



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

DEC 03 2009

Mr. Frits Wybenga
Technical Director
Dangerous Goods Advisory Council
Suite 740
1100 H Street, NW
Washington, DC 20005

Ref. No.: 09-0172

Dear Mr. Wybenga:

This letter is in response to your email and conversations with members of my staff regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the use of NA numbers for domestic shipments of hazardous materials. Please note that we have revised Interpretation letters 05-0247 and 06-0039 based on our conversations.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

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

RE: Another interp that is wrong in my opinion

Andrews Page 1 of 2
§172.101 Appendix A
Applicability
09-01-12

Drakeford, Carolyn (PHMSA)

From: Mitchell, Hattie (PHMSA)
Sent: Thursday, July 30, 2009 11:57 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Another interp that is wrong in my opinion - Use of NA numbers

From: Frits Wybenga [mailto:fwybenga@dgac.org]
Sent: Tue 7/28/2009 11:19 AM
To: Mitchell, Hattie (PHMSA)
Cc: Mazzullo, Ed (PHMSA); Kelley, Shane (PHMSA)
Subject: RE: Another interp that is wrong in my opinion

The problem one member (I think the material they have is a combustible liquid) is having is that the help desk is telling them they can not use NA in association with any UN proper shipping name listed. Then the interps I sent authorize NA in association with UN 3077 and 3082 contradict that opinion - where there does not seem to be any justification for doing so.

From: Frits Wybenga [mailto:fwybenga@dgac.org]
Sent: Tue 7/28/2009 11:07 AM
To: Mitchell, Hattie (PHMSA)
Cc: Mazzullo, Ed (PHMSA); Kelley, Shane (PHMSA)
Subject: RE: Another interp that is wrong in my opinion

I take back the part of haz waste not being regulated. RQ is not a criterion for haz waste. Still have issue on use of NA

-----Original Message-----

From: hattie.mitchell@dot.gov [mailto:hattie.mitchell@dot.gov]
Sent: Tuesday, July 28, 2009 11:03 AM
To: Frits Wybenga
Cc: ed.mazzullo@dot.gov; shane.kelley@dot.gov
Subject: RE: Another interp that is wrong in my opinion

We will get back with you on both.

-----Original Message-----

From: Frits Wybenga [mailto:fwybenga@dgac.org]
Sent: Tuesday, July 28, 2009 10:59 AM
To: Mazzullo, Ed (PHMSA); Kelley, Shane (PHMSA); Mitchell, Hattie (PHMSA)
Subject: Another interp that is wrong in my opinion

Ed, Shane, Hattie - this is another example where your interp advised use of "NA" when "UN" is authorized for international. Why steer somebody to using NA for domestic when it is accepted as UN internationally? Both these interps were brought to my attention because of the confusion they create.

But the bigger problem is that the incoming says the RQ on this stuff

7/30/2009

is 100lbs and his packages don't exceed 55 lbs. So contrary to your advice, it does not meet the definition of a haz substance and does not need to be treated as a Class 9 hazmat. On top of that you said his nonspec package was no good and he would have to repackage.

<http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/Interpretation%20Files/2006/060039.pdf>

From: Frits Wybenga [mailto:fwybenga@dgac.org]
Sent: Tue 7/28/2009 10:41 AM
To: Mitchell, Hattie (PHMSA); Kelley, Shane (PHMSA); Mazzullo, Ed (PHMSA)
Subject: PHMSA - Interpretations - Interpretation #05-0247

Hi Hattie, Shane, Ed - why would you advise the use of an NA 3077 for this material when international regs authorize UN3077 based on competent authority classification? - Frits

<http://www.phmsa.dot.gov/portal/site/PHMSA/menuitem.ebdc7a8a7e39f2e55cf2031050248a0c/?vgnnextoid=86181c52b2f84110VgnVCM1000009ed07898RCRD>