



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

JAN 17 2006

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

Mr. Tony Ortego
Hazardous Materials Specialist
Boasso America Corporation
100 Intermodal Drive
Chalmette, Louisiana 70043

Ref. No. 05-0167

Dear Mr. Ortego:

This responds to your June 24, 2005 letter requesting clarification on shipping hazardous materials in a portable tank as a bulk export shipment from the port of New Orleans under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for clarification on the proper shipping name and hazard class for your material, as well as the required markings and placarding for the portable tank.

According to your letter, you are shipping a bulk quantity of a material that meets the defining criteria for a combustible liquid, UN 1993, as well as an environmentally hazardous substance and a marine pollutant for alkyl-(C3-C5)-benzene and solvent naphtha. You also state that the portable tank is currently being marked and placarded as a Class 9, Marine Pollutant, and bears no markings as a Combustible liquid, NA 1993.

In accordance with § 173.22, it is the shipper's responsibility to properly class and describe a hazardous material for transportation. This Office does not perform that function. However, it is the opinion of this Office that the proper shipping description for your material would be 'Combustible liquid, n.o.s., NA 1993' under the HMR. It is also the opinion of this Office that in accordance with the International Maritime Dangerous Goods (IMDG) Code, the proper shipping description would be 'Environmentally hazardous substances, liquid, n.o.s., 9, UN 3082, PG III'. Both entries require a technical name. If a reportable quantity of a listed environmentally hazardous substance is contained in one package, the letters "RQ" must be included in association with the shipping paper description. The words "Marine Pollutant" must be included in association with the shipping paper description if a listed marine pollutant is contained in the package.

For domestic transportation, the portable tank must be marked in accordance with §§ 172.302, 172.322(b), and 172.326 or if part of the shipment is by vessel, the IMDG Code may be used instead of the HMR. The portable tank must be placarded in



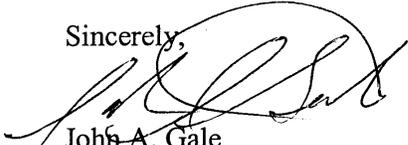
050167

173.22

accordance with § 172.504. Placarding is not required for Class 9 materials when shipped domestically.

I hope this answers your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read 'John A. Gale', written over the word 'Sincerely,'.

John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards

June 24, 2005

Mr. Edward T. Mazzullo
Director, Office of Hazardous Material Standards
U.S. DOT/PHMSA (PHH-10)
400 7th St. S.W.
Washington, D.C. 20590-0001

Boothe
§ 173.22
Shipper's Responsibility
05-0167



BOASSO
A M E R I C A

Dear Sir:

I am requesting an interpretation concerning a shipment of hazardous material being shipped as an export shipment out of the port of New Orleans.

The material is being shipped as a bulk shipment in a portable tank and as such, travels on the highway between Alabama and New Orleans.

The material meets the description of a "Combustible liquid n.o.s.(contains solvent naphtha) NA 1993, PGIII, Marine Pollutant" Flashpoint 67 C.

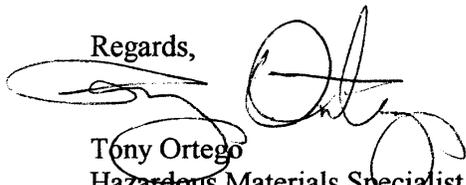
It also meets the description of "Environmentally hazardous substance, liquid, n.o.s. (contains alkyl-(C3-C5)-benzene) class 9, UN3082, PGIII, flashpoint: 67C, Marine Pollutant.

Both descriptions are listed on the shipping paper. (Sample copy attached)

The tank is marked and placarded as a class 9, Marine Pollutant, and bears no markings as a "NA1993" or combustible liquid.

This material is presently being transported on a regular basis. Could you please determine how the material should be classified on the shipping paper as well as the marking and placarding of the portable tank?

Regards,



Tony Ortego
Hazardous Materials Specialist
Boasso America Corporation
100 Intermodal Dr.
Chalmette, Louisiana, 70043

Attachment: Sample Shipping Paper

Boasso America Corporation
100 Intermodal Drive
Chalmette, LA 70043

Tel: (504)279-8544
Fax: (504)277-0113
www.boassoamerica.com

ISO 9002
Certificate Number: 31089

Bill of Lading

Short Form - ORIGINAL - NOT NEGOTIABLE

Printed on : 06/06/2005

Page 1 of 2

Order No. : 187476		Customer P.O. No. : TBA		Freight Terms: Collect		Bill of Lading No.: 80266605	
Shipper : [REDACTED]				Ship-to A/c No. 900010059 NAPOLEAN AVENUE TERMINAL 50 NAPOLEAN AVENUE NEW ORLEANS, LA, 70115			
[REDACTED]				SCAC:		PRO No. :	
[REDACTED]				Vehicle ID : [REDACTED]			
Ship Date / Time : 06/06/2005 - 08:00		Delivery Date/Time : 06/06/2005		Route ID :			
No. and Kind of Pkgs.	HM Ind.	Description of Articles, Special Marks and Exceptions				Product Gross Weight	
1 ISO	X	Combustible liquid, n.o.s. (contains solvent naphtha) NA1993, PG III, MARINE POLLUTANT, flashpoint: 67 °C, 49 CFR Road Not regulated in packages 450 liter or less. IMDG Code: ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S. (contains alkyl-(C3-C5)-benzene) class 9, UN 3082, PG III, flashpoint: 67 °C, MARINE POLLUTANT, EmS-No.: F-A, EmS-No. 2: S-F, Item No. [REDACTED] Material : [REDACTED] NMFC Code: [REDACTED]				20,004.000 KG	
Seals : 62277 62278 Freight Forwarder : [REDACTED]							
* ORDER MUST MAKE SCHEDULED CUTOFF.							
Note: All Weights & Total No. of Pkgs. below reflect the whole shipment							
ATTENTION CARRIER IF PREPAID for payment attach bill of lading to freight bill and send to [REDACTED]				Gross		34,872.153 KG	
				Tare		14,868.153 KG	
Total				Net		20,004.000 KG	
(1) RECEIVED, subject to individually determined rates or contracts that have been agreed upon in writing between the Carrier and the Shipper, if applicable, otherwise to the rates, classifications and rules that have been established by the Carrier and are available to the shipper upon request; the property described above in apparent good order except as noted (content and condition of contents of packages unknown), marked, consigned, and destined as indicated below, which Carrier agrees to carry to destination, if on its route, or otherwise to deliver to another carrier on the route to destination. Every service performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, included the standard bill of lading conditions on file in Shipper's principal place of business and which is available to Carrier on request. (2) NOTE: Where the rate is dependent on value the agreed or declared value, shippers are required to state specifically in writing the agreed or declared value of the property as follows: "The agreed or declared value of the property is specifically stated by the shipper to be NOT exceeding \$2.25 or _____ per L.B for each distribution package." (3) FOR FREIGHT COLLECT SHIPMENTS: If this shipment is to be delivered to the consignee, without recourse on the consignor, the consignor shall sign on the following statement: The carrier may decline to make delivery of this shipment without payment of freight and all other lawful charges. Consignor: [REDACTED]							
I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packaged, marked and labelled/placarded, and are in all respects in proper condition for transport according to the applicable international and national governmental regulations				Carrier acknowledges receipt of property described herein. Carrier certifies emergency response information was made available and/or carrier has the DOT emergency response guidebook or equivalent document in the vehicle. When placards are applicable, check one of the following: Placards applied <input checked="" type="checkbox"/> Placards offered <input checked="" type="checkbox"/> Shipper <u>Mike Lyman</u> Date <u>06/06/2005</u> Carrier <u>[Signature]</u> Date <u>6-6-05</u>			
EMERGENCY CONTACT: CALL CHEMTREC 1-800-424-9300 CALLS ORIGINATING OTHER THAN US & CANADA: CALL CHEMTREC 1-703-527-3887							