



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

SEP - 5 2001

Mr. Carle LaCouture
La Couture Consulting
P.O. Box 235
Lumberton, NJ 08048

Ref. No. 01-0233

Dear Mr. LaCouture:

This responds to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) relating to the sequence of information required on shipping papers by § 172.202.

You ask whether required information (*i.e.*, the letter "X" or the letters "RQ," as appropriate) may be entered in a column headed "HM" that is immediately preceded by a column headed "No. of Packages" and immediately followed by another column headed "Description of packages and goods." You explained that the format of the shipping paper, in part, appears as follows:

No. of Packages	HM	Description of packages and goods
20	X	Drums - Proper shipping name, Class (or Div), ID Number, PG
1	RQ	Cargo Tank - Proper shipping name, Class (or Div), ID Number, PG, (additional descriptions per § 172.203)

It is the opinion of this Office that the presentation of required shipping paper information, as shown above, conforms to requirements in the HMR.

I hope this information is helpful.

Sincerely,

Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards



010233

172.202

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"/ No. of Packages / HM / Description of packages and goods"

The shipping paper entry, therefore, would appear as in the examples shown below:

"/ 20 / X / drums, Proper shipping name, Class (or div.), ID Number, PG"

or

"/ 1 / RQ / cargo tank, Proper shipping name, Class (or div.), ID Number, PG, (additional descriptions per 172.203)"

It is my interpretation that the computer prepared descriptions thus prepared are in accordance with the applicable requirements, since there is no regulatory prohibition of insertion of the package type between the HM column and the basic description.

I seek your formal agreement that my interpretation is correct, confirming the opinion expressed by Mr. Allan, and that the method of shipping paper preparation used by the company is as required by the applicable regulations.

Since there is some degree of urgency associated with this request, I am sending it by facsimile, to be followed by mail.

Thank you for your prompt consideration of this request.

Sincerely,



Carle LaCouture

cc: Mr. Edward H. Bonekemper
Assistant Chief Counsel
Research & Special Programs Administration
U.S. Department of Transportation
Washington, D.C. 20590-0001

§ Allan
§ 172.202
Shipping Papers
01-0233

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September 29, 2001

Mr. Edward T Mazzullo
Office of Hazardous Materials Standards
OHMS/RSPA
U.S. Department of Transportation
Washington, D.C. 20590-0001

Request for formal interpretation

Dear Mr. Mazzullo:

On August 23, I sent an email to you asking for clarification of a question relating to shipping paper preparation; in your absence, I forwarded that communication to Tom Allan, and he, in return, offered an opinion on behalf of your office. In the process, Tom addressed a copy of his opinion to Ed Bonekemper. His comments intimated to me that in order to obtain a formal interpretation, I should address the question by means other than electronic mail, and I am now doing so.

The situation:

49 CFR §172.201(a)(1)(iii) allows for entry of an "X" in a column headed "HM" (and where appropriate this may be replaced by "RQ"), ". . . placed before the proper shipping name. . . ." Likewise, in §172.202(c), the regulations state that "The type of packaging . . . may be entered in any appropriate manner before or after the basic description." §172.203(c)(2) contains similar language concerning the placement of the letters "RQ".

In none of these instances do the requirements of 49 CFR specifically designate exact placement by use of the word "immediately" in conjunction with "before" or "after".

A company uses "X" in a column headed "HM" to indicate the presence of a hazardous materials shipment, regardless of whether descriptions for other materials, hazardous or otherwise, are placed on the shipping paper. The shipping papers for various outlying facilities are prepared from a computer database located in the company's headquarters office. The description on the shipping paper appears as follows, with the symbol "/" used herein to indicate column boundaries, according to the following: