



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

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

JAN - 5 2010

Mr. Rich Daley
Logistics Compliance Manager
Hexion Specialty Chemicals
180 East Broad Street
Columbus, OH 43215

Ref. No.: 09-0239

Dear Mr. Daley:

This responds to your letter regarding clarification of the phrase "or transported at or above its flash point" as it applies to elevated temperature material (ETM), defined in §171.8 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a material described as "UN 1993, Flammable liquid, n.o.s., 3, PG III" with a flashpoint of 45°C (113°F), loaded and shipped in a tank car at a temperature of 60°C (140°F) meets the definition of an elevated temperature material, even if it is not intentionally heated.

The answer is no. A material is an elevated temperature material when offered for transportation or transported in a bulk packaging and is in a liquid phase at a temperature at or above 100°C (212°F), is in a liquid phase with a flash point at or above 38°C (100°F) that is intentionally heated, or is in a solid phase and at a temperature at or above 240°C (464°F). Therefore, the material described in your letter does not meet the definition for an elevated temperature material.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards



Hexion Specialty Chemicals, Inc.

180 East Broad St, 29th Floor
Columbus, OH 43215
hexionchem.com

Richard Daley

Logistics Compliance Mgr NA
(614) 225-4188
Richard.daley@hexion.com

Engrum
§171.8.
Definition
09-0239

October 20, 2009

U.S. DOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

Re: Elevated Temperature Materials

Would a UN 1993, Flammable Liquid, NOS, 3, PG III loaded and shipped in a tank car at a temperature of 60° C and a flashpoint of 45° C meet the definition of an Elevated Temperature Material even if it was not intentionally heated for transportation?

Elevated temperature material means a material which, when offered for transportation or transported in a bulk packaging:

- (1) Is in a liquid phase and at a temperature at or above 100 °C (212 °F);
- (2) Is in a liquid phase with a flash point at or above 37.8 °C (100 °F) that is intentionally heated and offered for transportation or transported at or above its flash point; or
- (3) Is in a solid phase and at a temperature at or above 240 °C (464 °F).

Sincerely,

Rich Daley
Logistics Compliance Mgr
Hexion Specialty Chemicals
180 East Broad St
Columbus, OH 43215