



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

1200 New Jersey Ave., S.E.  
Washington, DC 20590

SEP 12 2011

Ms. Marie Easley-Cook  
Safety Analyst Associate  
Con-way Freight  
2211 Old Earhart Road  
Ann Arbor, MI 48105

Ref. No. 11-0160

Dear Ms. Easley-Cook:

This letter is to provide a status update regarding your June 30, 2011 request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to segregation of Division 5.2 (Organic peroxide) materials and Division 5.2 (Organic peroxide) materials with a Class 1 (Explosive) subsidiary hazard. PHMSA is currently developing a position on the issue highlighted in your request with an emphasis on safety and compatibility. Due to the complex technical nature of your request, additional time is required to develop an appropriate response. To expedite a response, you may submit additional technical data or relevant background information on the compatibility of the materials in question.

Please pardon the delay. If you need additional assistance, please contact this office at (202) 366-8553.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ben Supko', written over a white background.

Ben Supko  
Acting Chief, Standards Development  
Standards and Rulemaking Division

Eichenlaub  
5178.848  
Segregation  
11-0160

June 30, 2011

Mr. Charles E. Betts  
Director, Office of Hazardous Materials Standards  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2nd Floor  
Washington, DC 20590

Mr. Betts:

I am writing to confirm a telephone conversation that I had with a member of the HMIC team regarding segregation of hazardous materials, Part 177-Carriage by Public Highway, Subpart C. UN3101, organic peroxide type B, liquid, 5.2 (1), PGII or any other type B with a Hazard Class 1 subsidiary hazard cannot be transported in the same trailer as other organic peroxides.

These materials have a special provision (53) that states packages of these materials must bear the subsidiary risk label, "EXPLOSIVE". That being said, without specifically stating which division applies, the highest risk is assumed.

Applying logic and 177.848(e)(6), regarding subsidiary hazards, to the segregation table, there is a "X" in the table at the point where 5.2 and 1.1 (1.2 or 1.3) meet. The portion of 177.848(e)(6) that speaks to materials of the same class does not apply in this case due to the reactivity of organic peroxide type B. Therefore the materials cannot be transported together.

Is this correct?

Thank you for your assistance.

Regards,

*Marie Easley-Cook*

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Safety Analyst Associate  
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