



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

SEP 22 2014

Mr. Andrew N. Romach  
Regulatory Compliance Manager  
URS Corporation  
1600 Perimeter Park Drive  
Morrisville, NC 27560

Ref. No.: 14-0027

Dear Mr. Romach:

This responds to your February 7, 2014 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping papers. In your letter, you note that for transportation by water § 172.203(i)(2) requires the minimum flash point, if 60 °C (140 °F) or below (in °C closed cup (c.c.)) to be entered on the shipping paper in association with the basic description. You ask whether this requirement applies to “UN3363, Dangerous Goods in Apparatus, 9” where the apparatus contains a flammable liquid with a minimum flashpoint of 60 °C (140 °F) or below?

The answer is yes. The definition of flash point as provided in § 173.120(c)(1) is the minimum temperature at which a liquid gives off vapor within a test vessel in sufficient concentration to form an ignitable mixture with the air near the surface of the liquid. Therefore, the HMR § 172.203(i)(2) requirement that for transportation by water, the minimum flash point must be entered on the shipping paper, applies only to liquids. If the material in the apparatus is appropriately classed as Class 3 flammable liquid, the shipping paper flash point requirement does apply regardless of the fact that “UN3363” is assigned for the overall shipping description.

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

Sincerely,

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



February 7, 2014

Nickels  
§ 172.203 (i)(2)  
Shipping Papers  
14-0027

Mr. Charles Betts, Division Director  
Standards and Rulemaking (PHH-10)  
U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
East Building, 2nd Floor  
1200 New Jersey Ave., SE  
Washington, DC 20590

Dear Mr. Betts:

I am writing to you to request a Department of Transportation (DOT) interpretation concerning the requirement in 49 CFR 172.203(i)(2) to write the "minimum flashpoint of 60°C (140°F) or below (in °C closed cup (c.c)) in association with the basic description" on the shipping paper for a marine shipment of a hazardous material.

**Question:** As this regulatory provision does not specify a hazard class, would the requirement apply to other hazard classes besides Class 3 flammable liquid, such as a Class 9 "UN3363, Dangerous goods in apparatus" where the apparatus contains a flammable liquid with a minimum flashpoint of 60°C (140°F) or below?

I would appreciate your assistance with this question.

Sincerely,

Andrew N. Romach  
Regulatory Compliance Manager  
URS Corporation

URS Corporation  
1600 Perimeter Park Drive Morrisville, NC 27560  
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## Drakeford, Carolyn (PHMSA)

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**From:** Jarman, Erin <erin.jarman@urs.com>  
**Sent:** Monday, February 10, 2014 10:09 AM  
**To:** PHMSA HM InfoCenter  
**Cc:** Drakeford, Carolyn (PHMSA); Norris, Carolyn; Romach, Andy  
**Subject:** Requests for Formal DOT Interpretation  
**Attachments:** request for DOT regulatory interpr marine flashpoint 02072014.pdf; request for DOT regulatory interpr li batt SP A54 02072014.pdf

Dear Info Center,

I am attaching these two requests for formal interpretation. If you have any questions regarding these requests, please do not hesitate to contact me at 919-461-1478. Thanks in advance for your assistance. I hope you are all doing well.

Erin N. Jarman  
Environmental Scientist  
URS Corporation  
1600 Perimeter Park Dr.  
Suite 400  
Morrisville, NC 27560

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