



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

MAY 13 2008

Ms. Kelly V. Camp CHMM
Senior Project Manger
Suite 100
95 Cedar Street
Providence, RI 02903

Ref. No.: 08-0093

Dear Ms. Camp:

This is in response to your March 25, 2008 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding a water pump system tank containing limited quantities of compressed gases. Your questions are paraphrased and answered below.

Q1: Section 173.306(g) specifies that “shipments are not subject to subpart F of this subchapter.” Is the “subpart F” that is specified in this provision, Subpart F of Part 172?

A1. Yes. Also we will correct this oversight in a future rulemaking.

Q2: Section 173.306 is titled as “Limited Quantities of Compressed Gases.” Is a water pump system tank that meets the packaging provisions in § 173.306(g) required to comply with all of the applicable limited quantity provisions such as § 172.203(b), which requires the addition of text to specify the described material as a limited quantity on the shipping paper, and § 172.315, which allows the use of the identification number instead of the proper shipping name to be marked on the packaging?

A2. Yes.

Q3: If a water pump system tank transported in accordance with § 173.306(g) has a special permit that allows for certain exceptions (e.g., a 24-inch diameter limit is expanded to a 26-inch diameter limit), do the rest of provisions such as the placarding exceptions still apply despite not being mentioned in the special permit?

A3. Yes. Unless the exception is specifically forbidden from use in the special permit, the exception would still be applicable.

Q4: Would the water pump system tank specified in Q3 be subject to both the applicable special permit provisions (e.g., §§ 172.203(a) and 172.301(c)) and the limited quantity provisions (e.g., §§ 172.203(b) and 172.315(b))?

A4: Yes.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Mitchell', with a stylized flourish extending to the right.

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

COMMITMENT & INTEGRITY
DRIVE RESULTS

95 Cedar Street | Suite 100
Providence, Rhode Island 02903
www.woodardcurran.com

T 800.985.7897
T 401.273.1007
F 401.273.5087

Satterthwaite

§172.203

§173.306(g)

Shipping Papers / Cylinders
08-0093

March 25, 2008



Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
Attn: PHH-10
U.S. Department of Transportation
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

RE: Questions About 49 C.F.R. 173.306(g)

I have reviewed 49 C.F.R. 173.306(g) and have the following questions:

1. The introductory paragraph to 49 C.F.R. 173.306(g) states, "In addition, shipments are not subject to subpart F of this subchapter." Please confirm that this should reference subpart F of part 172, the regulations related to placarding.
2. 49 C.F.R. 173.306 is titled "Limited Quantities of Compressed Gases." Please confirm that the water pump system tanks referred to in paragraph (g) are limited quantities and are subject to the requirements for limited quantities in 49 C.F.R. 172.203(b) (for adding "Limited Quantity" or "Ltd. Qty." following the basic description on the shipping paper) and 49 C.F.R. 172.315 (allowing the use of the ID number in marking instead of the shipping name).
3. If a water pump system tank subject to paragraph (g) has a special permit that allows exceptions to some specific portions of the paragraph (e.g., the 24-inch diameter limit is permitted to be a 26-inch diameter limit), do the rest of the requirements of the paragraph apply, such as the exception to placarding? Placarding is not addressed in the special permit.
4. If a water pump system tank subject to paragraph (g) has a special permit that allows exceptions to some specific portions of the regulation (e.g., the 24-inch diameter limit is permitted to be a 26-inch diameter limit), are such tanks also considered to be limited quantities and therefore, not only subject to the requirements for special permits in 49 C.F.R. 172.203(a) and 172.301(c), but also subject to the requirements for limited quantities in 49 C.F.R. 172.203(b) (for adding "Limited Quantity" or "Ltd. Qty." following the basic description on the shipping paper) and 49 C.F.R. 172.315 (allowing the use of the ID number in marking instead of the shipping name)?

Thank you for your help in addressing these questions. I can be reached at 401.273.1007 ext 2009 if you need clarification.

Sincerely,

WOODARD & CURRAN INC.

A handwritten signature in black ink, appearing to read 'KVC' or similar initials.

Kelly V. Camp CHMM
Senior Project Manager

KVC/cc