



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

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

MAR 17 2003

Mr. Orris Gram  
59285 Lotus Court  
Montrose, CO 81401

Ref. No. 03-0003

Dear Mr. Gram:

This responds to your January 8, 2003 letter requesting clarification on § 172.201(e) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification on the shipping paper retention requirements regarding "permanent" shipping papers and the required daily receipts under § 172.201(e).

According to your letter, your motor vehicles carry medical oxygen and welding gases using a single complete trip manifest or "permanent" shipping paper that makes multiple stops throughout the day. Each of your customers is provided with a delivery or billing receipt for the quantity of material which they receive. The individual customer delivery record is prepared only after delivery of the material. It is your belief that the daily copy of the full load trip manifest for each day operated would be retained for 375 days and comply with the HMR, and, there would be no requirement to list quantity delivered to each individual customer. However, you believe it would appear to require a full shipping document be maintained for each individual delivery.

Section 172.201(e) provides for the use of a "permanent" shipping paper when shipping the same material (same shipping name and identification number) for multiple shipments, instead of a separate shipping paper for each shipment made, if the carrier also retains a record of each shipment made, to include shipping name, identification number, quantity transported, and date of shipment. Therefore, if you choose to use a "permanent" shipping paper instead of a shipping paper for each daily delivery, you must also retain copies of your delivery or billing receipts that include the shipping name, identification number, quantity transported, and date of shipment. Regarding exceptions in § 173.320, these exceptions are valid. However, shipping paper requirements apply as stated in § 173.320(a)(2).

I hope this answers your inquiry.

Sincerely,

Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards



030003

172.201

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January 8, 2003

Boothe  
§ 172.201 (4)(e)  
Shipping Papers  
03-0003

Deborah Boothe  
Office of Hazardous Materials Standards  
Research and Special Programs Administration  
U.S. Department of Transportation  
400 Seventh Street SW  
Washington, DC 20590

Dear Ms. Boothe;

I am requesting clarification on the retention of shipping papers as outlined in Docket HM-207B. (172.201(e)) States that a carrier may retain a single copy of the shipping paper, then adds **if**, the carrier retains a record of each shipment made, to include shipping name, identification number, quantity transported and date of shipment. On one hand the requirement for only the single permanent document, and on the hand requires a complete shipping document for each delivery.

We are a private carrier of welding gases and medical oxygen; all materials are delivered over scheduled routes using a permanent shipping paper identifying the cargo.

**Example No 1.** – A motor vehicle operates with a bulk container of medical oxygen having a capacity of 776 liters (300 gal), and currently uses a permanently mounted shipping document with emergency response information as required as follows:

“1 tank, Oxygen, refrigerated liquid, 2.2, UN-1073, II, 300 gallons”

This vehicle will make multiple stops delivering product throughout the day, each customer will be provided with a delivery (billing) for the quantity of oxygen, which they receive. The driver knew at origin of the trip, potential customers name, but not the quantity, which would be delivered. The individual customer delivery record is prepared only after delivery of the “Oxygen, refrigerated liquid”. The quantity transported starts with a full tank and the load diminishes with each delivery.

**Question.** To comply with the HM207B shipping document and retention requirement, what documentation is required?

- (1). Are the exceptions (173.320) provided for cryogenic liquids (oxygen), still valid or superseded by HM-207B,
- (2). Will the current undated single copy of the permanent shipping document carried on the vehicle be acceptable “1 tank, Oxygen refrigerated liquid, 2.2, UN1073, 300 gallons” be acceptable;
- (3). Will a copy of the shipping document “1 tank, Oxygen refrigerated liquid, 2.2, UN1073, 300 gallons” dated for each day operated for the 375 day period be required; or

(4). Will a copy of each customer delivery record containing the US DOT Reg. No., proper shipping name, identification number, class, quantity delivered, and date retained for the 375 day period be required.

**Example No. 2.** – A vehicle transports welding gases on a scheduled delivery route the driver knows the potential customers and approximately the number of cylinders each customer will require. The driver starts the daily trip with a single complete trip manifest, shipping document, listing only a route number and a full detailed description of the load, including the total number of cylinders at the start of the trip, which in an abbreviated form example would be;

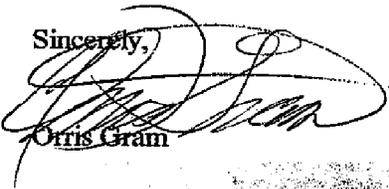
“50 cyl, Oxygen, compressed, 2.2, UN1072”

“20 cyl, Acetylene, dissolved, 2.1, UN1001”

In the instance of Example No. 2 it is our belief the daily copy of the full load trip manifest for each day operated would be retained for 375 days and comply with HM207B, and there would be no requirement to list quantity delivered to each individual customer. However, as outlined in Example (1) it would appear to require a full shipping document be maintained for each individual delivery.

Your clarification of this matter is urgent if we are in noncompliance the document preparation and retention requirement.

Sincerely,



Orris Gram