



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

FEB 18 2009

Mr. Richard Maxwell
Vice President
Northland President, Inc.
4025 Delridge Way, SW
Seattle, WA 98106

Ref. No. 09-0029

Dear Mr. Maxwell:

This responds to your January 22, 2009 letter requesting clarification regarding the use and applicability of the T Codes (Special Provisions) under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the guidance offered in our April 6, 2005 letter (Ref. No. 05-0072) regarding the replacement of Special Provision T4 with T8 in Column (7) of the § 172.101 Hazardous Materials Table (HMT) for the entry "Gasoline, UN1203" is still correct.

The answer is yes. Special Provision T4 was inadvertently replaced by Special Provision T8 in a September 3, 2003 rulemaking published under Docket HM-213 (68 FR 52363, 52369). Special Provision T4 must be used when determining portable tank requirements for "Gasoline, UN1203." As indicated by the representative from our Hazardous Materials Information Center, the error has been noted and will be corrected in a future rulemaking.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

Charles E. Betts,
Chief, Standards Development
Office of Hazardous Materials Standards



Northland Services
MARINE TRANSPORTATION

Der Kinderen
\$ 172.101
\$ 171.14
Applicability
09-0029

January 22, 2009

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

Dear Mr. Mazzullo:

I have today been in contact with the Hazardous Materials Information Center by means of a message that I sent through the website inquiry system and a return telephone call from a staff member who left a voice mail response. While I received the information that I requested, I would like to have that response documented as a written interpretation.

My question concerned a letter of interpretation, Ref. No. 05-0072, that I viewed on the PHMSA website. In that letter, dated April 6, 2005, Ms. Hattie L. Mitchell responded to a question about why Special Provision T4 was replaced by T8 in the §172.101 Hazmat Table entry for "Gasoline, UN1203." The answer provided was that Special Provision T4 had been inadvertently replaced by Special Provision T8 in a September 3, 2003 rulemaking, and that the error would be corrected in a future rulemaking. She further stated that, in the interim, Special Provision T4 should be used when determining portable tank requirements for the entry "Gasoline, UN1203." My question was whether that response is still valid today, nearly four years later.

The voice-mail message reply to my question, received today, was an affirmative response. The HMIC representative stated that the T8 Special Provision had not been corrected, but that it was still an erroneous entry, and that it is still the intent that Special Provision T4 should be used for gasoline shipments. The caller also stated that a note was being made in the corrections database, and that the erroneous entry should get changed in an upcoming Harmonized Rulemaking or General Edits Rulemaking process.

Please provide a written confirmation of this response for our files.

Yours very truly,

Richard Maxwell
Vice President
Northland Services, Inc.