



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

JAN 04 2016

Mr. Tom Dunaway
President
Tom Dunaway and Associates, Inc.
502 Big Creek Drive
Delta, AL 46258

Reference No. 16-0182

Dear Mr. Dunaway:

This letter is in response to your November 3, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the use of pre-printed shipping papers and recent changes to the Hazardous Materials Table (HMT). Specifically, you reference a final rule published by the Pipeline and Hazardous Materials Safety Administration (PHMSA) on June 2, 2016, titled *Hazardous Materials: Miscellaneous Amendments (RRR)* [HM-218H; 81 FR 35483]. In this final rule, PHMSA revised certain HMT entries, including the removal of the packing group (PG) II designation for certain explosives. As discussed in the preamble of this rulemaking, this amendment was intended to alleviate confusion and frustration of shipments, as well as align with international regulations.

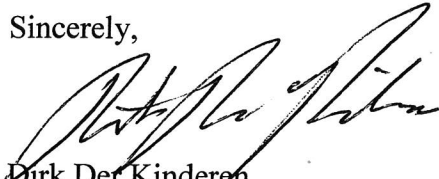
You indicate in your email that you currently ship explosives using pre-printed shipping papers that list the PG II designation in the basic description although it was removed in the HM-218H Final Rule. Specifically, you ask if you may continue to use these pre-printed shipping papers.

The answer is yes. In accordance with § 172.101(l)(1)(ii), when a change is made to the HMT, a shipper may continue to use pre-printed shipping papers until the supply is depleted or for a one-year period, subsequent to the effective date of a regulatory change to the HMT. As the effective date of the HM-218H Final Rule was July 5, 2016, the pre-printed shipping papers may be used until they are depleted or through July 5, 2017, whichever comes first. However, after July 5, 2017, a shipping paper may no longer display the PG II designation for those HMT entries changed in HM-218H.

Please note that absence of a PG designation in the HMT, and subsequently the shipping paper, does not affect United Nations (UN) packaging requirements. In your scenario, packaging for an explosive must still meet PG II specification requirements, unless otherwise noted, in accordance with § 173.60(a). Furthermore, while no longer listed on the shipping paper, the PG standard to which the package was tested will be communicated on the UN package.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Dirk Der Kinderen', written in a cursive style.

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Geller
172-202
Shipping Papers
16-0182

Goodall, Shante CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Thursday, November 03, 2016 4:50 PM
To: Hazmat Interps
Subject: FW: Request for Interpretation
Attachments: Request PHMSA Interp on PG on ship paper 11-3-2016.docx

Hi Shante/Alice,

Please submit this as a letter of interpretation. I spoke with Mr. Dunaway.

Please let me know if you have any questions.

Thanks,
Jordan

From: Tom Dunaway [<mailto:tdadunaway@gmail.com>]
Sent: Thursday, November 03, 2016 1:38 PM
To: INFOCNTR (PHMSA)
Subject: Request for Interpretation

I am attaching a letter asking for an interpretation. Please let me know if this email is sufficient or if I need to mail a copy of the request.

Thank you

Tom Dunaway

--
Tom Dunaway
TDA, Inc.
502 Big Creek Drive
Delta, AL 36258
H 256-488-5580
F 256-488-5511
C 954-401-3500
tdadunaway@gmail.com

Office of Hazardous Materials Standards
PHMSA
Attn: PHH-10
U.S. DOT, East Building
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Subject: Request for Interpretation.

I am requesting an interpretation on the following question

The final rule issued in HM Docket 218 H dated June 2, 2016 eliminated all references to class 1 materials in the table 172.101. Also section 172.202(a)(4) exempts class 1 materials from the requirement of entering the PG group on shipping papers.

Sections 173.62(a) requires all packages for class 1 to be tested at the PG II level.

Most companies that ship explosives have for years had pre-printed shipping papers that have the PG column filled in. We understand that in accordance with the provisions of 172.202(a)(4) that the PG II is not required on shipping papers but the question that arises is if a shipper places PG II on the shipping paper is it now a violation, even though 173.62(a) does require those packages to be tested at the PG II level.

Thank you for your replay

Tom Dunaway
President

Tom Dunaway
Tom Dunaway and Associates, Inc.
502 Big Creek Drive
Delta, AL 46258
Office Phone: 256-488-5580
FAX 256-488-5511
Mobile: 954-401-3500
Email: tdadunaway@gmail.com