



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

MAR -3 2006

Mr. Anthony J. Kessler
Senior Scientist
RJ Lee Group, Inc.
350 Hochberg Rd.
Monroeville, PA 15146

Ref. No. 06-0012

Dear Mr. Kessler:

This is in response to your January 17, 2006 letter requesting clarification on the requirements for transporting carbon black under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You provided a material safety data sheet for a material of similar composition to carbon black and you indicated that your product does not display the characteristics of either a Division 4.1 or a Division 4.2 material.

In accordance with § 173.22, it is the shipper's responsibility to properly classify a hazardous material. Such determinations are not required to be verified by this office. You did not provide sufficient information to enable us to make a determination regarding classification. However, if the material does not meet the definition of either Division 4.1 or 4.2 or any other hazard class or division in the HMR, the material is not subject to the HMR.

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



060012

172-101

RJ Lee Group, Inc.

The Materials Characterization Specialists

350 Hochberg Rd.
Monroeville, PA 15146
Phone: 724.325.1776

January 17, 2006

Office of Hazardous Materials Standards, Pipeline and Hazardous Materials Safety Administration
Attn: PHH-10
U.S. Department of Transportation
400 7th Street SW
Washington, DC 20590-0001
FAX: 202 366-3012

RE: Interpretation of a Materials Hazard Classification

Dear Administrator:

Delta Energy produces D-E Black a product similar in composition to Carbon black.

While making a determination to comply with 49 CFR 172 we have encountered conflicting compliance requirements from different sources. Industry sources (MSDS) indicate Carbon black is not regulated in transportation. NIOSH references indicate that Carbon black is regulated (49 CFR 172) as Carbon, *animal or vegetable origin* UN 1361, PG II or III, label code 4.2.

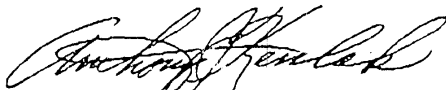
Our product is mostly carbon (mineral origin), and D-E Black does not display the characteristics (readily combustible, self-heating, spontaneous combustible) of a 4.1 or 4.2 material. Attached is a MSDS of D-E Black. Based on the information provided, is this product regulated in transportation for commerce? If so, what is the hazardous material description and proper shipping name?

Your determination is greatly appreciated. Please contact me at:

Anthony Kessler
RJ Lee Group, Inc.
350 Hochberg Road
Monroeville, PA 15146
Phone: 724 309-3568, FAX 724 733-1799

Thank you for your attention to this request. We would appreciate a prompt response since a shipment of this materials is scheduled in the near future.

Sincerely,



Anthony J. Kessler CIH, CHMM
Senior Scientist