



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

MAR 23 2006

Mr. Mark A Connolly
Manager Transportation Regulations and Security
Akzo Nobel Chemicals Inc.
525 West Van Buren Street
Chicago, IL 60607-3823

Ref. No. 06-0057

Dear Mr. Connolly:

This is in response to your March 3, 2006 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the shipment of Organometallic substance, liquid, pyrophoric, water-reactive, 4.2, 4.3, UN3394, PG I, which is being offered for transportation in accordance with the provisions of the International Maritime Dangerous Goods (IMDG) Code. You state in your letter that your package conforms to the requirements of the IMDG Code, but not to the requirements of § 173.181.

As provided by § 171.12, a hazardous material that is packaged, marked, classed, labeled, placarded, described, stowed and segregated, and certified in accordance with the IMDG Code may be offered and accepted for transportation and transported within the United States subject to certain conditions and limitations. A material that is transported by vessel may be prepared in accordance with the IMDG Code instead of the specific provisions of § 173.181.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



060057

171.12



Leary
§ 171.12

Import & Export
Shipments
06-0057

March 3, 2006

Mr. John Gale
Chief, Office of Hazardous Materials Standards
Pipeline and hazardous Materials Safety Administration
U.S. Department of Transportation
400 7th Street, S.W., DHM-10
Washington, D.C. 20590-0001

Subject: DOT Clarification Authorizing the Use of IMO Authorized Packaging in Accordance with 49CFR171.12(b) for the Export of hazardous materials From U.S. to foreign Locations

Akzo Nobel is competing with foreign based companies for a business opportunity in the Asia pacific region. We have a very brief window of opportunity and request your prompt review and clarification of the requirements of 49CFR 171.12(a), (b)(1)-(22) and request your clarification regarding compliance for the scenario below:

We desire to export and or import via international water material classified as:
Organometallic substance liquid, pyrophoric, water-reactive 4.2, (4.3), UN3394, PGI,

Packaged in:

A combination package consisting of an outer UN1A2 steel drum with a maximum net mass not exceeding 150 kilograms. Each UN1A2 drum contains hermetically sealed inner metal containers of not more than 4 liter capacity. Each inner packaging has threaded closure(s) **with opening(s) which exceed 1 inch in diameter**, with fitted gaskets. The inner packaging is cushioned on all sides with dry absorbent non-combustible material in quantity sufficient to absorb the entire contents. This packaging meets the requirements of IMO P400 for this material.

Shipping Paper notation:

Prepared in accordance with 49CFR171.12/IMO all or part of transport via vessel.

There is some concern that the above desired shipment must comply with the DOT packaging requirements of 49CFR173.181 for the U.S. domestic portion of the export or import shipment. These requirements differ from the IMDG Code in that they limit the size of the opening(s) in the inner packaging to no more than 1 inch in diameter.

It is my understanding that for the export or import via water, the DOT authorizes the offering and accepted for transport and transported within the U.S. of the material above, which is packaged, marked, classed, labeled, placarded, described, stowed and segregated and certified in accordance with the IMDG code and is prepared in accordance with the applicable conditions and limits of 49CFR171.12(b) (1) thru 22. For these export and import shipments via vessel, the inner package is not required to have openings which are less than 1 inch provided it meets all other requirements of 49CFR 171.12 and P400 of the IMDG code.

We request your clarification that the application of 49CFR171.12(b) to the above noted scenario, authorizes the use of International Maritime Organization (IMDG code) specified packaging to facilitate international trade. The intent of the use of the conditions and limits of this section of the DOT regulations is to ensure that the IMO code specific package meet the general packaging requirements of 49CFR 172.24, 173.24a and 173.28 no the specific requirements of 173.181.

Do you concur with the above noted understanding?

Your assistance in this matter is appreciated
Regards,



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