



U.S. Department  
of Transportation

Pipeline and Hazardous Materials  
Safety Administration

1200 New Jersey Ave., SE  
Washington, DC 20590

**MAR 18 2009**

Mr. Gene Sanders  
Senior Dangerous Goods Transportation Specialist  
Thermo Fisher Scientific, Customer Channels Group  
2000 Park Lane  
Pittsburgh, PA 15275

Ref. No. 09-0042

Dear Mr. Sanders:

This responds to your February 20, 2009 letter requesting a review of three products and their classification under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your letter you enclosed three Material Safety Data Sheets (MSDS), one for each product in question. Specifically, you would like a letter confirming your conclusions regarding the classification of these products as hazardous materials and their respective proper shipping names, and their eligibility for the small quantities exceptions provided in § 173.4. You state two products would be described as “UN1993, Flammable liquids, n.o.s. (Methanol, Acetonitrile), 3, PG II” and the third as “UN1648, Acetonitrile solution, 3, PG II.”

In accordance with § 173.22, it is the shipper's responsibility to properly class and describe a hazardous material. This Office does not perform that function. However, based on the information you provided in your letter and enclosed MSDS's, it is the opinion of this Office that the proper shipping names and identification numbers you selected are appropriate, provided the products do not meet the definitions of any other hazard classes, such as Division 6.1. Also, the products are eligible for the exceptions authorized in § 173.4, provided all applicable requirements are met.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

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

**Drakeford, Carolyn <PHMSA>**

**From:** Gorsky, Susan <PHMSA>  
**Sent:** Friday, February 20, 2009 2:02 PM  
**To:** Drakeford, Carolyn <PHMSA>  
**Subject:** FW: Very low percentages of explosive materials in solution. Classification review requested.  
**Attachments:** NC9805411 msds.pdf; NC9814431 MSDS.pdf; NC9814432 MSDS.pdf

Nickels  
\$173.4  
\$172.101  
Proper Shipping Name  
09-0042

**From:** Sanders, Gene [mailto:gene.sanders@thermofisher.com]  
**Sent:** Friday, February 20, 2009 1:39 PM  
**To:** Watson, Spencer <PHMSA>; Gorsky, Susan <PHMSA>  
**Cc:** Mayfield, John  
**Subject:** Very low percentages of explosive materials in solution. Classification review requested.

Dr. Watson and Ms. Gorsky,

Thermo Fisher Scientific has several products from a supplier in our warehouses that we'd like to re-ship to a customer. Since re-shippers are independently responsible for compliance with the HMR, we are requesting your review of our classifications of these products.

The first product, supplied by Accustandard (MSDS attached, Thermo Fisher # NC9814431, Accustandard # M-8330-ADD-3), has 0.01% of Picric Acid (Trinitrophenol), in 99.99% Acetonitrile/Methanol (49.99% Acetonitrile, 50.00% Methanol). Based upon the HazMat Table Trinitrophenol entries, and upon a number of existing interpretations that indicate Picric Acid at this concentration has been adequately desensitized in a variety of solvents, we believe the Picric Acid in this product has also been desensitized. So, we propose using a classification of UN1993, Flammable liquid, n.o.s. (Methanol, Acetonitrile), 3, II. And if packaged and marked properly, we believe this product would be eligible for the relief granted in the 49CFR 173.4(a) exception.

The second product, (MSDS attached, Thermo Fisher # NC9814432, Accustandard # M-8330-12.0-1X), has 0.01% 1,3,5-Trinitrobenzene, in 99.99% Acetonitrile/Methanol (49.99% Acetonitrile, 50.00% Methanol). Based upon the HazMat Table Trinitrophenol entries we believe the 1,3,5-Trinitrobenzene in this product has been adequately desensitized. So, we propose using a classification of UN1993, Flammable liquid, n.o.s. (Methanol, Acetonitrile), 3, II. And if packaged and marked properly, we believe this product would be eligible for the relief granted in the 49CFR 173.4(a) exception.

The third product, (MSDS attached, Thermo Fisher # NC9805411, Accustandard # M-8330-ADD-24-10X), has 0.1% of TATP (a.k.a. Triacetone triperoxide, TCAP, Acetone peroxide, Peroxyacetone), in 99.9% Acetonitrile. TATP is known to be an unstable explosive, <http://en.wikipedia.org/wiki/TATP>. It seems likely that the 99.9% Acetonitrile has desensitized the 0.1% TATP. So, we propose using a classification of UN1648, Acetonitrile solution, 3, II. And if packaged and marked properly, we believe this product would be eligible for the relief granted in the 49CFR 173.4(a) exception.

Do you agree with these conclusions? Thank you.

Cheers,

Gene Sanders, DGSA  
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