



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

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

MAY 13 1999

Ref. No. 98-0366

Mr. Gary C. Rosenfield
President
AeroTech Consumer Aerospace
1955 South Palm Street, Suite 15
Las Vegas, Nevada 89104

Dear Mr. Rosenfield:

This is in response to your letter dated November 25, 1998, requesting clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to your liquid slurry mixture and requirements for placarding vehicles carrying Division 1.3 materials.

Under 49 CFR 173.22, it is the shipper's responsibility to properly classify a hazardous material. Based on the information you provided, we are not able to determine the proper classification. We recommend that you evaluate and test your mixture to determine if it meets the hazard class defining criteria in Part 173. We want to emphasize that if this composition is intended to produce an explosive or pyrotechnic effect, it must be evaluated under the provisions in § 173.56.

In reference to your question on placarding, a manufacturer carrying Division 1.3 materials in its own or rented vehicles in local or intrastate transportation, must placard the transport vehicle in accordance with 49 CFR 172.504. Effective October 1, 1998, the HMR now apply to both intrastate and interstate transportation of hazardous materials in commerce.

I hope this answers your inquiry.

Sincerely,

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



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173.22



A Subsidiary of
Industrial Solid Propulsion, Inc.

Ed Mazzullo, DHM-10
Director of Office of Hazardous Materials Standards
Research and Special Programs Administration
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

11/25/98

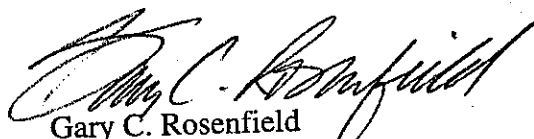
Dear Mr. Mazzullo:

I would appreciate it if you could answer the following questions related to Hazmat transportation:

1. **Note: The following paragraph contains proprietary information***. Would a liquid slurry mixture of approximately 21% Hydroxyl-Terminated Polybutadiene synthetic rubber (HTPB), 10% Isodecyl Pelargonate plasticizer (IDP), 38% Zinc, 29% Magnesium and 2% Chrome Oxide (Cr_2O_3) be considered a hazardous material as defined in the HMR? If so, what would be its proper shipping name, hazard class, UN number, packing group and label code?
2. Is a manufacturer required to placard its own or rented vehicles in local or intrastate transportation while carrying division 1.3 materials?

Thank you in advance for your anticipated response.

Sincerely,


Gary C. Rosenfield
President, AeroTech, Inc.

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