



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

MAY 17 2005

Ms. Cherie Walton
Reactives Management Corporation
1025 Executive Blvd., Suite 101
Chesapeake, VA 23320

Ref. No. 05-0107

Dear Ms. Walton:

This is in response to your April 13, 2005 letter requesting clarification regarding the shipping paper requirements for hazardous substances and explosives as specified under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

Q1. Section 172.201(a)(1)(iii) specifies that the letters "RQ" may replace the "X" in the "HM" column. Is the use of the letters "RQ" in "HM" column optional in all circumstances?

A1. Yes. Section 172.202(c)(2) allows for the letters "RQ" to be placed either before or after the basic description.

Q2. Do the letters "RQ" have to be included with the basic shipping description if material does not exceed the reportable quantity?

A2. No. The letters "RQ" may only be entered on the shipping paper if a material meets the definition of a hazardous substance under § 171.8.

Q3. Section 172.202(a)(5)(iii) specifies that the net explosive mass must be indicated on a shipping paper to describe the total quantity for a Class 1 material. Is it acceptable to indicate the gross mass of an explosive article under the "quantity" column and specify the net explosive mass under the "additional description" portion of the shipping paper?

A3. No. The net explosive mass should be specified under the "quantity" column as detailed in § 172.202(c).

I hope this information is helpful.

Sincerely,

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards



050107

172.210
172.203

INFOCNTR <PHMSA>

Satterthwaite

From: reactives@earthlink.net
Sent: Thursday, April 28, 2005 1:34 PM
To: INFOCNTR <PHMSA>
Subject: Information Center Comments/Questions

*§ 172.210
§ 172.203
Shipping Papers
05-0107*

Below is the result of your feedback form. It was submitted by Cherie Walton (reactives@earthlink.net) on Thursday, April 28, 2005 at 13:34:19.

Email: reactives@earthlink.net

Name: Cherie Walton

Category: Emergency Response Information (Sections 172.1 - 172.807)

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Comments: RE: Shipping Papers: 172.210 and 172.203

Please clarify the circumstances in which the letters "RQ" (rather than an "X") are required (if ever) to be placed in the column of the shipping paper captioned "HM".

172.201(a)(iii) says the "X" may be replaced by "RQ", if appropriate. "May be..." implies the use of "RQ" in the "HM" column is optional in all circumstances.

172.203 requires the letters "RQ" be entered on the shipping paper either before or after the basic description, but that section doesn't address the "HM" column on the shipping papers.

Some examples:

If, for example, you wanted to ship a mixed waste which contains less than the reportable quantity of mercury (which is a hazardous substance with an RQ of 1 pound), would an "X" or "RQ" go in the "HM" column? If "RQ", is that required or optional? Also, do the letters "RQ" have to be in the basic description since you are shipping less than the reportable quantity of a hazardous substance?

Another example: If you wanted to ship a mixed waste which contains more than the reportable quantity of mercury, would an "X" or "RQ" go in the "HM" column? If "RQ", is that required or optional? Could you put an "X" in the "HM" column if you wanted to?

Lastly, referring to 172.202(a)(5), "the quantity must be the net explosive mass". Since we primarily ship articles, the mass of the materials is generally much higher than the net explosive mass. Is it acceptable to enter the mass of the materials in the "quantity" column, then put the net explosive mass under "additional description"?

Thank you.