



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

AUG 03 2018

Mr. Randolph Martin  
Sr. Consultant, Hazardous Materials Distribution  
The Chemours Company  
1007 Market Street, Rm 3088  
Wilmington, DE 19899

Reference No. 18-0031

Dear Mr. Martin:

This letter is in response to your February 27, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the definition of a Division 2.2 non-flammable, non-toxic gas. You provide a scenario in which a gas exerts a gauge pressure of less than 200 kPa but is completely liquid at -50 °C, has a critical temperature of 138 °C, and exerts a gauge pressure of 163.3 kPa. Specifically, you ask whether the gas as described meets the definition of a Division 2.2 gas under the HMR.

The answer is yes. As prescribed in § 173.115(b), for the purposes of the HMR, a non-flammable, nonpoisonous compressed gas (Division 2.2) means any material (or mixture) which—(1) Exerts in the packaging a gauge pressure of 200 kPa (29.0 psig/43.8 psia) or greater at 20 °C (68 °F), is a liquefied gas or is a cryogenic liquid, and (2) Does not meet the definition of Division 2.1 or 2.3. Thus, regardless of pressure, a liquefied gas that complies with § 173.115(b)(2) meets the definition of a Division 2.2 non-flammable, non-toxic gas.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

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

Stevens  
173.115  
18-0031

## January, Ikeya CTR (PHMSA)

---

**From:** INFOCNTR (PHMSA)  
**Sent:** Thursday, March 01, 2018 10:41 AM  
**To:** Hazmat Interps  
**Subject:** FW: Formal Interpretation  
**Attachments:** Interp 11-0088.pdf; Interp 15-0234.pdf

Hello all,

Please see the below interp request.

Regards,  
-Breanna

**From:** Martin, Randy [mailto:RANDOLPH.MARTIN@chemours.com]  
**Sent:** Tuesday, February 27, 2018 3:53 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Formal Interpretation

This is to request a formal interpretation of the hazardous materials regulations, under 49 CFR 173.115.

We spoke with a member of your staff on Feb 26 concerning the transport of Div 2.2 materials.

We are trying to determine if a material that exerts in the packaging a gauge pressure of less than 200 kPa at 20C would be correctly classified as non-hazardous for transportation.

There are 2 previous interpretations (both attached) which seem to give conflicting answers.

#11-0088, dated June 7, 2011, indicates that a material must meet only one of the three provisions in 173.115(b)(1) to be considered a Division 2.2 material.

But #15-0234, dated May 5, 2016, seems to indicate that a cylinder containing a Division 2.2 gas only needs to exert a gauge pressure of less than 200 kPa at 20C to no longer meet the definition of a Division 2.2 gas.

The material in question is entirely gaseous at -50C with a critical temperature of 138C, is completely liquid at -50C, and exerts a gauge pressure of 163.3 kPa at 20C.

Thanks for your prompt attention to this request, and let me know if you have any questions.

**Randolph Martin**  
Sr. Consultant, Hazardous Materials Distribution  
302-773-2266 office  
302-383-4174 mobile  
**The Chemours Company**  
1007 Market Street, Rm 3088  
Wilmington, DE 19899



[LinkedIn](#) | [Twitter](#) | [Chemours.com](#)

This communication is for use by the intended recipient and contains information that may be privileged, confidential or copyrighted under applicable law. If you are not the intended recipient, you are hereby formally notified that any use, copying or distribution of this e-mail, in whole or in part, is strictly prohibited. Please notify the sender by return e-mail and delete this e-mail from your system. Unless explicitly and conspicuously designated as "E-Contract Intended", this e-mail does not constitute a contract offer, a contract amendment, or an acceptance of a contract offer. This e-mail does not constitute a consent to the use of sender's contact information for direct marketing purposes or for transfers of data to third parties.

Francais Italiano Deutsch Portuges Espanol Japanese Chinese Korean

[https://www.chemours.com/Chemours\\_Home/en\\_US/email\\_disclaimer.html](https://www.chemours.com/Chemours_Home/en_US/email_disclaimer.html)