



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

AUG 12 2013

Mr. Andrew N. Romach
Regulatory Compliance Manager
URS Corporation
1600 Perimeter Park Drive
Morrisville, NC 27560

Ref. No. 13-0122R

Dear Mr. Romach:

This responds to your June 6, 2013, letter requesting clarification on shipping shock absorbers, "Articles, pressurized, pneumatic UN3164" under § 173.306(f) of the Hazardous Materials Regulations (HMR; Parts 171-180). Specifically, you ask for confirmation that shock absorbers shipped under § 173.306(f)(2) and (f)(3) qualify for the limited quantity exception and are excepted from shipping paper and placarding requirements.

According to your letter, it is your understanding that shock absorbers may be shipped as limited quantity under § 173.306(f)(2) and (f)(3); and would be allowed to be packaged in a strong outer packaging with the limited quantity marking applied in accordance with § 172.315(a); and would be excepted from labeling, shipping papers, and placarding requirements.

Limited quantity exceptions for Class 2 compressed gases are provided in § 173.306(a). If the shock absorbers meet any of the exceptions provided for limited quantities in § 173.306(a), then they may be shipped as a limited quantity. However, if the shock absorbers do not meet any of the limited quantity exceptions in § 173.306(a), then the exceptions in § 173.306(f) would apply. Shock absorbers shipped under § 173.306(f)(2) are excepted from labeling, specification packaging, and placarding. Shock absorbers shipped under § 173.306(f)(3) are excepted from labeling, specification packaging, but are not excepted from placarding requirements. Therefore, as stated in interpretation letter Ref. No. 08-0270, shock absorbers conforming to the requirements in § 173.306(f)(3) are not excepted from placarding requirements.

PHMSA acknowledges that the title of § 173.306, "Limited Quantities of Compressed Gases" may lead some to the conclusion that complying with subparagraphs of this section (e.g. § 173.306(f)) would indicate that the material can be considered a limited quantity. However, this is only the case if the subparagraph indicates an allowance for limited quantity. PHMSA may consider clarifying the title of § 173.306 in a future rulemaking.

I hope this answers your inquiry. If you need additional assistance, please contact this office at (202) 366-8553.

Sincerely,

A handwritten signature in black ink that reads "Robert Benedict". The signature is written in a cursive style with a large initial "R" and "B".

Robert Benedict
Chief, Standards Development Branch
Standards and Rulemaking Division



June 6, 2013

Boothe
§173.306
§172.315
Accumulators
13-0122

Mr. Del Billings
Standards and Rulemaking (PHH-10)
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Mr. Billings:

I am writing to request written regulatory clarification concerning the requirements that apply when shipping shock absorbers (classified as "Articles, pressurized, pneumatic) as set out in 49 CFR 173.206(f).

In the Hazardous Materials Table (HMT), for the proper shipping name entry "Articles, pressurized, pneumatic," the regulatory citation "173.306" is listed under "Exceptions (8A)". The title of section 173.306 is "Limited quantities of compressed gases."

Question 1: If a shock absorber meets the criteria of the exception set out in 49 CFR 173.306(f)(2) (which allows the shock absorber to be shipped as not subject to labeling, specification packaging, and placarding requirements), based on the specific relief set out in the exception and the title of the Section, it appears that such a shock absorber would be shipped under the limited quantity exception. As the limited quantity requirements have recently changed to harmonize with the United Nations (UN) requirements, it would appear that such a shock absorber would be allowed to be packaged in a strong outer packaging with the limited quantity marking applied as described in 49 CFR 172.315(a). In addition, hazardous material documentation would not be required. Please confirm whether this understanding is correct.

Question 2: If a shock absorber meets the criteria of the exception set out in 49 CFR 173.306(f)(3) (which allows the shock absorber to be shipped as not subject to labeling and specification packaging but does not address placarding), based on the specific relief set out in the exception and the title of the Section, it appears that such a shock absorber would be shipped under the limited quantity exception. As the limited quantity requirements have recently changed to harmonize with the United Nations (UN) requirements, it would appear that such a shock absorber would be allowed to be packaged in a strong outer packaging with the limited quantity marking applied as described in 49 CFR 172.315(a). In addition, hazardous material documentation would not be required.

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Recent calls to the HAZMAT Hotline have confirmed that placarding for the scenario in Question 2 is not required. It is very difficult for warehouse employees who are shipping out packaged shock absorbers that meet the exception in 49 CFR 173.306(f)(2) or 49 CFR 173.306(f)(3) to make a distinction between which exception is being applied and offer placards for those shock absorbers taking advantage of 49 CFR 173.306(f)(3) because the outer package and marking for either exception would be identical.

Please confirm whether my understanding is correct that shock absorbers taking advantage of 49 CFR 173.306(f)(3) qualify for the limited quantity exception and no placarding is required.

Note that a letter of regulatory interpretation issued November 7, 2008 (08-0270) requires that a shock absorber meeting the criteria of 49 CFR 173.306(f)(3) must be placarded even if not labeled. Such a requirement has proven very confusing to transporters, as the presence of hazard labels usually signifies the requirement to display placards. Does the interpretation letter 08-0270 still apply?

I would appreciate your assistance with these questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew N. Romach".

Andrew N. Romach
Regulatory Compliance Manager
URS Corporation