



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

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

MAR 26 1998

Ms. Jill E. Pettibone  
Executive Director  
Contract Management Policy  
Defense Logistics Agency  
The Defense Contract Management Command  
8725 John J. Kingman Road, Suite 2533  
Ft. Belvoir, VA 22060-6221

Dear Ms. Pettibone:

This is in response to your letter of March 4, 1998, concerning the shipment of non-bulk quantities of Fuel, aviation, turbine engine, UN 1863. In your letter you asked whether training requirements apply to the shipment of this material if it is reclassified as a combustible liquid.

For transport by a mode other than vessel or aircraft, the material may be reclassified as a combustible liquid in accordance with 49 CFR 173.120(b). In accordance with 49 CFR 173.150(f)(2), a combustible liquid is not subject to the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180), when shipped in non-bulk packages (i.e. a maximum capacity of 450 L or a maximum net mass of 400 kg). As the training requirements found in 49 CFR, Part 172, Subpart H apply only to persons handling materials which are subject to the HMR, they would not apply if the material is reclassified as a combustible liquid and transported in non-bulk quantities. However, if the material is transported by aircraft, it may not be reclassified as a combustible liquid unless transportation by other means is impracticable and would, therefore, be subject to the regulations, including the training requirements.

With regard to samples transported by your agency's employees, the transportation of a hazardous material by a Federal government employee for non-commercial purposes in a privately-owned or government-owned vehicle is not subject to the HMR.

I trust this satisfies your inquiry. If we can be of further assistance, please do not hesitate to contact us.

Sincerely,

Edward T. Mazzullo  
Director, Office of Hazardous  
Materials Standards



**DEFENSE LOGISTICS AGENCY**  
THE DEFENSE CONTRACT MANAGEMENT COMMAND  
8725 JOHN J. KINGMAN ROAD, SUITE 2533  
FT. BELVOIR, VIRGINIA 22060-6221

IN REPLY  
REFER TO

DCMC-O

MAR 4 1998

Mr. Bob Richard  
International Standards Coordinator  
U.S. Department of Transportation  
Research and Special Programs Administration  
Office of Hazardous Materials Safety  
400 Seventh St., S.W.  
Washington, D.C. 20590

Dear Mr. Richard:

The Defense Contract Management Command (DCMC) provides contract management services to the military services and to federal agencies. One of our contract management responsibilities is to ensure the Government's interests are served by contractors' adherence to contract terms and conditions.

One type of contract is known as an into-plane servicing contract. Fixed base operators at commercial airports are awarded contracts from the Defense Energy Support Center to provide fuel and other services to military aircraft. In addition, these contractors are contractually required to obtain, package, and ship samples of their fuel to a government laboratory for testing to assure that the fuel meets specification requirements. Modes of transportation of these samples may be either over the road or by aircraft.

The specification (ASTM-D-1655) name of the fuel referenced above is "Aviation Turbine Fuel, Jet-A." The proper shipping name taken from the Hazardous Materials Table, 172.101 of the Code of Federal Regulations, Title 49, (49 CFR) is "Fuel, aviation, turbine engine" and the identification number is "UN1863." The sample size is one gallon.

Considering the above information, we believe that training is required In Accordance With (IAW) 49 Civilian Federal Regulation (CFR), Subpart H, TRAINING. However, we recently received correspondence one page enclosed, slide #78 and notes) which was part of a hazardous materials general awareness and familiarization training course. The topic of the slide and notes was Class 3 flammable liquids. The notes state in part "...Liquids with a flash point between 100° F and 141° F shipped domestically, may be reclassified as a combustible liquid. The DOT further provides exceptions for combustible liquids and the regulations state that a combustible liquid in a non-bulk container is not regulated.

**Therefore, a motor carrier transporting a combustible liquid in non-bulk containers is not subject to hazardous material routing restrictions, drivers do not require a Hazmat endorsement on their Commercial Drivers License (CDL), specification packaging is not required, labels and placards are not required. In other words, none of the hazardous materials regulations apply to such shipments...".** Please review the enclosed document and respond as to its accuracy. It is understood the enclosed information relates to transporters. DCMC's primary interest is associated with the training for packaging and shipping certification. With that said, would you please respond to the following questions:

Does the contractor at the into-plane location who samples, packages, and prepares the shipping papers for the carrier require training IAW 49 CFR, Subpart H, TRAINING when the fuel has been reclassified from flammable to combustible? Please provide rationale and references.

In the above scenario, would paragraphs 173.150(f)(1) and (2) of 49 CFR apply? If they do apply, does this mean that none of the requirements in 49 CFR apply at these into-plane locations?

There are also incidents where a DCMC representative is asked by Air Force One advance team members to transport a one gallon sample of Comm Jet A1. What are the requirements when a DCMC representative transports this material in a Privately Owned Vehicle or Government Owned Vehicle? Do they have any packaging, labeling or marking requirements? Do they need to have a chauffeurs license, etc? Is there a DOT prohibition on our representative taking this sample to a Government testing facility?

Your prompt response to these inquiries is greatly appreciated. If you have any questions, please call Ms. Dolly Twist at 617-753-3224, Mr. Ed Driscoll at 617-753-4389, or Mr. Bob Guilfoyle at 617-753-4087.

Sincerely

  
JILL E. PETTIBONE  
Executive Director  
Contract Management Policy

Enclosure