



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

JUL 27 2005

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

Mr. Cliff Bartley
Horizon Lines
5800-1 William Mills St., Blount Island
Jacksonville, FL 32226

Ref. No. 05-0160

Dear Mr. Bartley:

This is in response to your letter requesting clarification of the vessel stowage and segregation requirements for "Nitric acid," UN2031 under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state that there are inconsistencies between the HMR and the International Maritime Dangerous Goods (IMDG) Code stowage and segregation requirements for the UN2031 entries. Specifically, you ask whether the HMR stowage and segregation requirements assigned to "Nitric acid, *other than red fuming, with more than 70 percent nitric acid,*" UN2031, Packing Group I, and "Nitric acid, *other than red fuming with not more than 70 percent nitric acid,*" UN2031, Packing Group II are intended to be the same and which requirements apply for a concentration that is less than 50 percent. You also ask the reasoning for assigning Code 111 in § 176.84 to the Packing Group II entry.

Currently under the HMR, the stowage and segregation requirements for the Packing Group I and II entries for UN2031 are the same; however, our intent is to align these requirements with the IMDG Code in a future rulemaking. With respect to the assignment of Code 111 to the Packing Group II entry, because the code addresses nitric acid with a concentration that exceeds 50 percent, it does not apply to your material that has a concentration of less than 50 percent. Therefore, the HMR stowage and segregation requirements for your material that has a concentration of less than 50 percent are 44, 66, 89, 90 and 110 and the stowage category requirement is Category D.

Although the IMDG Code stowage and segregation requirements for the UN2031 entries are less restrictive than the current HMR requirements, you may want to consider the



050160

192.101 Subpart B
176.84

alternative use of the IMDG Code as authorized with certain conditions and limitations in § 171.12(b).

I hope this information is helpful. Please contact this office if you have additional questions.

Sincerely,

A handwritten signature in black ink that reads "Hattie L. Mitchell". The signature is written in a cursive style with a prominent initial "H" and "M".

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards

June 23, 2005

Mr. Ed Mazzullo
Director Office of Hazardous Materials
Hazardous Materials Standards
USDOT / PRMSA / DHM10
400 7th Street S.W.
Washington, DC 20590

McIntyre
§ 172.101 Subpart B
§ 176.84
Applicability/Segregation
05-0160

Re: Subpart B – Table of Hazardous Materials and Special Provisions - CFR172.101

Dear Mr. Mazzullo,

Our company, Horizon Lines, LLC is a domestic containerized ocean transportation company. We are tendered hazardous cargo under both the IMDG regulations as well as the Domestic Hazmat regulations. There is some confusion regarding the entry in the hazmat table for “UN2031, Nitric Acid other than red fuming, with more than 70 percent nitric acid”. There are two entries covering the cargo moving in PGI and PGII. The problem is the handling of the other vessel stowage requirements. The product in PGI is to be segregated as a class 8 and 5.1 and the product under PGII is to be segregated only as a corrosive 8 but the confusion is in the other vessel stowage where the codes for both packing groups of UN2031 are listed as:

- 44 – Stow “away from” oxidizers
- 66 – Stow “separated from” flammable solids
- 89 – Segregation same as for oxidizers
- 90 – Stow “separated from” radioactive materials
- 110 - Packaging Group II if concentration does not exceed 70% percent acid
- 111 - If concentration exceeds 50 percent acid, notes 66, 74*, 89, and 90 apply
- * (74 - Stow “separated from” oxidizers)

On the surface, there seems to be no difference in the stowage. My question is if both entries have the additional stowage requirements as listed above for vessel stowage, is there a difference in the stowage and segregation of the two entries? In reviewing Amendment 32 of the IMDG for this entry, column 16 for stowage and segregation reads:

PGI

Category D. Segregation as for class 5.1 but “separated from” classes 4.1, 5.1 and 7

PGII

Category D. If concentration exceeds 50% acid, segregation as for class 5.1 but “separated from” class 4.1, 5.1 and 7.

What is the stowage requirement for nitric acid, UN2031 if the concentration is less than 50% acid and why is the other vessel code 111 listed for the entries in PGI and PGII? Does that code override the other vessel stow codes?



Your help be beneficial in our understanding on the handling of this entry in the regulations.
Thank you for your attention to these questions.

Sincerely,

A handwritten signature in cursive script that reads 'Cliff Bartley'.

Cliff Bartley,
Manager Hazardous Materials

Cc: Commandant G-MSO-3
US Coast Guard
2100 2nd Street S.W.
Room 1210
Washington, DC 20593-0001
Fax 202-267-4570