



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

MAY 24 2000

Mr. Sam Vandivort
Eveready Products Corporation
1101 Belt Line Street
Cleveland, OH 44109-2896

Ref. No. 00-0121

Dear Mr. Vandivort:

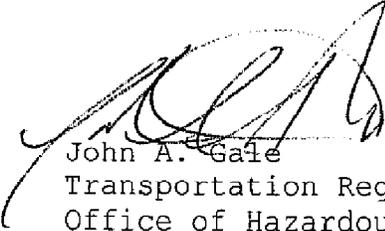
This is in response to your letter dated April 6, 2000 regarding the transportation of a combustible liquid in a non-bulk packaging under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a material reclassified as a combustible liquid in accordance with § 173.150(f)(1) is subject to the marking, labeling, placarding, and shipping paper requirements of the HMR when transported in non-bulk packagings.

Section 173.150(f)(1) provides that shippers may reclass a flammable liquid as a combustible liquid if the material's flashpoint is at or above 38°C (100°F) and does not meet the definition of any other hazard class. This exception is for domestic transportation and does not apply to transportation by vessel or aircraft, except where other means of transportation is impracticable.

In accordance with § 173.150(f)(2), a combustible liquid transported in a non-bulk packaging is not subject to the HMR unless it is a hazardous substance, a hazardous waste, or a marine pollutant.

I hope this satisfies your request.

Sincerely,



John A. Gale

Transportation Regulations Specialist
Office of Hazardous Materials Standards



000121

173.150

BAH
§ 173.150
00-0121

6 April 2000

Mr. Edward Mazzullo,
Director of the Office of Hazardous Material Standards
400 7th Street SW
Washington DC, 20590

Dear Mr. Mazzullo,

I am writing to request a review of my interpretation of the shipping regulations as they apply to the following:

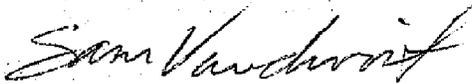
I have a product that has a proper shipping name Terpene Hydrocarbon, N.O.S., Class 3 (flammable liquid) {flash point 115 degrees F}, and identification number UN2319. The product does not meet the definition of any other hazard class, and is not a hazardous substance, hazardous waste or a marine pollutant.

When I review the Exceptions for Class 3 and Combustible Liquids 49 CFR 173.150 (f) my understanding is that I can reclass the product as a combustible liquid for ground transportation and the marking, labeling and shipping paper requirements required for a Class 3 liquid no longer apply. In essence, it is no longer regulated.

Is this a correct interpretation of the regulations?

Thank you for your assistance with this matter. Should you have any questions please contact me at the above telephone number.

Yours truly,



Sam Vandivort