



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

APR 12 2000

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

Ms. Lauren Malone
Onyx Environmental Services L.L.C.
Roxbury Business Park
1705 Route 46 West, Unit #2
Ledgewood, NJ 07852

Ref. No. 99-0255

Dear Ms. Malone:

This is in response to your telephone conversation and follow up letter dated September 3, 1999, to Dr. Richard Tarr of the Office of Hazardous Materials Exemptions and Approvals requesting clarification on the hazard class and transportation of forbidden materials that are stabilized or diluted under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Your understanding of the provisions addressing forbidden materials per your conversation with Dr. Tarr is correct and is further clarified. As stated in your letter, if any specifically listed, pure, forbidden material is stabilized or diluted to reduce or eliminate the hazards, it is then no longer considered a forbidden material. It is your responsibility to ensure it is stabilized, classed and transported in accordance with the HMR. Organic peroxides, explosives, and self reactive materials always require formal approval from the Associate Administrator for Hazardous Materials Safety. For other than these materials, no formal approval or authorization is required from DOT to dilute, stabilize, and transport the material. The proper shipping name "nitrobromobenzene" does not apply to stabilized and diluted "1-bromo-3-nitrobenzene" since it no longer meets the definition for Division 6.1. A solution of 90% ethanol, 10% 1-bromo-3-nitrobenzene presents a flammability hazard, therefore, the proper shipping description "Flammable liquids, n.o.s., (ethanol and nitrobromobenzene), 3, UN 1993, PG II" is appropriate.

I hope this further clarifies and answers your inquiry.

Sincerely,

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



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September 3, 1999

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DOT/RS&PA/OHMS
EXEMPTIONS & APPROVALS

Richard Tarr
Exemptions and Approvals Branch
Department of Transportation
Room 8100
400 Seventh Street
Southwest Washington, D.C. 20590

Dear Mr. Tarr,

As we agreed, I am sending you a summary of our telephone conversation on August 23, 1999 for your records.

- If any specifically listed, pure, forbidden material is stabilized or diluted to reduce or eliminate the hazards, it is then no longer considered a forbidden material
- Once the material has been stabilized and/or diluted and is no longer considered a forbidden material, it is our responsibility to ensure the new material is stabilized, reclassified and transported in accordance with the applicable regulations.
- No formal approval or authorization is required from DOT to dilute, stabilize, and transport the material.
- The DOT ship name *nitrobromobenzene* would not apply to stabilized and diluted 1-bromo-3-nitrobenzene since it no longer meets the definition of hazard class 6.1. A solution of 90% ethanol, 10% 1-bromo-3-nitrobenzene (for dilution) would present a flammability hazard, therefore the proper shipping name *Flammable liquids, n.o.s., (ethanol and nitrobromobenzene) 3.1, UN1993, PG III* would reflect this hazard.

If you have any additional comments or concerns, please feel free to contact me.

Sincerely,

Lauren Malone

Technical Research Specialist