U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAR 3 0 2018

David Alvarado
Texas Highway Patrol
5805 Guadalupe Street
Building N-1
Austin, TX 78752

Reference No. 17-0093

Dear Mr. Alvarado:

This letter is in response to your August 24, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to Special Provision B1 as it relates to "UN 1863, Fuel, aviation, turbine engine, 3, III" and a previous interpretation letter, 17-0012.

We have paraphrased and answered your questions as follows:

Q1. You ask if the shipper is required to reclassify the material as "NA 1993, Combustible liquid, n.o.s. (Jet-A Fuel) III" for communication purposes if Special Provision B1 applies.

A1. The answer is no. Special Provision B1 does not require material to be reclassified. The material may be reclassified to a combustible liquid under the provisions of § 173.150(f) if desired.

Q2. You ask if the shipper could use the description "UN 1863, Fuel, aviation, turbine engine, (Jet-A Fuel), 3, III" and transport the material in a non-DOT specification package in accordance with § 173.241 if Special Provision B1 applies.

A2. The answer is yes. If the material has a flashpoint between 38 °C and 93 °C, then it may be transported under § 173.241. The material does not have to be reclassified as a combustible liquid.

Q3. You ask how the shipper should communicate the flash point of the material to indicate that it is within the limits of Special Provision B1 to allow packaging under § 173.241.

A3. In accordance with § 173.22, it is the shipper's responsibility to properly classify a hazardous material. If the material is reclassified and shipped in a bulk packaging, then it is still subject to shipping paper requirements and should be described as a combustible liquid. If the material is not reclassified, then a Safety Data Sheet (SDS) containing results from one of the authorized tests (see § 173.120(c)) can be used to confirm a material's flash point is within the prescribed range. It should be noted that under the HMR, SDSs are not required to be included with a shipment of hazardous materials. The requirements for SDSs are promulgated by the Occupational Safety and Health Administration and can be found in 29 CFR 1910.1200.

In addition, letter of interpretation 17-0012 will be reissued to include reference to the Special Provision.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

T. Glenn Foster

T. Glenn Foster
Chief, Regulatory Review and Reinvention
Standards and Rulemaking Division

Wolcott
§173.241
Packagings Specs
17-0093

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Monday, August 28, 2017 9:23 AM
To: Hazmat Interps
Subject: FW: Interpretation Reference 17-0012, June 29, 2017 to Ms. Bridgett Couch
Attachments: 170012.pdf

Hi Alice,

Please submit this as a letter of interpretation. Let me know if you have questions.

Thanks,
Jodi

From: Alvarado, David (CVE) [mailto:David.Alvarado@dps.texas.gov]
Sent: Thursday, August 24, 2017 3:40 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Interpretation Reference 17-0012, June 29, 2017 to Ms. Bridgett Couch

Dear Sir or Madam,

In the attached interpretation (17-0012, June 29, 2017 to Ms. Bridgett Couch) you responded under Q2 that a non-DOT specification tank was not authorized to transport "UN 1863, Fuel, aviation, turbine engine, 3, III" in bulk since §173.242(b) requires a DOT specification package.

My questions will be in regards to Special Provision "B1" that is listed in column 7 of the 172.101 Hazardous Material Table under "UN 1863, Fuel, aviation, turbine engine, 3, III".

Special Provision "B1" states as follow: **B1. If the material has a flash point at or above 38 °C (100 °F) and below 93 °C (200 °F), then the bulk packaging requirements of §173.241 of this subchapter are applicable. If the material has a flash point of less than 38 °C (100 °F), then the bulk packaging requirements of §173.242 of this subchapter are applicable.**

Question 1 –The HM listed in the interpretation has a flash point at or above 38 °C (100 °F) and below 93 °C (200 °F) were Special Provision "B1" would apply since it's in a bulk package but it appears that it was not taken into consideration when interpretation #17-0012 was written. I would like to know the reasoning for its omission since Special Provision "B1" would allow a non-DOT specification package to transport this HM under §173.241?

Question 2- If Special Provision "B1" applies and is allowed, would the shipper be required to reclassified the hazardous materials as "NA 1993, Combustible Liquid, n.o.s., (Jet-A Fuel), 3, III" to communicate that it has been reclassified for the purpose of using a non-DOT specification package as allowed by §173.241?

Question 3 – If Special Provision "B1" applies and is allowed, could the shipper use shipping description "UN 1863, Fuel, aviation, turbine engine, 3, III" and still have the ability to use §173.241 and transport it in a non-DOT specification package?

Question 4 – If answer to "Question 3" is yes and allowed, how does the shipper communicate the flash point of the HM to indicate that it has a flash point at or above 38 °C (100 °F) and below 93 °C (200 °F) so that §173.241 can be used and transport it in a non-DOT specification package?

I appreciate your consideration of the questions and please contact me if you have any questions.

Thank you,

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