



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

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

JAN 18 2002

Ref. No. 01-0210

Mr. David Mashinski  
Shell Chemicals  
P.O. Box 2463  
Houston, TX 77252

Dear Mr. Mashinski:

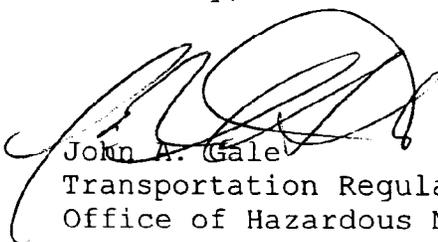
This is in response to your August 1, 2001 letter requesting clarification of the shipping paper requirements under the Hazardous Material Regulations (HMR; 49 CFR Parts 171-180) pertaining to the shipping description "Residue: Last Contained, Flammable liquids, n.o.s., 3, UN1993, III, RQ (Ethylbenzene)." I apologize for any inconvenience that the delay in responding may have caused you.

Specifically, you ask whether the letters "RQ" must be removed from the basic shipping description for the return trip of a tank car. You state that prior to the return trip, the tank car will be unloaded and, therefore, will no longer contain the reportable quantity of a hazardous substance.

The answer is no. In accordance with § 172.203(e)(2), the description on the shipping paper for a tank car containing the residue of a hazardous material must include the phrase "Residue: Last Contained \* \* \*" before the basic description. If, when fully loaded, the correct shipping description for the material in the tank car required the letters "RQ" to be included, the letters "RQ" are not required to be removed from the shipping paper description when the residue in the tank car no longer meets the definition of a hazardous substance.

I hope this information is helpful. Please contact this office if you need additional assistance.

Sincerely,

  
John A. Gale  
Transportation Regulations Specialist  
Office of Hazardous Materials Standards

172203(6)(



McIntyre  
§172.203(e)(1)  
Shipping Papers  
01-0210

August 1, 2001

Office of Hazardous Materials Standards – DHM-1  
U.S. Department Of Transportation  
400 7<sup>th</sup> Street, S.W.  
Washington, D.C. 20590-0001

Dear Mr. Billings,

Shell Chemical Company seeks confirmation of a telephone conversation on July 30, 2001 with Mr. Ben Supko, a member of your staff. Our question to Mr. Supko concerned the description on a shipping paper for a tank car containing the residue of a hazardous material which, when fully loaded, contained a reportable quantity of a hazardous substance but after unloading does not.

For example: a tank car containing a Class 3 material of which ethylbenzene is a component is described as follows when shipped from the manufacturing location:  
"Flammable Liquids, NOS (XXXXXX, Ethylbenzene), 3, UN1993, III, RQ (Ethylbenzene)".

After unloading, the residual product in the tank car contains much less than the 1000 pound reportable quantity of ethylbenzene; however, the shipper's computer generated return Bill of Lading would contain the following description:  
"Residue Last Contained: Flammable Liquids, NOS (XXXXXX, Ethylbenzene), 3, UN1993, III, RQ (Ethylbenzene)".

FOR RETURN TO SHIPPER

Technically speaking, since the car no longer contains a reportable quantity of a hazardous substance, the person returning the residue tank car would be required to remove the "RQ (ethylbenzene)" from the description; however, having read the attached interpretation from RSPA dealing with the same topic for a Class 9 material, we are persuaded that the residue tank car in our example may be returned without modification of the description. Mr. Supko concurred with our interpretation. We would appreciate your written confirmation of our interpretation.

Our thanks in advance for your prompt consideration of this request. If you have any questions, I can be reached at 713-241-6436.

Sincerely,

*David Mashinski*

David Mashinski  
HSE-Advisor

FAX # 713/6436  
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