



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

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

MAR 16 2007

Mr. John Foglio
Degussa Corporation
379 Interpace Parkway
Parsippany, New Jersey 07054-8042

Ref. No.: 07-0046

Dear Mr. Foglio:

This is in response to your January 29, 2007 letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the transportation of acetone cyanohydrin. "Acetone cyanohydrin, stabilized" is listed in the Hazardous Materials Table (HMT; § 172.101) as a Division 6.1 (poisonous) material in Packing Group I. Special provision "2" in Column (7) of the HMT indicates that the material must be packaged and described as an inhalation hazard in Hazard Zone B. You provide toxicity data that indicates that your material does not meet the definition of a poison inhalation hazard. You ask if it is appropriate to transport the material in accordance with a different proper shipping name that more accurately represents the hazards of your material.

Under § 173.22, it is the shipper's responsibility to properly class and describe a hazardous material. Section 172.101(c)(12)(i) states,

"Except when a proper shipping name in the HMT is preceded by a plus (+), if it is specifically determined that a material meets the definition of a hazard class, packing group, or hazard zone, other than the class, packing group or hazard zone shown in association with the proper shipping name, or does not meet the defining criteria for a subsidiary hazard shown in Column 6 of the Table, the material shall be described by an appropriate proper shipping name listed in association with the correct hazard class, packing group, hazard zone, or subsidiary hazard for the material."

After reviewing the data you submitted, we have determined that your product is most appropriately classed as a Division 6.1 (poisonous) material in Packing Group II. The shipping description "Acetone, cyanohydrin, stabilized" does not appropriately describe the hazards of your material. Therefore, you must select an alternate proper shipping name from the HMT that does appropriately indicate the hazards of your material based on your data. If an appropriate technical name is not shown in the HMT, selection of a



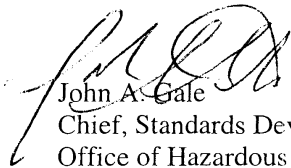
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172.101(c)(12)(i)
173.22
173.133

proper shipping name must be made from the generic or n.o.s. descriptions corresponding to the specific hazard class, packing group, hazard zone, or subsidiary hazard, if any, for the material. We recommend using the proper shipping name "Toxic liquid, organic, n.o.s."

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale". The signature is written in a cursive style with a large initial "J" and "G".

John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards

Eichenlaub

3173.22

3173.133
Classification

07-0046

creating essentials

degussa.

To: Darrel Releford

Harriet said for me to send these to you. The originals seem to be misplaced.

Please call me to confirm receipt of this.

Thanks
John

DEGUSSA CORPORATION
379 INTERPACE PARKWAY
PARSIPPANY, NJ 07054-0677

PHONE: DIRECT: (973) 541-8042

FAX: (973) 541-8040

john.foglio@degussa.com

January 29, 2007

Associate Administrator for
Hazardous Materials Safety
Attention: Approvals, PHM-32
Pipeline and Hazardous Materials
Safety Administration,
U.S. Department of Transportation
400 7th St. SW,
Washington, DC 20590-0001

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Re: Subsequent Information for Request for Approval dated January 10, 2007 – Acetone Cyanohydrin

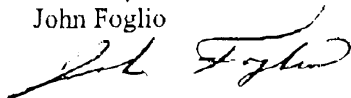
Dear Madam / Sir,

In the third paragraph of our request for approval, copy attached, I stated "The second chemist came up with the slightly higher number of 1056 ml/m³ based on a vapor pressure of 0.107 kPa at 20 degrees C. The higher number moves the volatility further out of the range of PIH". The last sentence is incorrect. I should have said "Even considering the slightly higher volatility the material still does not fit into PIH in accordance with 173.133".

I would also like to take this opportunity to supply the appropriate pages of the European Chemicals Bureau Dataset which contains the LC Lo and vapor pressure.

Our shipments are scheduled to begin in a week or two. It will cost a lot more money than it should to ship tank cars because the regulations consider this material PIH. Under the circumstances, we think the regulations are incorrect. The rail carrier claims there are added costs associated with handling and transporting PIH materials and the rates we will be charged reflect those added costs. May we please hear from you as soon as possible. Thank you.

Sincerely,
John Foglio



Manager Hazardous Materials

FAX TO: 202-366-3753 + 202 366-3308

01/29/07 11:55
DOT/OSHA/PHMS