



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

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

JAN 25 2010

Mr. Hector Alvarez
The CSAV Group
Dangerous Goods & Documentation Department
Compania SudAmericana De Vapores
Sotomayor 50
2362335 Valparaiso
Chile

Ref. No. 09-0104

Dear Mr. Alvarez:

This responds to your letter requesting clarification and guidance on the correct application of the stowage requirement "shade from radiant heat" in the context of containerized cargo on container ships. Specifically, you expressed your understanding that a closed cargo transport unit does not need to be shaded by means of a structural erection or an awning in accordance with §176.63(b) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and Appendix 1 to Chapter 7.1 of the International Maritime Dangerous Goods (IMDG) Code because the cargo transport unit itself provides shade for the packages or material contained therein.

Your understanding is correct. Structural erections or awnings are not required to protect cargo transport units from radiant heat when stowed on the weather deck of a container ship or any other ship type. The requirements contained in §173.63(b) of the HMR and paragraph 7.1.1.13 of the IMDG Code generally apply to packages or articles stowed on the weather deck without any other means of protection from strong sunlight. Nonetheless, due consideration should be given to the heat sensitivity of the contents within the cargo transport unit and, when necessary, stowage locations in the top tier or in outermost row of containers should be avoided.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hattie L. Mitchell', with a long horizontal flourish extending to the right.

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

Drakeford, Carolyn <PHMSA>

Stevens
§172.101
§176.63 (b)
Vessel
09-0104

From: INFOCNTR <PHMSA>
Sent: Monday, May 04, 2009 2:42 PM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Shade form radiant heat on full container vessels
Importance: High

From: halvarez@csavgroup.com [mailto:halvarez@csavgroup.com]
Sent: Monday, May 04, 2009 12:15 PM
To: PHMSA HM InfoCenter
Cc: jorgediaz@csavgroup.com; dg.help@csavgroup.com
Subject: Shade form radiant heat on full container vessels
Importance: High

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

Dear Mr. Mazzullo,

We address this message to the PHMSA in order to clarify the term "shade from radiant heat" when applicable to containers transported on full container ships.

In our opinion, a closed container exceeds the minimum criteria, as follows:

Concept: Shade from radiant heat
Type of ship: Full container vessel
Type of cargo: in containers

The IMDG Code defines "shaded" in the Appendix 1, Deck Stowage, item (2).

The minimum requirement is to cover the top of the package.

On these grounds any freight container meeting the "Closed Container Transport Unit" definition exceeds the minimum requirement, consequently any CCTU packed with packaged dangerous goods that need to be "SHADED FROM RADIANT HEAT" does not need any extra measure to meet the regulatory criteria.

This is applicable to any CCTU including insulated/double shell portable tanks.

On same grounds single shell/uninsulated portable tanks and open CTUs do require to have a container on top to meet the requirement.

The CFR 49, in § 176.63 (b), last paragraph, reads "the stowage must be protected from the direct rays of the sun by means of structural erections or awnings except that such protection is not required for shipment in portable tanks."

As the initial reference is made to the Table 172.101, we understood this sentence as associated to packages which leads us to the same interpretation done above for the IMDG Code, although there is no a picture to clarify that the awning is only need on top and not on the sides. It also excludes the portable tanks.

We will appreciate to receive the PHMSA interpretation and guidance on the correct use of the term "shade from radiant heat" for containerized cargoes on full container ships.

Contact Information:

Name: Hector Alvarez
Organization: Compañía SudAmericana de Vapores
Street Address: Sotomayor 50
City: Valparaiso
State: -
Country (International Only): Chile
Zip Code: 2362335
E-mail Address: halvarez@csavgroup.com
Telephone Number: +56-32-2203580
Fax Number: +56-32-2203938

Thanking you in advance

Hector Alvarez
The CSAV Group
Dangerous Goods & Documentation Department
Tel 56-32-220 3580 / Fax 56-32-220 3938