



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

AUG 16 2005

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

Mr. Cliff Bartley
Manager, Hazardous Materials
Horizon Lines, LLC
Blount Island
5800-1 William Mills Street
Jacksonville, FL 32226-4013

Ref. No.: 05-0161

Dear Mr. Bartley:

This is in response to your June 23, 2005 letter regarding segregation requirements for hazardous materials in limited quantities transported by vessel under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

- Q1. Are hazardous materials in limited quantities excepted from segregation within a freight container under § 176.80(b) and from the container segregation requirements in § 176.83(f)?
- A1. Yes. Section 176.80(b) specifically states "Hazardous materials in limited quantities when loaded in transport vehicles and freight containers are excepted from the segregation requirements of this subpart and any additional segregation specified in this subchapter for transportation by vessel." Different packages of two hazardous materials that normally require segregation from one another may be stowed together in the same freight container when either or both of the materials are packaged only as limited quantities. With respect to segregation between freight containers, no segregation need be applied between a freight container loaded only with materials packaged as limited quantities and other containers whether or not the hazardous materials in those other containers are packaged as limited quantities.



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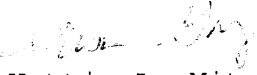
176.86
176.83

Q2. Under § 176.80(b), are hazardous materials in limited quantities excepted from stowage requirements specified in Subparts G through O of Part 176?

A2. As discussed in A1, stowage requirements that specify segregation between hazardous materials do not apply to limited quantities transported by vessel; however, stowage requirements other than those that specify segregation of hazardous materials are applicable to limited quantities. Please also note, that the HMR allow use of the IMDG Code in place of the provisions in the HMR subject to the conditions and limitations in § 171.12(b). With respect to stowage provisions for limited quantities, paragraph 3.4.3 of the IMDG Code allows the use of stowage Category A for hazardous materials transported as limited quantities regardless of the stowage category assigned for the material in column (16) of the Dangerous Goods List in Chapter 3.2 of the IMDG Code.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,



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

Pollack
§ 176.80
§ 176.83
Segregation
05-0161

Re: Subpart D – General Segregation Requirements 49CFR176.80 – Applicability

Dear Mr. Mazzullo,

Our company, Horizon Lines, LLC is a domestic containerized ocean transportation company. I am seeking additional understanding on the requirements for the shipment of “limited quantities” in containers.

The hazmat regulations in 49CFR176.80(b) states that: “Hazardous materials in “limited quantities” when loaded in transport vehicles and freight containers, are excepted from the segregation requirements of this subpart and any additional segregation specified in this subchapter for transportation by vessel.”

Please provide guidance on the following four questions:

1. Hazardous materials in limited quantities are excepted from any segregation within a container under 176.83(b)
2. Hazardous materials in limited quantities are also excepted from the container segregation requirements requirement of 176.83(f)
3. This subpart also covers the vessel segregation for above and below deck stowage as indicated by 176.83(f). Are “limited quantities” also excepted from the stowage requirements as noted by the statement that limited quantities are also excepted from “any additional segregation specified in this subchapter for transportation by vessel?”
4. Does the additional segregation include an exception to the detailed stowage requirements of part 176 subparts G – O?

Your assistance will be beneficial in our understanding in the regulations covering the handling of limited quantities. Thank you for your attention to these questions.

Sincerely,



Cliff Bartley,
Manager Hazardous Materials