



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

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

APR 13 2010

Mr. Frits Wybenga
Technical Director
Dangerous Goods Advisory Council
Suite 740
1100 H Street, NW
Washington, DC 20005

Ref. No.: 09-0248

Dear Mr. Wybenga:

This is in response to your November 4, 2009 e-mail regarding my response to a question raised in a letter (Ref. No. 09-0118) concerning acceptable shipping descriptions for an import shipment of a combustible liquid under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). The letter in question indicated that a bulk packaging containing a combustible liquid with a flashpoint of 79 °C (174 °F) being imported into the United States by vessel may be described using the identification number and proper shipping name "NA1270, Petroleum oil."

You suggest that there is no regulatory basis for allowing a Hazardous Materials Table (HMT) entry listed with a UN identification number to be changed to an NA number for a combustible liquid not subject to the international regulations. You also suggest that if the change from a UN to an NA identification number is permitted, the identification number and proper shipping name "NA 1993, Combustible liquid" is more appropriate.

The MSDS submitted with the incoming letter identifies the material as "UN1268, Petroleum distillates, n.o.s., Combustible liquid, PG III." Since § 172.101(d)(4) permits modification of the Class 3 reference in Column 3 of the HMT to read "Combustible liquid" when that material has a flash point above 60 °C (140 °F) but below 93 °C (200 °F), this shipping description is acceptable under the HMR. The shipping description suggested in the incoming letter – "NA1270, Petroleum oil" – is also acceptable; petroleum oil is included in the petroleum distillate family and the "NA1270, Petroleum oil" shipping description entry is listed in the HMT. The HMR authorize these shipping descriptions and therefore an approval under § 172.101(l)(2) is not needed. Note that

since the HMR require a shipper to use the name in the HMT that most appropriately describes the material, use of the name "Petroleum oil" is preferable to the name "Combustible liquid" (see § 172.101(c)(12)(ii)).

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

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

Andrews
§ 172.101
§ 173.22
Proper Shipping Name
09-0248

Drakeford, Carolyn (PHMSA)

From: Mitchell, Hattie (PHMSA)
Sent: Thursday, October 29, 2009 11:51 AM
To: Drakeford, Carolyn (PHMSA)
Cc: Gorsky, Susan (PHMSA)
Subject: FW: Use of NA in place of UN - interp 09-0118

Please log in.

From: Frits Wybenga [mailto:fwybenga@dgac.org]
Sent: Thursday, October 29, 2009 11:27 AM
To: Mitchell, Hattie (PHMSA)
Cc: Mazzullo, Ed (PHMSA)
Subject: Use of NA in place of UN - interp 09-0118

Hi Hattie – in the referenced interp you allow a hazmat table entry to be changed from UN 1268 to NA 1268 when the material is a combustible liquid not subject to international regs.

I see no regulatory basis for going from UN to NA and would have assumed that NA 1993 Combustible liquid should have been recommended instead of NA 1268. I know you make the general statement that UN is for international/domestic and NA is reserved for domestic only but this is explanatory text indicating the significance of UN and NA - not text that allows a shipper to replace UN with NA.

I know there is the 172.101(l)(2) provision that allows PHMSA to make changes to the entries in the table but when this is done that authority has been cited as part of the approval. Shipping paper requirements say the info has to be as provided in the 172.101 table and the packaging requirements for combustible liquids are different than those for UN 1268.

You might want to take another look at this one. - Frits