



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

MAR 29 2005

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

Mr. Rory Butler
Holman Fenwick & Willan
Marlow House, Lloyds Avenue
London EC3N 3AL

Ref No.: 04-0280

Dear Mr. Butler:

This responds to your December 14, 2004, email requesting clarification of the Hazardous Material Regulations (HMR; 49 CFR Parts 171-180) applicable to vessel stowage of heat sensitive material. Specifically, you ask how the regulations apply to containers packed with heat sensitive hazardous materials. Please accept my apology for the delay in responding and any inconvenience this may have caused.

When the Hazardous Materials Table (HMT; § 172.101) references "Code 48" in column (10B) for a specific hazardous material, the material must be stowed "away from" sources of heat (see § 176.84(b)). As indicated in § 176.84(a), the term "away from" is defined in § 176.83. In accordance with § 176.83(c)(2)(ii), "away from" means "effectively segregated so that the incompatible materials cannot interact dangerously in the event of an accident but may be carried in the same compartment or hold or on deck provided a minimum horizontal separation of 3 m (10 ft) projected vertically is obtained." With reference to materials that must be stowed "away from" sources of heat, therefore, "away from" means a minimum separation of 3 m in any direction from the heat source. When heat sensitive material is packed inside a freight container, the freight container must be stowed a minimum of 3 m in any direction from the heat source.

You ask if the regulatory requirements for stowage of heat sensitive materials have been revised since 1998. The regulatory text in § 176.83(c)(2)(ii) concerning the definition of "away from" and the regulatory text in § 176.84 concerning Code 48 has not changed since 1998. However, without knowing the specific material at issue, we cannot say whether the Code 48 stowage requirements applied to the material in 1998. For example, in 1998, the column (10B) entry in the HMT for "Calcium hypochlorite, hydrated, UN 2880" referenced Code 50, which required the material to be stowed "away from" sources of heat where temperatures in excess of 55° C (131° F) for a period of 24 or more hours would be encountered. The stowage requirements for calcium hypochlorite were revised after 1998; the column (10B) entry for this material now references Code 48.

Sincerely,



Susan Gorsky
Acting Director
Office of Hazardous Materials Standards

176.83



040280

Eichenlaub
§176.83
Segregation
04-0280

Dear Mr. Butler,

The Office of Hazardous Materials Standards may not respond to formal requests for interpretation via E-mail. In general, formal guidance is requested via mail or fax in accordance with 49 CFR § 105.20. In order to properly respond to your request, we have transferred your inquiry to the appropriate official and after review, you will receive a written response via standard mail.

If you have any questions or require additional assistance, you may contact the Hazardous Materials Information Center, which is staffed with regulatory specialists who can quickly answer your questions by phone, Monday through Friday, 9 AM - 5 PM EST at (800) 467-4922 or (202) 366-4488.

Sincerely,

Kevin Leary, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20.
<http://hazmat.dot.gov/infocent.htm>

-----Original Message-----

From: Rory Butler [mailto:Rory.Butler@hfw.co.uk]

Sent: Tuesday, December 14, 2004 6:00 PM

To: INFOCNTR@RSPA.dot.gov

Cc: Julian Clark

Subject: RE: urgent - INTERPRETATION QUERY regarding CFR 49 - meaning of s
towage "away from" sources of heat

PLEASE READ THE IMPORTANT NOTICE BELOW

E-MAIL FOR KEVIN LEARY

Dear Mr Leary

Thank you for your earlier e-mail and for responding so quickly.

We have already reviewed CFR 49 in some detail for guidance on the "away from" stowage requirement, in particular we have considered 176.83 in depth.

We are concerned with a situation where a 20ft container (containing heat sensitive dangerous goods) has been stowed directly on top of a heated bunker tank, with just a few inches separating the top of the heated bunker tank from the bottom of the container. On our reading of CFR 49 as it stood in 1998, in particular 176.83 this stowage is entirely satisfactory as the stowage is away from the source of heat by virtue of the fact that the goods are within a container. The container itself satisfying the "away from" requirement.

We doubt this can be correct from a practical and safety level and therefore sought your guidance. Please let us know if we are misreading CFR 49 and how you would regard stowage as described in the paragraph above. How far away from the source of heat should the container be (if at all) for example?

We would have contacted your phonenumber but given the time difference with the UK and the fact that this enquiry is complex we thought it best to e-mail.

Many thanks again for your help

Best regards

Rory Butler

Rory Butler

Holman Fenwick & Willan

Direct Dial: 020 7264 8310

Fax: 020 7481 0316

e-mail: rory.butler@hfw.co.uk

>>> INFOCNTR <INFOCNTR@RSPA.dot.gov> 12/14/04 9:28 PM >>>

Dear Mr. Butler,

We have received your inquiry about the hazardous materials regulations (HMR) (49 CFR Parts 171-180).

The HMR prescribes the requirements of the Department of Transportation governing the offering and transportation of hazardous materials in interstate, intrastate, and foreign commerce by rail car, aircraft, motor vehicle, and vessel. While we cannot provide an exhaustive list of each applicable requirement, we suggest you review § 176.83 for additional information on the definition of "Away from" as it is used in the vessel stowage provisions found in § 176.84. The hazardous materials regulations are available at the following URL: <http://hazmat.dot.gov/rules.htm>
<<http://hazmat.dot.gov/rules.htm>>

If you require additional assistance, you may contact the Hazardous Materials Information Center, which is staffed with regulatory specialists who can quickly answer your questions by phone, Monday through Friday, 9 AM - 5 PM EST at (800) 467-4922 or (202) 366-4488.

Sincerely,

Kevin Leary, Hazardous Materials Specialist