



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

Lieutenant Bryan Gay
Florida Highway Patrol
6030 County Road 2321
Panama City, FL 32404

FEB 08 2016

Ref. No. 15-0187

Dear Lt. Gay:

This responds to your September 14, 2015 request for clarification pertaining to the shipping description of diesel fuel reclassified as a "combustible liquid" under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your letter, you note that § 172.202(a)(3)(ii) of the HMR states that hazard class need not be included for the entry "Combustible liquid, n.o.s." In your letter, you also list two proper shipping descriptions for diesel fuel reclassified as a combustible liquid as:

- 1) NA1993, Diesel Fuel, Combustible liquid, PG III
- 2) NA1993, Combustible Liquid n.o.s. (diesel fuel), Combustible liquid, PG III

You ask if the shipping description "NA1993, Combustible liquid n.o.s." must be used when taking the exception in § 172.202(a)(3)(ii). You also ask which of the above shipping descriptions is correct?

The answer to your first question is yes. As specified in § 172.202(a)(3)(ii) of the HMR, the hazard class need not be included for the specific entry "Combustible liquid, n.o.s." This exception is specific only to the "Combustible liquid n.o.s." shipping description. Therefore, "NA1993, Combustible liquid n.o.s., PG III" would be the shipping description. In regard to your second question, shipping description number 2 would be appropriate for diesel fuel reclassified as a combustible liquid.

I hope this satisfies your request.

Sincerely,

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

Andrews
 § 173.150(f)
 Combustible liquids
 5-0187

U.S. DOT
 PHMSA Office of Hazardous Materials Standards
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 1200 New Jersey Avenue, SE.
 Washington, DC 20590-0001

What, if any, special requirements must a motor carrier follow if the motor carrier is going to reclassify a flammable liquid as a combustible liquid and utilize the 173.150(f)(3) exemptions while transporting a cargo tank load of diesel fuel? Which of the two shipping papers entries below is appropriate for this shipment? When identifying the hazard class on shipping papers, 172.202(a)(3)(ii) indicates hazard class 3 need not be included for entries of Combustible Liquid, n.o.s. Combustible Liquid, n.o.s. is a proper shipping name, and it's the only HM table entry that indicates "Comb Liq" in column 3 of the 172.101 table. This indicates to me that if a motor carrier is wanting to utilize the 173.150 exceptions, the motor carrier must determine the flashpoint, reclassify the material as a combustible liquid, and ship the material as a Combustible Liquid n.o.s. instead of using the original proper shipping name, e.g., Diesel Fuel, Fuel Oil, etc.

NA1993, Diesel Fuel, Combustible Liquid, PG III
 NA1993, Combustible Liquid n.o.s (Diesel Fuel), Combustible Liquid, PG III

173.150(f) Combustible liquids. (1) 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 be reclassified as a combustible liquid.**

172.202(a)(3) The hazard class or division number prescribed for the material, as shown in Column 3 of the §172.101 table.

(ii) The hazard class need not be included for the entry "Combustible liquid, n.o.s."

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG
D G	Combustible liquid, n.o.s.	Comb liq	NA1993	III

Sincerely,



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