



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

OCT 01 2009

Mr. Paul J. Dambek
Hazmat, Inc.
12 Kimball Hill Road
Hudson, NH 03051-3915

Ref. No.: 09-0192

Dear Mr. Dambek:

This responds to your August 11, 2009 letter requesting clarification of registration and security plan requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered below.

Q1. A shipper offers for transportation 4,900 pounds of a Class 3 flammable liquid in non-bulk packages in a single shipment. Is the shipper required to register under § 107.601 and prepare a security plan under § 172.800?

A1. Yes. A shipment of 4,900 pounds of a Class 3 material must be placarded. See § 172.504(b). In accordance with § 107.601(a)(6), a person who offers for transportation or transports a shipment that must be placarded under the provisions of Subpart F of Part 172 of the HMR must register and pay a registration fee. In accordance with § 172.800(b)(7), a person who offers for transportation or transports a quantity of hazardous material that requires placarding under the provisions of Subpart F of Part 172 must develop and adhere to a security plan.

Q2. A shipper offers for transportation 4,900 pounds of a Class 3 material and 4,900 pounds of a Class 9 material in non-bulk packages in one shipment. Is the shipper required to register under § 107.601 and prepare a security plan under § 172.800?

A2. Yes. See A1.

Q3. A shipper offers for transportation 10 pounds of Division 4.3 material in non-bulk packages in a single shipment. Is the shipper required to register under § 107.601 and prepare a security plan under § 172.800?

A3. Yes. A shipment of any quantity of Division 4.3 material must be placarded. See § 172.504(e). In accordance with § 107.601(a)(6), a person who offers for transportation or transports a shipment that must be placarded under the provisions of Subpart F of Part 172 of the HMR must register and pay a registration fee. In accordance with § 172.800(b)(7), a


person who offers for transportation or transports a quantity of hazardous material that requires placarding under the provisions of Subpart F of Part 172 must develop and adhere to a security plan.

Q4. A shipper offers for transportation 10 pounds of Division 4.3 material in non-bulk packages in a single shipment and packages the material in accordance with § 173.13. Is the shipper required to register under § 107.601 and prepare a security plan under § 172.800?

A4. No. Shipments of Class 4.3 materials are excepted from the placarding requirements if prepared for transportation in accordance with § 173.13. Therefore, the registration and security plan requirements do not apply to persons offering for transportation or transporting these shipments.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,


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



HAZMATEAM, INC.
12 Kimball Hill Rd.
Hudson, NH 03051-3915
Telephone (603) 882-1112
Fax (603) 882-6512
E-Mail: hazmateam@earthlink.net
www.hazmateam.com



Andrews
§107.601
§172.800
Registration
Security Plans
09-0192

August 11, 2009

Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
ATTN: PHH-10
U.S. Department of Transportation
400 7th Street
Washington, D.C. 20590

Dear Sirs:

I have questions concerning the applicability of Registration (49 CFR 107.601) and Security Plans (49 CFR 172.800).

Consider the following four scenarios

#1) If a shipper offers for transportation 4900 pounds of Class 3 chemicals in non-bulk packages in one shipment, must this shipper register pursuant to 49 CFR 107.601 and prepare a security plan pursuant to 49 CFR 172.800?

#2) If a shipper offers for transportation 4900 pounds of Class 3 **and** 4900 pounds of Class 8 chemicals in non-bulk packages in one shipment, must this shipper register pursuant to 49 CFR 107.601 and prepare a security plan pursuant to 49 CFR 172.800?

#3) If a shipper offers for transportation 10 pounds of Division 4.3 material in non-bulk packages in one shipment, must this shipper register pursuant to 49 CFR 107.601 and prepare a security plan pursuant to 49 CFR 172.800?

#4) If the same material described in Scenario #3) is packaged per 49 CFR 173.13, must this shipper register pursuant to 49 CFR 107.601 and prepare a security plan pursuant to 49 CFR 172.800?

Your assistance is greatly appreciated.

Sincerely,


Paul J. Dainbek