



U.S. Department of Transportation  
**Pipeline and Hazardous Materials  
Safety Administration**

1200 New Jersey Ave, SE  
Washington, D.C. 20590

**APR 26 2011**

Mr. David Littlejohn  
Corporate Safety Advisor  
FedEx Express Corporation  
3670 Hack Cross Road  
Building G, 2nd Floor  
Memphis, TN 38125-8800

Reference No. 10-0066

Dear Mr. Littlejohn:

This is in response to your e-mail and conversations with Mr. Shane Kelley and Ms. Eileen Edmonson of this agency's Standards and Rulemaking Division, formerly the Office of Hazardous Materials Standards, concerning a package that contains "UN 1845, Carbon dioxide, solid (Dry ice), 9 (miscellaneous), PG III" and no other hazardous material. You state the package is prepared for air transportation in conformance with the International Civil Aviation Organization's Technical Instructions for the Transport of Dangerous Goods by Air (ICAO Technical Instructions). You ask if a shipping paper or alternative paperwork is required and if the latter document would be subject to the shipping paper retention requirements. We apologize for the delay in responding and any inconvenience this may have caused.

Both the ICAO Technical Instructions and the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) (see 49 CFR 173.217(c)) except dry ice from the shipping paper requirements provided alternative written documentation is supplied and certain other requirements are met. Part 7.4.10 of the ICAO Technical Instructions requires operators to retain only the "dangerous goods transport documents" and not alternative documents, such as those prescribed for dry ice packages meeting the conditions prescribed in Packing Instruction 904. A hazardous material that is excepted from the shipping paper requirements under the HMR is also excepted from having to comply with the shipping paper retention requirements prescribed in §§ 172.201(e) and 175.33(c). Neither the HMR nor the ICAO Technical Instructions require retention of documentation when a shipping paper (transport document) is not required.

I hope this satisfies your request.

Sincerely,

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

01/5210

**Drakeford, Carolyn (PHMSA)**

**From:** Betts, Charles (PHMSA)  
**Sent:** Monday, March 22, 2010 11:56 AM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: PHMSA Interpretation

**Importance:** High

CAROLYN,

PLEASE LOG IN AS A NEW REQUEST FOR INTERPRETATION.

THANKS,  
CHARLES

Edmonson

§ 173.217

§ 175.33

§ 172.201

Dangerous Goods -  
Shipper's Declaration  
10-0066

**From:** David Littlejohn [mailto:mdlittlejohn@fedex.com]  
**Sent:** Monday, March 22, 2010 11:31 AM  
**To:** Betts, Charles (PHMSA)  
**Subject:** PHMSA Interpretation  
**Importance:** High

Dear Mr. Betts:

FedEx Express is requesting your office provide an interpretation regarding any requirement for a shipper to provide a Dangerous Goods (DG) Shipper's Declaration or alternative paperwork when offering shipments containing Dry Ice which do not contain other materials of Dangerous Goods in accordance with the International Civil Aviation Organization (ICAO) regulations. In addition, we are requesting clarification on any operator requirement for paperwork retention when Dry Ice shipments are offered under ICAO. This would be before and or after any proposed or final rule regarding § 173.217 or § 175.33. It is our understanding that a shipper offering Dry Ice shipments under the ICAO regulations do not have to offer a DG Shipper's Declaration and or any other paperwork. It is also our understanding that the document retention requirements for operators of 175.33 do not apply. Thank you in advance for providing a response and if any additional information is needed please do not hesitate to contact me directly.

Regards,

David Littlejohn  
FedEx Express Corporation  
Corporate Safety Advisor  
901-434-9567