



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

MAY 31 2007

Mr. Thomas J. Ziebell
J.J. Keller & Associates, Inc.
3003 W. Breezewood Lane
Neenah, WI 54957-0368

Ref. No. 07-0085

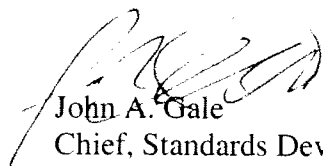
Dear Mr. Ziebell:

This is in response to your April 13, 2007 letter requesting clarification of the changes to the specifications for the ORGANIC PEROXIDE (Division 5.2) label adopted under HM-215I (71 FR 78596; December 29, 2006). Specifically, you inquire about the transitional period for display of the Divisions 5.2 label conforming to specifications in effect on December 31, 2006 for transportation by highway.

Under HM-215I (71 FR 78596; December 29, 2006), PHMSA revised the specifications for ORGANIC PEROXIDE (Division 5.2) labels and placards for consistency with specifications in the UN Recommendations on the Transportation of Dangerous Goods. We added a transitional provision (§ 171.14(f)) to allow continued display of Division 5.2 labels and placards conforming to specifications in effect on December 31, 2006 until January 1, 2011. However, as discussed on page 78604 of HM-215I, we authorized an extended transitional period for display of Division 5.2 placards until January 1, 2014 for transportation by highway. We apologize for any confusion arising from the preamble discussion of § 171.14(f) indicating otherwise. The extended transitional period until January 1, 2014 does not apply to display of Division 5.2 labels for transportation by highway. For transportation by highway, Division 5.2 labels conforming to specifications in § 172.427 in effect on December 31, 2006 may be used until **January 1, 2011** and Division 5.2 placards conforming to specifications in § 172.552 in effect on December 31, 2006 may be used until **January 1, 2014**.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



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



J. J. Keller

& Associates, Inc.

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§171.14(f)
Placarding
07-0085

3000 W. Breezewood Lane, P.O. Box 368
Neenah, Wisconsin 54957-0368
(920) 722-2848
<http://www.jjkeller.com>

"Publishing & Services"

April 13, 2007

Edward Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
400 7th Street SW
Washington, DC 20590-0001

Dear Mr. Mazzullo,

I am writing to you to request a written clarification on the compliance date for the continued use of the old 5.2 organic peroxide label by highway.

In the final rule for HM-215I, published on December 29, 2006, the preamble discussion for §171.14(f) says that the old 5.2 labels and placards (in effect on December 31, 2006) may continue to be used until January 1, 2014, for transportation by highway. However, in the amended regulations for §171.14(f) on page 78612, the new text omits the use of the old labels by highway. Since this is not addressed in this section, the use of the old 5.2 labels by highway would be allowed only until January 1, 2008.

Members of your staff have informed me that this will be corrected and the intent was to allow the continued use of the old 5.2 label by highway until January 1, 2014. Until the correction is made, a written clarification would be extremely helpful in reassuring our customers that they may continue to use the old 5.2 labels by highway until January 1, 2014.

If you have any questions or need additional information feel free to contact me.

Sincerely,

Thomas J. Ziebell
Sr. Hazmat Editor
J. J. Keller & Associates, Inc.
(920) 722-2848