



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

JAN 10 2013

Mr. Bob Henning  
Boreal Aviation, Inc.  
401 Ave. F  
Gwinn, MI 49841

Reference No. 12-0230

Dear Mr. Henning:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR 49 CFR Parts 171-180) applicable to the transportation by highway or rail of "Fuel, aviation, turbine engine," UN1863, Class 3, when shipped in one gallon metal containers as samples to be analyzed. The fuel has a flash point of 110 °F. You cite an interpretation letter issued by this Office on March 26, 1998 and ask whether certain information in that letter is still valid and also whether labeling is required for your packages. Specifically, you ask for confirmation that the transportation by highway of combustible liquids in non-bulk packagings (see § 171.8 for "non-bulk packaging" definition) is not regulated under the HMR and that this includes exceptions from conformance to the labeling and training requirements.

In your letter, you state that the 1998 letter advised that a non-bulk packaging of a flammable liquid may be reclassified as a combustible liquid in accordance with § 173.120(b) and that § 173.150(f)(2) states that a combustible liquid is not subject to the HMR when shipped in non-bulk packagings, including training requirements, provided that the material is reclassified as a combustible liquid and transported in non-bulk quantities. The 1998 letter also states that if the material is transported by aircraft, it may not be transported as a combustible liquid unless transportation by other means is impracticable and it would, therefore, be subject to the HMR, including training requirements. You ask whether the information in this 1998 letter is still valid.

A combustible liquid is defined as a material that has a flash point above 60 °C (140 °F) and below 93 °C (200 °F) and does not meet the definition of any other hazard class under the HMR (see § 173.120(b)(1)). Additionally, a flammable liquid with a flash point at or above 38 °C (100 °F) that does not meet the definition of any other hazard class may also be reclassified as a combustible liquid by highway and rail (see § 173.120(b)(2)). As such, the transportation by highway and rail of a combustible liquid that is not a hazardous substance,

hazardous waste, or a marine pollutant and is packaged in a non-bulk packaging is not subject to any other requirements under the HMR (see § 173.150(f)(2)). Because the material is excepted from the HMR, the labeling and training requirements also do not apply.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

**Drakeford, Carolyn (PHMSA)**

McIntyre  
§173.120(b)  
§173.150(f)(2)

**From:** Eckenrode, Andrew.CTR (PHMSA) on behalf of INFOCNTR (PHMSA)  
**Sent:** Wednesday, October 10, 2012 4:29 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Hazmat Information Center Feedback: Interpretations (Letters) Issued by PHMSA

§172.101  
Applicability

12-0230

Carolyn,

This gentleman asked for his email to be forwarded as a letter of interpretation.

Thanks,  
Andrew

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

**From:** PHMSA Webmaster  
**Sent:** Wednesday, October 10, 2012 3:25 PM  
**To:** PHMSA HM InfoCenter; PHMSA Webmaster  
**Subject:** Hazmat Information Center Feedback: Interpretations (Letters) Issued by PHMSA

- Hello!
1. I have a question regarding the ground shipping of "Aviation Turbine Fuel, Jet-A" fuel samples for analysis as is required by government into-plane servicing contract for military aircraft. The fuel has a Flash Point of 110°F. As a fixed base operator under such a contract we must periodically submit fuel samples in a one gallon metal container to be analyzed. The fuel HMR ID number is UN1863, Fuel, aviation, turbine engine, Class 3, PG III, Flammable Liquid.
  2. I have an old explanation from the US DOT dated 26 Mar, 1998 and signed by a Mr. Edward T. Mazzullo who wrote that the one gallon fuel sample may be reclassified as a combustible liquid in accordance with CFR 49 173.120(b). He further wrote that 49 CFR 173.150(f)(2) states that a combustible liquid is not subject to the 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). In addition, no training requirements found in 49CFR, Part 172, Subpart H apply either so long as the material is reclassified as a combustible liquid and transported in non-bulk quantities. Finally, as the material reclassified as noted above is not considered to be a hazardous type the it is not subject to subject to Hazardous Materials Regulations.
  3. As for labeling, I believe that no labeling is required either.
  4. My questions are; 1-Is the information in the second paragraph still valid? 2-Is any labeling required, considering paragraph two?

Thank you for your time.

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