in response to your letter dated May 6, 1996, requesting clarification on whether your blockout paint product with a flash point of 170°F is regulated under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Under 49 CFR 173.22, it is the shipper's responsibility to properly classify a hazardous material. This office generally does not perform this function. Under § 173.120, a "combustible liquid" is defined as a material with a flash point above 60.5°C (141°F) and below 93°C (200°F), and does not meet the definition of any other hazard class under the HMR. A combustible liquid in non-bulk (119 gallons or less) packaging is not subject to any requirements under the HMR, including labeling, unless the material is a hazardous waste, hazardous substance or marine pollutant.

I hope this answers your inquiry. If you need additional assistance, do not hesitate to contact us.

Sincerely,


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

172.101 blockout paint

173.120

172 400