



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety
Administration**

JUN 16 2008

Mr. Larry A. Berg
Manager, Quality Systems
Celtech Corporation
1300 Terminal Drive
Carlsbad, NM 88220

Ref. No.: 08-0142

Dear Mr. Berg:

This is in response to your May 15, 2008 letter regarding the transportation of "1010 lube oil" in cargo tanks under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In the scenario described in your letter, you use the lube oil to test the tank, piping, and pump for leaks. You then drain the tank, which leaves five to ten gallons of residual lube oil in the tank and service equipment. You ask if these cargo tank motor vehicles are regulated when transported in commerce.

Under § 173.22 of the HMR, it is the shipper's responsibility to properly classify a hazardous material. This office generally does not perform this function. However, based on the information provided in your letter, it is the opinion of this Office that the "1010 lube oil" has a flash point above 200°F and is not a flammable or combustible liquid. Therefore, provided the lube oil does not meet any other hazard class, in your scenario, the cargo tank motor vehicles are not subject to the HMR.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell".

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

Pollack
3172.101
Applicability
08-0142

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Friday, May 16, 2008 10:33 AM
To: Drakeford, Carolyn <PHMSA>
Cc: 'lberg@celtechspace.com'
Subject: FW: Request for information regarding transportation of 1010 lube oil

From: Larry Berg [mailto:]
Sent: Thursday, May 15, 2008 5:10 PM
To: INFOCNTR <PHMSA>
Cc: Rudy Juarez; Jeanna Adamo
Subject: Request for information regarding transportation of 1010 lube oil

Greetings,

I request an interpretation, and written response to this inquiry. Celtech manufactures ground support equipment for jet and turbo-prop engine testing for the military and commercial business. We're considering a change in a test procedure to use standard 1010 lube oil (e.g. MIL-L-6081) instead of the currently used water, when testing our fuel trailers. For functional and leak testing, we plan to run about 300 to 400 gallons of 1010 lube oil through the tank, piping and pump, located on the fuel trailer. After a full system drain, the fuel trailer could potentially still have anywhere from about 5 to 10 gallons of residual 1010 lube oil left inside the unit. These fuel trailers are then transported by hired commercial truckers to locations throughout the United States.

I contacted the US DOT Hazardous Materials and Safety Division via telephone this morning to discuss this change in our testing process. We are concerned about the trucks legally hauling these fuel trailers that could contain lube oil. I was told by an HMSD staff member that 1010 lube oil is not classified as a hazardous material in regards to transportation, thus not requiring any special permits or certifications to transport that small of an amount. The end-user (USAF) would then mix their fuel with the lube oil to dilute it, and eventually burn it off during engine test. We would like to be pro-active in our approach to safety, and abide by the law. Therefore, I request a written statement to confirm what I was told over the telephone today. We intend to provide a copy of your letter to all the truck drivers, in the event where they might need to deal with highway patrol or the DOT.

Our main customer is the U.S. Military (Air Force), and we have a very tight delivery schedule to keep. Anything you can do to help expedite this request will be greatly appreciated. Thank you very much.

Larry A. Berg
Manager, Quality Systems
CELTECH CORPORATION
1300 Terminal Dr.
Carlsbad, NM 88220
Tel: 575-887-2044 x242
Cell: 575-499-3335
Fax: 575-885-6976
www.celtech.com

PLEASE NOTE AREA CODE CHANGE TO 575

5/16/2008