



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

DEC 19 2013

Mr. Eric Fischer
Hazardous Materials Manager
NACA Logistics (USA), Inc.
250 South Gary Ave.
Carol Stream, IL 60188

Ref. No.: 13-0148

Dear Mr. Fischer:

This is in response to your July 17, 2013 e-mail requesting clarification of the requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and the International Maritime Dangerous Goods (IMDG) Code applicable to the stowage of hazardous materials aboard vessels. Specifically, you present three UN ID numbers and ask if shipments would be compliant with various special provisions in the HMR and the stowage requirements in column 16 of the IMDG Code if they were loaded in a non-refrigerated ocean-going freight container under conditions such as: transport in the summer, traveling by the equator, or being loaded in a freight container with only 10% free space. The UN ID numbers and applicable stowage requirements are summarized below.

UN 2956 – IMDG Code column 16 - Keep as cool as reasonably practicable. Protected from sources of heat. Clear of living quarters. During transport it shall be stored (or kept) in a cool and well-ventilated place. HMR special provision 159 - This material must be protected from direct sunshine and kept in a cool, well-ventilated place away from sources of heat.

UN 3241- IMDG Code column 16 - Protected from sources of heat. Clear of living quarters. Keep as cool as reasonably practicable. During transport, it shall be stored (or kept) in a cool ventilated place. HMR special provision 46 - During transport, it must be protected from direct sunshine and stored (or kept) in a cool and well-ventilated place, away from all sources of heat.

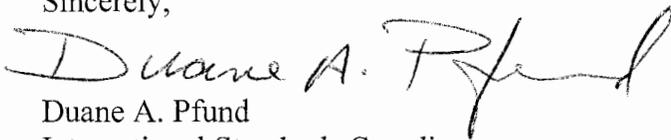
UN 3251 – IMDG column 16 - Protected from sources of heat. Clear of living quarters. Keep as cool as reasonably practicable. During transport it shall be stored (or kept) in a cool ventilated place. HMR special provision 159 - This material must be protected from direct sunshine and kept in a cool, well-ventilated place away from sources of heat.

Compliance with the above HMR and IMDG Code stowage provisions under the conditions you describe (loaded in a non-refrigerated ocean-going freight container under conditions such as; transport in the summer, traveling by the equator, or being loaded in a freight container with only 10% free space), cannot be determined based on the information provided. Stowage requirements will vary on any given voyage based on the design and capabilities of the vessel

transporting the cargo. There is no requirement for these three UN ID numbers to be offered in a refrigerated container. Transport in summer months, or the vessel traveling by the equator, does not preclude these hazardous materials from being offered if the vessel is capable of stowing the hazardous materials in a manner that is compliant with the applicable stowage requirements. The HMR do not specify a specific threshold of free space in a cargo transport unit that can be utilized to determine adequate ventilation. Ventilation capabilities of specific stowage locations and cargo transport units must be assessed on a case by case basis.

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 that reads "Duane A. Pfund". The signature is written in a cursive style with a large, sweeping initial "D".

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

Webb
§172.102 SP 46 & 159
Special Provision

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Wednesday, July 17, 2013 5:49 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Interpretation Request

13-0148

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks,
Victoria

From: Eric Fischer (VLS USA) [<mailto:eric.fischer@vanguardlogistics.com>]
Sent: Wednesday, July 17, 2013 1:37 PM
To: INFOCNTR (PHMSA)
Subject: Interpretation Request

Dear Hazardous Materials Information Center,
I would like your interpretation on Special Provisions 46 and 159 and text found in the IMDG Code's Dangerous Goods List, column 16. They are as follows:

For UN3241:
DOT Special Provision 46 – During transport, it must be protected from direct sunshine and stored(or kept) in a cool and well-ventilated place, away from sources of heat.

For UN2956, UN3251:
DOT Special Provision 159 – This material must be protected from direct sunshine and kept in a cool, well-ventilated place away from sources of heat.

For UN2956, UN3241, UN3251:
IMDG Code(36th amendment) Column 16 – Keep as cool as reasonably practicable. During transport, it shall be stored(or kept) in a cool ventilated place.

Is it compliant to load the above hazardous materials in a non-refrigerated ocean-going freight container especially under conditions such as in the summer, traveling by the equator, or being loaded in a freight container with only 10% free space?

Thank you,

Eric Fischer
Hazardous Materials Manager
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