



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

NOV 22 2005

Mr. Mark A. Connolly
Manager Transportation Regulations and Security
Akzo Nobel Chemicals Inc
300 South Riverside Plaza
Chicago, IL 60606-6697

Ref. No.: 05-0282

Dear Mr. Connolly:

This is in response to your October 19, 2005 letter regarding entry of the subsidiary hazard class or division on shipping papers under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

- Q1. Under § 172.202(a), the subsidiary hazard class or division must be entered in parentheses immediately following the primary hazard class on shipping papers. Does this requirement only apply to subsidiary hazard classes when specifically noted in Column 6 of the § 172.101 Table?
- A1. No. If it is specifically determined that a material meets the defining criteria for a subsidiary hazard that is not shown in Column 6 of the § 172.101 Table for that material, the material must be identified on the shipping paper as having that subsidiary hazard class in accordance with § 172.202(a).
- Q2. Is the notation "(1)" as the subsidiary hazard entry on a shipping paper acceptable for a material identified in Column 6 of the § 172.101 Table as having an explosive subsidiary hazard?
- A2. Yes. A material identified in Column 6 of the § 172.101 Table as having an explosive subsidiary hazard is not assigned to a specific division or compatibility group. Therefore, the number "1" placed in parentheses is the appropriate subsidiary hazard class entry on the shipping paper.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

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



050282

172.202(a)(2)



Pollack
§ 172.202(a)(2)
Shipping Papers
05-0282

October 19, 2005

Mr. John Gale,

A few items have arisen since we started inserting the subsidiary hazard notation on shipping papers per HM-215G and 49CFR 172.202(a)(2).

"...Except for combustible liquids, the subsidiary hazard class(es) or subsidiary division number(s) must be entered in parenthesis immediately following the primary hazard class or division number." [49CFR 172.202(a)(2)]

It is my understanding that the above noted requirement does not restrict the source of the subsidiary hazard class(es) to only column 6 of the 49CFR172.101 Hazardous Materials table. A few additional sources of subsidiary hazard class information are:

- 49CFR172.402 (Additional labeling requirements); and also
- 49CFR 173.225(b) (Organic Peroxides table) notes - for organic peroxides.

Do you concur with the above noted understanding?

Subsidiary hazard class notation on Shipping Paper Description for type B Organic Peroxides
For certain organic peroxides (type B UN3101, UN3102, UN3111, or UN3112) column 6 of the 172.102 HMT specifies a unique subsidiary label code of "1". 49CFR 172.101 (g) explains the "1" label code and label name as "explosive".

Unfortunately, there is no such hazard class "1" noted elsewhere in 49CFR (i.e. 172.402 or 172.400(b)).

When inserting the subsidiary hazard within the shipping description for these four types of organic peroxides, is the "1" acceptable?

An example is shown below:

ORGANIC PEROXIDE TYPE B LIQUID, (technical name), 5.2, 1, UN3101, II

Your assistance in this matter is appreciated
Regards,

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