



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

MAR 05 2008

1200 New Jersey Ave., S.E.
Washington, DC 20590

Mr. Phil Johnson
D.B. Western, Inc. - Texas
12511 Strang Road
LaPorte, TX 77572

Ref. No. 08-0010

Dear Mr. Johnson:

This is in response to your December 26, 2007 letter to Mr. Don Burger of the Pipeline and Hazardous Materials Safety Administration's (PHMSA's) Office of Hazardous Materials Special Permits and Approvals, and January 9, 2008 telephone conversation with a member of my staff concerning the shipment of a flammable liquid in a 286,000-pound rated tank car under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your letter was forwarded to PHMSA's Office of Hazardous Materials Standards for reply.

You state your company, a chemical manufacturer, plans to move its plant to a new location and would like to use a 286,000 pound, gross weight limitation (GWL) rated tank car to transport a new product it is developing with a high methanol content that may meet the definition of a flammable liquid. We have paraphrased your questions and answered them in the order posed in your letter.

- Q1. If a flammable liquid product is shipped in a 286,000-pound rated tank car, is it correct that the use of a Class DOT-111 tank car must be authorized by PHMSA under the terms of a special permit?
- A1. Assuming your product is a Class 3 (flammable liquid), PG II material, § 173.242 of the HMR authorizes the use of Class DOT-103, DOT-104, DOT-105, DOT-109, DOT-111, DOT-112, DOT-114, DOT-115, and DOT-120 tank cars. Of these tank cars, Class DOT-105, DOT-111, and DOT-112 tank cars of the requested weight have been authorized for use under the terms of a PHMSA-issued special permit. Please note that § 179.13 requires that any tank cars built after November 30, 1970, must not exceed 34,500 gallons capacity or 263,000 pounds gross weight on rail. Any deviation from these limitations must be authorized under the terms of a special permit issued by the Associate Administrator for Hazardous Materials Safety, PHMSA.
- Q2. What is this permit called and where do we locate the information on how to apply for it and what it costs?
- A2. A "special permit" is defined in § 171.8 and its requirements are prescribed in 49 CFR Part 107, Subpart B. The application procedures are prescribed in § 107.105. An

applicant must submit an application and supporting documentation, as well as any additional information or materials we request to process the application. This agency does not charge any processing fees for special permits.

Q3. What are the limits for what is considered a flammable liquid and what is not?

A3. The defining criteria for a Class 3 (flammable liquid) material are prescribed in § 173.120(a) and are as follows:

- A liquid having a flashpoint of not more than 60 °C (140 °F), or
- Any material in a liquid phase with a flash point at or above 37.8 °C (100 °F) that is intentionally heated and offered for transportation at or above its flash point in a bulk packaging.

A combustible liquid is also a Class 3 material. Its defining criteria are prescribed in § 173.120(b) and are as follows:

- Any liquid that does not meet the definition of any other hazard class specified in the HMR and has a flash point above 60 °C (140 °F) and below 93 °C (200 °F).
- A flammable liquid with a flash point at or above 38 °C (100 °F) that does not meet the definition of any other hazard class may be reclassified as a combustible liquid. This provision does not apply to transportation by vessel or aircraft, except where other means of transportation are impractical. An elevated temperature material that meets the definition of a Class 3 material because it is intentionally heated and offered for transportation or transported at or above its flash point may not be reclassified as a combustible liquid.
- A combustible liquid that does not sustain combustion when tested using either test method specified in American Society for Testing and Materials (ASTM) standard D 4206 (see § 171.7), or the procedure in Appendix H of 49 CFR Part 173 when heated under test conditions and exposed to an external flame source, is not subject to the HMR as a combustible liquid.

Additional requirements for classifying or excepting a material as a flammable liquid are prescribed in §§ 173.120 and 173.150, and the requirements for assigning a Packing Group to a flammable liquid are prescribed in § 173.121.

I hope this satisfies your request.

Sincerely,



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

LAMONSON
\$ 179.13
Tank Car

08-0010

D.B. WESTERN, INC. - TEXAS
Chemicals and Polymers

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(541)-756-0533 · Fax: (541)751-8619 · phil@dbwestern.com

Purchasing Office

ATT: Special Permits Information Officer

Subject: 286,000 Lb Rated Tank Cars

We are looking at the possibility of needing to ship one of our products in 286,000 lb GWL rated tank cars.

We need some information on this and cannot seem to locate what we need on the online services, and was recommended to your office by the main Federal office of information

Question: We are given to understand that if a product to be shipped in tank cars is considered flammable, then if it is to be shipped in 286,000 lb rated cars, it will need to be a Class 111 car and require a special permit, is that correct.

What is this permit called and where do we locate the information on cost of same and the requirements for filing for it.

If a product is considered flammable and not to be shipped in 286,000 lb rated cars but only standard 263,000 lb rated cars then does it require that they be class 111 cars and does it also require the permit given it has the proper documentation otherwise.

Where is the break on what is considered flammable and what is not

Please advise via Email if possible with complete answers as we have tired to glean them from the information on the WEB pages with no success

Thank you

Email: phil@dbwestern.com

From: Gale, John <PHMSA>
Sent: Wednesday, January 09, 2008 9:52 AM
To: Edmonson, Eileen <PHMSA>
Cc: Burger, Donald <PHMSA>
Subject: FW: DOT Questions.pdf

Here you go

From: Edmonson, Eileen <PHMSA>
Sent: Wednesday, January 09, 2008 9:51 AM
To: Gale, John <PHMSA>; Burger, Donald <PHMSA>
Subject: RE: DOT Questions.pdf

Sure, but where is the attached listing he is referring to? Don, do you have it?

Eileen Edmonson
Transportation Regulations Specialist
USDOT, Pipeline & Hazardous Materials Safety
Administration
1200 New Jersey Avenue, SE, PHH-12
Washington, DC 20590-0001
202-366-4481 (w)
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<http://hazmat.dot.gov> (website)
eileen.edmonson@dot.gov (e-mail)

From: Gale, John <PHMSA>
Sent: Wednesday, January 09, 2008 9:49 AM
To: Burger, Donald <PHMSA>; Edmonson, Eileen <PHMSA>
Subject: RE: DOT Questions.pdf

Eileen:

Can you please handle this inquiry by phone.

Thanks John

From: Burger, Donald <PHMSA>
Sent: Tuesday, January 08, 2008 3:32 PM
To: Gale, John <PHMSA>
Subject: FW: DOT Questions.pdf

John – Can one of your guys get back with this guy. I know it is kind of old, (It came in while I was out for Christmas and New Years) but I don't know rail cars at all. Thanks – Don B

From: Phil Johnson [mailto:Phil@dbwestern.com]
Sent: Wednesday, December 26, 2007 3:12 PM
To: Burger, Donald <PHMSA>
Subject: DOT Questions.pdf

We are a chemical producer and have been rying to get some questions clearly answred regarding shipping product considered flammable in the 286,000 lb rated tank cars

Mr Billy Hines of the SW Regional office referred us to you for response

Please see atatched listing

Sincerely would appreciate a complete response to these and not just another refferal to a web site as we cannot seem to wade thru tjhose and get the eact answers we need as it is very confusing

Thank you for your help