



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

SEP 25 2003

Mr. Marc Kleinman
Instructor
Lion Technology, Inc.
P.O. Drawer 7000
Lafayette, New Jersey 07848

Ref. No. 03-0229

Dear Mr. Kleinman:

This is in response to your letter dated August 28, 2003 regarding the limited quantity marking requirement established by Docket HM-215E (68 FR 44992; 45031; July 31, 2003). Specifically, you ask if the technical name required on the shipping paper by § 172.203(k) of the Hazardous Materials Regulations (HMR: 49 CFR Parts 171-180) must be marked on the packaging when using the limited quantity marking found in § 172.315 of HM-215E.

As specified in § 173.315, marking the package with the identification number inside a white square-on-point configuration identifies the material as a limited quantity and fulfills the requirements of § 172.301(a)(1). If a shipper uses this method to identify a packaging containing a limited quantity, he is not required to mark the shipping name or technical name on the packaging. If a shipper chooses to mark the packaging with the shipping name, then a technical name may be added, but so long as the requirements of § 173.315 are met the technical name is not required.

I hope this satisfies your request.

Sincerely,

Susan Gorsky
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



030229

172.203,
172.315



P.O. Drawer 700
Lafayette, New Jersey 07848
(973) 383-0800

Supko
§172.203(k)
§172.301(c)
Shipping Papers
- Marking
03-0230

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
US DOT/RSPA (DHM-10)
400 7th St., S.W.
Washington, DC 20590-0001

Re: Limited Quantity marking

Mr. Mazzullo,

Lion Technology Inc. has been providing hazardous materials transportation training for more than 25 years. Since 1978, we have trained tens of thousands of people. Lion currently conducts over 60 two-day hazardous materials transportation workshops per year, nationwide. We have always endeavored to provide our students with regulatory training that is as technically correct as we can make it. Since we are training thousands of people every year, we feel it is very important that what we teach is aligned with current DOT interpretation.

We are requesting confirmation of a particular interpretation regarding recent regulatory changes under Docket HM-215E (7/31/03).

The recent change to 49 CFR part 172 included adding section 172.315 which allows limited quantity packagings to be marked with the identification number placed within a diamond as an alternative to marking the proper shipping name of the material on the limited quantity packaging. Under the new final rule, shippers essentially have the option of marking the proper shipping name, the identification number within a diamond, or both.

Under existing rules at 49 CFR 172.301(b), if a material is shipped in a non-bulk package under a generic proper shipping name and the shipping papers for the package require technical names in parentheses under section 172.203(k), then the technical names must also be marked on the package in association with the proper shipping name. Limited quantity packages are not excluded from this requirement.

The closest mention of this issue in the Federal Register came from DOT's response to comments from the Florida Department of Environmental Protection, Bureau of Emergency Response.

"FDEP-BER stated... ID numbers apply to more than one chemical or reference only a generic shipping description that lacks the specific composition of the material... we do not agree that indicating the UN number in lieu of the proper shipping name will compromise safety. We believe the proper shipping name can be quickly determined using the Emergency Response Guidebook's section containing ID numbers."

I take this statement to indicate that the UN number alone is sufficient, even when associated with a generic proper shipping name that would otherwise require the marking of technical names pursuant to 49 CFR 172.301(b). Please confirm DOT's current interpretation on the following questions:

1. If the diamond marking is used, and there is no proper shipping name marking on the limited quantity package, would the technical names under 172.203(k) still be required?
2. If the diamond marking is used, but the shipper chooses also to mark the proper shipping name on the limited quantity package, as the new rules allow, would the technical names under 172.203(k) be required?

Thank you for your attention to this matter. I look forward to your response.

Sincerely,
LION TECHNOLOGY INC.



Marc Kleinman
Instructor

