



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

JAN 14 2013

Mr. Scott McElhoe  
EHSS Manager  
Northland Services, Inc.  
P.O. Box 24527  
Seattle, WA 98124

Mr. John Higgins  
JCI Jones Chemicals, Inc.  
1919 Marine View Drive  
Takoma, WA 98422

Reference No. 12-0248

Dear Messrs. McElhoe and Higgins:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR 171-180) applicable to the domestic shipment of non-bulk packages of Chlorine, UN2017, 2.3 with subsidiary hazards of 5.1 and 8, and Sulfur dioxide, UN1079, 2.3 with a subsidiary hazard of Class 8. Specifically, you ask if the two commodities may be transported by vessel in the same intermodal freight container. You also submitted data on the two commodities. You ask us to confirm your understanding of the HMR that § 176.83(a)(8) allows the two commodities to be stowed together.

Provided the hazardous materials of the same primary hazard class meet the provisions of § 176.83(a)(8), they may be stowed together regardless of their subsidiary hazard class segregation requirements. The substances must not react dangerously with each other and must not cause: (1) combustion and/or evolution of considerable heat; (2) evolution of flammable, toxic or asphyxiant gases; (3) the formation of corrosive substances; or (4) the formation of unstable substances.

Under the HMR, it is the shipper's responsibility to determine that the substances will not react dangerously with each other and otherwise cause a hazardous situation as provided in § 176.83(a)(8). However, we agree with your determination that the commodities meet the provisions of § 176.83(a)(8) and may be transported in the same intermodal freight container.

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

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

McIntyre  
3172.101

**Drakeford, Carolyn (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Monday, November 05, 2012 3:50 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Letter of Interpretation

§ 176.83(a)(8)  
Vessel  
12-0248

Hi Carolyn,

We received the following request for a formal letter of interpretation.

Thanks,  
Victoria

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**From:** Scott McElhoe [<mailto:smcelhoe@northlandservices.com>]  
**Sent:** Friday, November 02, 2012 6:17 PM  
**To:** INFOCNTR (PHMSA)  
**Subject:** Letter of Interpretation

Since the subsidiary hazard of oxidizer (5.1) was added to Chlorine (UN1017), there has been confusion regarding the domestic shipment, by water, of non-bulk Chlorine and Sulfur Dioxide (UN1079) in the same intermodal freight container. In compliance with 49 CFR 176.83(a)(8), can these two commodities, be shipped in the same container? They do not react explosively and neither form a compound that is more dangerous than each individually.

Regards,

*Scott McElhoe, CSP*  
EHSS Manager  
Northland Services Inc.  
(206) 892-2788