



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

AUG - 9 1999

Mr. Prabhu Natarajan
Sea-Land Services, Inc.
6000 Carnegie Boulevard
Charlotte, NC 28209

Ref. No. 99-0159

Dear Mr. Natarajan:

This is in response to your letter of November 4, 1998, and your phone conversation with Mr. Brian Robinson of the U.S. Coast Guard concerning the subsidiary risk label for azodicarbonamide which is a Division 4.1 material. You have indicated that the material has been classified outside the United States and the competent authority of the country of origin has provided a dispensation from the explosive subsidiary risk in accordance with the provisions of the International Maritime Dangerous Goods (IMDG) Code.

Section 171.12(b) of the U.S. Hazardous Materials Regulations (HMR; 49 CFR Parts 100-185) allows the alternative use of the IMDG Code subject to certain conditions and limitations. None of those conditions and limitations restrict the use of the IMDG Code in this situation. Consequently, azodicarbonamide shipped in accordance with the IMDG Code as you have described is acceptable. It is also worth noting that the special provisions which you mention in your letter (Special Provisions 38 and 53 in § 172.102) address provisions similar (although stated differently) to those contained in the IMDG Code for this material.

I hope this satisfies your request.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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171.12



Sea/Land

ideas that move the world

Sea-Land Service, Inc.
6000 Carnegie Boulevard
Charlotte, NC 28209-4637
Phone: 704.571.2000

November 4, 1998

FAX: 202-267-4570

Mr. Bryan Robinson
Commandant (G-MOS-3)
2100 Second Street SW
Washington DC, 20593-0001

Dear Bryan:

It was a pleasure to meet you at the VOHMA annual meeting in Washington, DC. I also had the opportunity to meet with Commander Corbin and JJ.

In pursuit of an interpretation question we have with regard to shipment of Azodicarbonamide, UN3242: This product has been classified outside the United States and the competent authority of the country of origin has provided a dispensation for the explosive subsidiary risk. The commodity is shipped to the United States in compliance with the IMDG, section 171.12(b) of the 49CFR; and in compliance with the conditions mandated by the competent authority certificate.

Under the above circumstances would special provisions 38 and 53 of 171.101 table of the 49CFR be applicable to this shipment?

We appreciate your assistance in obtaining an interpretation on this issue.

Sincerely,



Prabhu Natarajan
Manager, Corporate Hazardous Materials

PN/rgm

