



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

May 2, 2019

Dale Kettler
Senior Manager
Cabela's
2 Cabela Dr.
Sidney, NE 69160

Reference No. 19-0003

Dear Mr. Kettler:

This letter is in response to your December 19, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to products not subject to the shipping paper requirements. Specifically, you ask how lithium batteries shipped under the exceptions in § 173.185(c) should be described on a bill of lading to meet shipping paper requirements in part 172 of the HMR?

As stated in § 173.185(c), a package containing lithium cells or batteries, or lithium cells or batteries packed with, or contained in, equipment, meeting the conditions prescribed therein, are excepted from the requirements of subparts C through H of part 172 of the HMR. This includes the requirement to provide a hazardous materials shipping paper with a hazardous materials description specified in § 172.202. Therefore, PHMSA does not require a specified format on a bill of lading to describe such items. Similarly, as stated in § 172.200(b)(3), a limited quantity is not subject to shipping paper requirements unless the material is offered for transportation by aircraft or vessel.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "T. Glenn Foster".

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

Andrews

19-0003

January, Ikeya CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Wednesday, December 19, 2018 2:49 PM
To: Hazmat Interps
Subject: FW: Interpretation

Importance: High

Hi Alice and Ikeya,

Below is a request for a letter of interpretation.
The physical mailing address is:

2 Cabela Dr.
Sidney, NE 69160

Thanks,

Jonathon, HMIC

From: Dale Kettler [mailto:Dale.Kettler@cabelas.com]
Sent: Wednesday, December 05, 2018 4:58 PM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Subject: Interpretation
Importance: High

Request for interpretation in regards to shipments that meet exceptions.

What is the preferred, or proper way to enter product on a Bill of Lading (BOL) when the product meets the 49 CFR 172.200 (a) (3) and/or other exceptions similar to 173.185 (c).

49CFR 172.200

- (a) Description of hazardous materials required. Except as otherwise provided in this subpart, each person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner required by this subpart.
- (b) This subpart does not apply to any material, other than a hazardous substance, hazardous waste or marine pollutant, that is—
- (3) A limited quantity package unless the material is offered for transportation by aircraft or vessel and, until December 31, 2020, a package of ORM-D material authorized by this subchapter on October 1, 2010, when offered for transportation by highway, rail or vessel.

49CFR 173.185

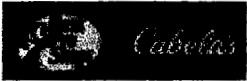
- (c) Exceptions for smaller cells or batteries. Other than as specifically stated below, a package containing lithium cells or batteries, or lithium cells or batteries packed with, or contained in, equipment, that meets the conditions of this paragraph is excepted from the requirements in subparts C through H of part 172 of this subchapter and the UN performance packaging requirements in paragraphs (b)(3)(ii) and (iii) of this section under the following conditions and limitations.

What is the proper way to enter product on a BOL that meets 172.200 (a) (3) and/or 173.185 (c)?

1. Enter as the commodity description
 - a. Other Goods
 - b. Ammunition
 - c. Children's electric car

2. Enter as proper description
 - a. UN0012, Cartridges, Small Arms, 1.4S, LTD QTY
 - b. UN3481, Lithium Ion Batteries Packed With Equipment, 9

Thank you,
Dale D. Kettler
Hazmat & Safety
Senior Manager



308-255-2244

Dale.Kettler@cabelas.com