



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, SE
Washington, D.C. 20590

DEC 14 2010

Mr. Steve Carey
HQDA G-3/5/7 DAMO-SSD
400 Army Pentagon
Washington, D.C. 20310

Reference No. 10-0175

Dear Mr. Carey:

This responds to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the classification of a sample material with an unknown hazard. In your letter, you state that your organization is attempting to transport a sample of an unknown material suspected of containing a toxic material. You ask how the HMR apply to such a material being transported to an army laboratory for testing and analysis.

Section 172.101(c)(11), states that except for certain materials, a shipper may assign a tentative shipping name, hazard class, and identification number to a material based on the shipper's knowledge of the material, the hazard precedence prescribed in § 173.2a, and defining hazard class criteria in Subchapter C. In this context, "tentative" means a temporary selection of a proper shipping name and hazard class used for a material until a more definite proper shipping name and hazard class can be assigned based on test data and analysis.

Exact physical and chemical properties of many materials may be unknown because concentrations of the components vary from shipment to shipment. Therefore, the use of a tentative classification and proper shipping name is authorized. However, should a shipper obtain more specific data on the properties of the material, the hazard class and proper shipping name must be modified, as applicable.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Glenn Foster".

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Andrews
§172.101
Classification
10-0175

From: INFOCNTR (PHMSA)
Sent: Tuesday, August 17, 2010 12:36 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Request for Official Interpretation of 49CFR Part 172.101 (UNCLASSIFIED)

Carolyn,
Another request for written interpretation.
Thanks,
Rob

-----Original Message-----

From: Carey, Stephen D Mr CIV USA HQDA DCS G-3/5/7 [mailto:CareySD-HQTMP@conus.army.mil]
Sent: Tuesday, August 17, 2010 11:44 AM
To: INFOCNTR (PHMSA)
Subject: RE: Request for Official Interpretation of 49CFR Part 172.101 (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Please let me know that status of this request.

V/r,

Steve Carey
HQDA G-3/5/7 DAMO-SSD
Consequence Management Branch
703-602-3145



HQDA - G3/5/7
DAMO-SSD
400 Army Pentagon,
Wash, DC 20310

-----Original Message-----

From: Carey, Stephen D Mr CIV USA HQDA DCS G-3/5/7
Sent: Wednesday, August 04, 2010 10:39 AM
To: 'infocntr@rspa.dot.gov'
Subject: Request for Official Interpretation of 49CFR Part 172.101 (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

I am writing policy for the U.S. Army that includes guidance on classified chemical compounds. It will also address unknown chemical compounds suspected of having some degree of human toxicity.

I request official interpretation of 172.101 as it would apply to the transportation of chemical compounds with classified characteristics (no MSDS, no shipping name, no shipping class, etc.). In addition, I request interpretation of the applicability of this guidance to a chemical compound with an unknown hazard. For example, if defense organizations operating in a theater of war collect a sample of unknown material suspected of possessing a human toxicity, what guidance applies to the shipment of that sample to or from an Army laboratory for analysis and testing to determine the composition of the compound and its potential toxicity?

V/r,

Steve Carey
HQDA G-3/5/7 DAMO-SSD
Consequence Management Branch
703-602-3145

Classification: UNCLASSIFIED
Caveats: FOUO

Classification: UNCLASSIFIED
Caveats: FOUO