



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

December 19, 2024

Mr. Nicholas Wright  
Technical Trooper  
Kansas Highway Patrol  
1220 S. Enterprise  
Olathe, KS 66061

Reference No. 24-0074

Dear Trooper Wright,

This letter is in response to your August 26, 2024, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the use of the segregation table for hazardous materials in § 177.848(d). You present a scenario of an organic peroxide with an explosive subsidiary hazard—i.e., “UN3112, Organic peroxide type B, solid, temperature controlled (contains Acetyl cyclohexanesulfonyl peroxide), 5.2, (1)”—and ask whether the hazardous material may be offered for transportation in the same transport vehicle as a Class 3, a Division 6.1 (packing group I with a Class 3 subsidiary (not poisonous by inhalation)), or a Division 6.2 material. Specifically, you ask how to apply the instructions to the segregation table when the § 172.101 hazardous materials table entry for UN3112 does not provide a Division number for the explosive subsidiary hazard.

As described in your scenario, a Division 5.2 hazardous material assigned a subsidiary Class 1 that is listed on the organic peroxides table in § 173.225 does not require an approval; additionally, the material is not subject to the explosive approval requirements described in § 173.56 as long as it conforms to all applicable provisions of the table. As such, for the purposes of segregation, it is the opinion of this Office that it is prudent to default to the most restrictive segregation requirements and treat the Class 1 subsidiary as a Division 1.1 material. PHMSA may consider clarifying the instructions in a future rulemaking.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen".

Dirk Der Kinderen  
Chief, Standards Development  
Standards and Rulemaking Division

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Dodd, Alice \(PHMSA\)](#)  
**Cc:** [Hazmat Interps](#)  
**Subject:** FW: Letter of Interpretation request (177.848)  
**Date:** Tuesday, August 27, 2024 4:37:31 PM

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Hello Alice,

Please see the below interpretation request. Let us know if you need anything.

Sincerely,  
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**From:** Nicholas Wright [KHP] <Nicholas.Wright@KS.GOV>  
**Sent:** Monday, August 26, 2024 3:03 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Letter of Interpretation request (177.848)

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Greetings,

I am seeking an official interpretation request regarding the segregation table found in 49 CFR §177.848. I located interpretation request #11-0161, in which PHMSA responded to the requestor's similar question as mine needing additional information to make a determination. I am unable to find a follow-up response from PHMSA on this issue.

My question about segregation is specific to an organic peroxide (Division 5.2) with an explosive subsidiary hazard (Class 1). Specifically, the following entry is in question:

UN3112, Organic peroxide type B, solid, temperature controlled, 5.2 (1)

For the purpose of this issue request, we will hypothesize the technical name for the material is "Acetyl cyclohexanesulfonyl peroxide."

The question for which I am seeking guidance is whether the organic peroxide may be transported in the same transport vehicle as the following hazard classes:

- Class 3
- Division 6.1, PG I, with a Class 3 subsidiary (NOT a material poisonous by inhalation)
- Division 6.2

As the original requestor asked in 2011 in the aforementioned issue request, I am inquiring as to how the Class 1 subsidiary is applied to the segregation table. Since the explosive subsidiary does not have a division, how is the Class 1 used in the table when verifying segregation? The instructions for the segregation table in 177.848(e)(6) direct the user to verify both the primary and subsidiary hazard for materials on the same transport vehicle, but without a division to the Class 1, it seems impossible to apply proper segregation for a material such as UN3112.

Thank you in advance for your interpretation and guidance.

Technical Trooper Nick Wright, K-100  
Kansas Highway Patrol

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