



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

JUL 1 2003

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

Mr. Michael Alston  
Manager-Regulatory Compliance  
Sunoco, Inc.  
200 Neville Road  
Pittsburgh, PA 15225

Reference No.: 03-0002

Dear Mr. Alston:

This is in response to your letter regarding the description of "Waste organic peroxide, Type F, (cumene hydroperoxide) 5.2, UN3109, PG II" under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Your letter states that the cumene hydroperoxide has a concentrated mass of  $\leq 90\%$  and a diluent mass of  $\geq 10\%$  and the cumene hydroperoxide liquid is totally absorbed in a filter substance that is compatible with the product. You ask whether this material should be described on the shipping paper as a "liquid" or a "solid". In your opinion, "liquid" better describes the material even though the liquid is totally absorbed in the filter substance.

Based on the information contained in your letter, it is our opinion that the material should be described as a "solid" if no free flowing liquid is visible surrounding the filter substance. Therefore, for a waste material, a shipping name that appropriately describes the material is "Waste organic peroxide, solid, type F, (filter cartridges containing absorbed cumene hydroperoxide), 5.2, UN3110, PG II."

I hope this satisfies your request.

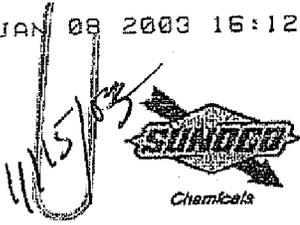
Sincerely,

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



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200 Neville Road  
Pittsburgh, PA 15225

Corbin  
3/172-101  
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Hazardous Waste  
03-0002

January 8, 2003

Mr. Edward Mazzullo  
Director, Office of Hazardous Material Standards  
US DOT/RSPA (DHM-10)  
400 7th Street S.W.  
Washington, D.C. 20590-0001

Dear Mr. Mazzullo:

On February 4, 2002 at 10:57 AM, I telephoned the Department of Transportation's DOT Regulations Hotline and received a verbal interpretation regarding a hazardous waste shipment. Recently our facility conducted a Bureau of Explosives audit and the Inspector questioned the accuracy of interpretation. I would like to request that you or your staff review the question again and provide me written documentation of your findings.

Question:

Our facility ships a hazardous waste containing cumene hydroperoxide liquid that is totally absorbed in a filter substance, which is compatible with the product. The cumene hydroperoxide has a concentrated mass % of  $\leq 90$  and a diluent mass %  $\geq 10$ . The basic description used on the hazardous waste manifest is:

Waste Organic Peroxide, Type F, Liquid, (cumene hydroperoxide) 5.2, UN3109, II

The question being raised by the Inspector is whether or not this should be described as a liquid or a solid. Our interpretation is that this description best describes the product even though the liquid is totally absorbed in the filter substance. Could you please comment and forward a letter with your findings. If you need further information, please contact me at 412-778-3434.

Sincerely,

Michael D. Alston  
Manager-Regulatory Compliance  
Sunoco Inc  
200 Neville Road  
Pittsburgh, PA 15225  
Fax: 866-560-0337  
Office: 412-778-3434