



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

FEB 28 2003

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

Mr. Rick Van Gemert, ARM, CPEA  
Hazardous Materials Supervisor  
Jevic Transportation  
700 Creek Road  
Delanco, NJ 08075

Reference No.: 03-0014

Dear Mr. Van Gemert:

This is in response to your letter requesting clarification of the loading requirements for cylinders under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, your understanding of § 177.840(a)(1) is that (1) a cylinder may only be transported in an upright position unless designed to be transported horizontally, and (2) after May 30, 2003, a cylinder may be loaded in a horizontal position if the inlet and relief valves are located in the vapor space of the cylinder.

In a final rule published August 8, 2002 (Docket HM-220D; 67 FR 51652), we revised § 177.840(a)(1) to prohibit cylinders of Class 2 materials from being horizontally loaded unless the pressure relief device is designed with the inlet port located in the vapor space of the cylinder. Based on appeals we received to the final rule, and to allow us additional time to address the appellants' concerns, we postponed compliance with this provision until after May 30, 2003 (See Docket HM-220D; 67 FR 61289, September 30, 2002). In the interim, cylinders (except for DOT 4L cylinders) may continue to be loaded in a horizontal position.

I hope this satisfies your request.

Sincerely,

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



030014

177.840(a)(1)



Corbin  
§ 177.840(a)(1)  
Cylinders  
03-0014

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January 10, 2003  
Via Fax

Mr. Edward Mazzullo, Director  
Office of Hazardous Material Standards  
U. S. Department of Transportation  
RSPA (DHM)  
400 Seventh Street, SW  
Washington, D.C. 20590-0001

RE: Cylinder shipping requirements

Dear Mr. Mazzullo:

This letter is to confirm a telephone conversation I had with an individual on the DOT hotline on January 10, 2003. JEVIC Transportation, Inc. frequently transports cylinders for a variety of our clients. We strive to maintain compliance with current and proposed DOT safety requirements. After reading the current Code of Federal Regulations, it came to my attention certain cylinder shipping requirements. As I interpret 29 CFR 177.840(a)(1) to read:

- 1.) Cylinders in transportation need to be shipped only in the upright position unless designed to be shipped horizontally; and
- 2.) As of May 30, 2003, cylinders may be shipped in a horizontal position as long as the inlet and relief valves remain the gaseous headspace of the contents of the cylinder.

Recently, JEVIC did not allow a client to ship his cylinders banded to a pallet due to this regulation. Our Hazardous Materials Department called the DOT hotline and was informed that I was correct in my interpretation of this regulation, and cylinders need to be shipped in an upright position. After May 30, 2003, cylinders may be shipped secured in the horizontal position and with the above-mentioned limitation.

I would like to receive a written confirmation of my conversation regarding this shipping issue as quickly as possible due to the impact it may have on some of our clients.

Thank you for your time and consideration to this matter. Feel free to contact me to discuss this matter at 800-257-0427, x-6498.

Sincerely,

Rick Van Gemert, ARM, CPEA  
Hazardous Materials Supervisor

ExperienceJevic