



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

FEB - 1 2001

Mr. John L. Conley
National Tank Truck Carriers, Inc.
2200 Mill Road
Alexandria, VA 22314

Ref. No. 00-0350

Dear Mr. Conley:

This is in response to your November 28, 2000, letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to fuel oil No. 6 with a flash point above 200°F.

Under § 173.120(b)(1), a combustible liquid is defined as a material that has a flash point above 60.5°C (141°F) and below 93°C (200°F) that does not meet the definition of any other hazard class under the HMR. Therefore, fuel oil No. 6 with a flash point greater than 93°C (200°F), that does not meet any other hazard class defining criteria in Part 173, and is not a hazardous waste, hazardous substance, or marine pollutant, is not subject to the HMR.

I hope this satisfies your request.

Sincerely,

John A. Gale
Transportation Regulations Specialists
Office of Hazardous Materials Standards



000350



NATIONAL TANK TRUCK CARRIERS, INC.

THE NATIONAL ORGANIZATION SERVING THE FOR-HIRE TANK TRUCK INDUSTRY

CLIFFORD J. HARVISON
PRESIDENT

2200 MILL ROAD • ALEXANDRIA, VA 22314-4677
PHONE: 703/838-1960 • FAX: 703/684-5753

November 28, 2000

Mr. Edward Mazzullo
Office of Hazardous Materials Standards
Research and Special Programs Administration
U. S. Department of Transportation
400 7th St. SW
Washington D.C. 20590

Gate BAH
S 172.101
S 172.202
Placarding /
Shipping Papers
Applicability
00-0350

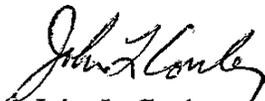
Dear Mr. Mazzullo:

We would appreciate an interpretation of the Hazardous Materials Regulations relative to "fuel oil, (No. 6)." Do the Hazardous Materials Regulations, such as placarding and requirements for shipping papers, apply to a tank truck load of fuel oil #6 that has a flash point over 200 degrees Fahrenheit? In other words, is a bulk load of fuel oil #6 with a flash point over 200 degrees Fahrenheit a hazardous material?

We understand that a specification cargo tank would not be required, but questions have arisen concerning other parts of the regulations—specifically placarding and shipping papers..

Thank you for an early consideration of this question.

Sincerely,


John L. Conley
Vice President