



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

SEP 13 2012

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

Reference No.: 12-0201

Dear Mr. Bartley:

This is in response to your April 20, 2012 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You note that for transportation by water § 173.203(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 Division 2.1 flammable gas.

The answer is no. 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 § 173.203(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 is appropriately classed as Division 2.1, the flash point does not apply.

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

Sincerely,

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

Friday, April 20, 2012

Mr Charles Betts,
Director of Hazmat Standards
Office Hazardous Materials Standards
US DOT PHMSA
Attn: PHH-10
U.S. Department of Transportation, East Building
1200 New Jersey Avenue, SE.
Washing, DC 20590-0001

Babich
§ 171.8
§ 173.120
§ 172.203
Definitions
12-0201

Re: 49CFR172.203(i)(2) – Transportation by water

Dear Mr Betts,

Our Company, Horizon Lines, LLC, is a domestic ocean container water carrier who ship containerized cargo to offshore domestic locations. There is beginning to develop some confusion in reference to 49CFR172.203(i)(2) as it applies to class 2.1 cargo. The regulations in essence state that for carriage by water, the shipping paper must include the flash point if the cargo has a "Minimum flashpoint if 60 °C (140 °F) or below (in °C closed cup (c.c.)) in association with the basic description".

The requirement to provide the flash point for class 3 flammable liquid cargos is a standard practice in the vessel transportation industry but there has developed some confusion as to whether this requirement is to be equally applied to class 2.1 flammable gas cargo. The regulations seems to indicate that this flashpoint requirement pertain to only class 3 flammable liquid cargo based on the definition in 49CFR171.8 for the flash point as well as the reference and information in 49CFR173.120. A requirement for a flash point for class 2.1 also seem to be in conflict with 49173.115 as it defines class 2.1.

Please advise whether 49CFR172.203(i)(2) applies to class 2.1 flammable gas cargo.

Thank you for your help in this matter.

Regards,



Cliff Bartley
Manager Hazardous Materials
Horizon Lines, LLC