



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

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

NOV 30 2010

Ms. Sandra Richesin
Safety Compliance Administrator
FedEx Freight
P.O. Box 840
Harrison, AR 72602-0840

Reference No. 10-0139

Dear Ms. Richesin:

This is in response to your July 1, 2010 letter and July 22, 2010 telephone conversation with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping papers. Specifically, you ask whether the shipping paper you submitted describing two cartons containing 850 cubic centimeters (0.22 gallons) or less of "UN 2796, Battery fluid, acid, 8, Packing Group (PG) II, Limited Quantity" complies with the HMR. You state each completed package consists of one crate that contains one carton of battery fluid and one motorcycle. You also state these materials are described on an accompanying shipping paper but are packaged in such a manner that the presence of the battery acid in the package would not be known without the shipping paper description.

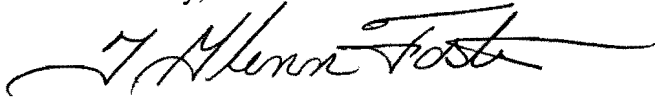
It is the opinion of this Office that the shipping paper you submitted does not fully comply with the HMR. The shipping paper you submitted does not properly indicate each carton of limited quantity battery acid is within a combination package that consists of a crate as the outer packaging (see § 173.154). The HMR require that the number and type of package must also be indicated (see § 172.202(a)(7)). The shipping paper you submitted includes the number "10" in the entry for battery acid. You explain this represents the total weight of the battery fluid as 10 pounds. The HMR require a total quantity, including unit of measure by net or gross mass, capacity, or as otherwise appropriate, for each hazardous material described on a shipping paper (see § 172.202(a)(5)). Although the cubic centimeter amounts provided for the battery fluid on this shipping paper satisfy this requirement, the 10 pound entry is another total quantity for the battery fluid description. Therefore, this Office recommends that this shipping paper entry include a "pound" unit of measure to assist with making it easily decipherable for purposes of emergency response.

Also, please note the HMR require the outside of a non-bulk package containing a hazardous material liquid to be properly marked with the directional arrows package marking in the correct orientation, as prescribed in § 172.312(a)(2). The HMR also except a limited quantity packaging

from having to be marked with the proper shipping name provided the package is marked with the correct identification number, in this instance “UN 2796,” that is placed within a square-on-point border, as prescribed in § 172.315.

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

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

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Harrison, AR 72602-0840

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Edmonson
\$172.202
\$172.203
Shipping Papers
10-0139

July 1, 2010

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Chief Mitchell,

Enclosed please find a copy of a shipping paper which some clarification is being requested on whether it meets the requirements of the regulations. Each carton containing the hazardous material, battery fluid, is inside a crate containing one of the motorcycles listed. The carton of hazardous material is not visible when looking at the crate.

I appreciate your time in reviewing this and look forward to your response.

Sincerely,

Sandra Richesin, DER
Safety Compliance Administrator

ITEM	MODEL / SPEC. / COLOR CODE	COLOR	QTY.	CASE NO.	VIN	BUK TO CORR	CL. OR RATE	Check Column
BATTERY FLUID, ACID, B, UN2796, PGII, LTD. QTY.								
1500 TTL cc, LESS THAN 850cc IN EACH OF 2 CARTONS						10		
EMERGENCY CONTACT: CHEMTREC 1-800-424-9300								
*** FREIGHT PREPAID ***								

* 1	065500FK9	GRY GREY	1	005246	VTTGMS1A592102531	612		
* 2	065500FK9	WHT WHITE	1	005131	VTTGMS1A992102404	612		
21908384 (M00402PW) 21908385 (M00402PW)								

TOTAL QTY. 2 TOTAL WEIGHT 1234.0 LBS. LOAD #: 61679

SPECIAL INSTRUCTIONS

Subject to Section 7 of conditions of applicable bill of lading, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement:
 The carrier shall make delivery of this shipment without payment of freight and of other inland charges.
 If charges are to be prepaid, write or stamp here, "To be Prepaid" **PREPAID**
 Rec'd \$ _____ to apply in payment of the charges on the property described hereon.
 Agent or Cashier

NOTICE: This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation. The carrier certifies that all applicable emergency response information is properly maintained and accessible.

If the shipment involves hazardous materials, the carrier by using the bill of lading certifies that it is "correct" or "shipper's weight". NOTE: Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding PER.

TRUCK/IVE PERSON CONTACTED DATE LAST DAY FOR RV

Shipper's receipt in this shipment; not a part of bill of lading approved by the Interstate Commerce Commission
 SHIPPER, PER *Jannie Thompson 4/2-2010*
 AGENT, PER *[Signature]*