



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

JUN 12 2008

Ms. Charleye Sells
DPC Industries, Inc.
P.O. Box 24600
Houston, TX 77229-4600

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

Reference No. 08-0099

Dear Ms. Sells:

This is in response to your April 17, 2008 letter and telephone conversation with a member of my staff concerning how to properly indicate on a shipping paper when a Special Permit applies to a hazardous materials entry under § 172.203(a) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state most of the bulk tanks (multi-unit tank car tanks and cargo tanks) your company uses conform to DOT specifications but some are special permit tanks. When the shipping paper is computer generated, the type of tank that will be used is not known. The tank selection is based on availability at the shipping location when the order is filled.

You ask if your shipping paper may display the required information and include the wording "DOT-SP 5951 May Apply" for your multi-unit tank car tank (ton tank) shipments or offer a check-off option for your cargo tanks operating under a special permit, as follows:

UN1017, Chlorine, 2.3, (8), RQ
Poison – Inhalation, Zone B
Corrosive, Marine Pollutant
DOT-SP 5951 May Apply

UN1791, Hypochlorite solutions,
8, PG III, RQ (Sodium Hypochlorite)
Special Permit applies if checked:
 DOT-SP 10878
 DOT-SP 12516

The correct special permit number must be entered on a shipping paper in association with the basic description of the material to which it applies. See § 172.203(a). Therefore, based on the information you provided, when shipping Chlorine, the above shipping paper entry is acceptable provided you remove or obliterate the words "May Apply" when using a DOT-SP 5951 ton tank, and remove or obliterate the entire phrase "DOT-SP 5951 May Apply" when

using any other type of ton tank. When shipping Hypochlorite solutions, the above shipping paper entry is acceptable provided the blank line beside "DOT-SP 10878" or "DOT-SP 12516" is checked only for the shipping description to which each special permit specifically applies.

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Mitchell", with a long horizontal flourish extending to the right.

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

Edmonson
§ 172.203(a)
Shipping Papers
08-0099

Date: April 17, 2008

To: U.S. Department of Transportation
Pipelines and Hazardous Materials Safety Administration
Hazardous Materials Information Center
infocntr@dot.gov

From: DPC Industries, Inc.
Charlcy Sells
csells@dxgroup.com

We request interpretation of 49CFR 172.203(a), regarding the requirement to print DOT-SP and the special permit number in association with the shipping description. We have questions about two kinds of shipments.

- 1) Each year, we transport thousands of multi-unit tank car tanks filled with compressed gases. Most of these tanks are DOT specification tanks, but some are transported under the provisions of DOT-SP 5951. When the computer generates the shipping paper, we do not know whether a shipment will include special permit containers. The order is filled from the stock available at each shipping location at the time. Will we be in compliance with 172.203(a) if our shipping description includes "DOT-SP 5951 may apply"? All special permit containers are properly marked and labeled, and all transport vehicles carry copies of the special permit. The shipping description looks like this:

UN1017, Chlorine, 2.3, (8), RQ
Poison – Inhalation Hazard, Zone B
Corrosive, Marine Pollutant
DOT-SP 5951 May Apply

- 2) We transport cargo tanks of sodium hypochlorite. Most of our cargo tanks are DOT specification tanks, but we have several that operate under DOT-SP 10878 or DOT-SP 12516. When the computer generates the shipping paper, we do not know which cargo tank will be available. Will we be in compliance with 172.203(a) if our shipping description offers a check-off option for tanks operating under a special permit? The shipping description would look like this:

UN 1791, Hypochlorite Solution
8, III, RQ (Sodium Hypochlorite)
Special Permit applies if checked:
 DOT-SP 10878
 DOT-SP 12516

Sincerely,

Charlcy Sells

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Monday, April 21, 2008 11:30 AM
To: Drakeford, Carolyn <PHMSA>
Cc: 'CSELLS@dxgroup.com'
Subject: FW: Request for Interpretation

Attachments: Request for interpretation.doc



Request for
interpretation.doc...

Carolyn,

Attached is a request for a letter of interpretation on the requirements in 49CFR 172.203(a).

Thanks,
Rob

-----Original Message-----

From: Sells, Charlcye [mailto:CSELLS@dxgroup.com]
Sent: Monday, April 21, 2008 10:27 AM
To: INFOCNTR <PHMSA>
Subject: Request for Interpretation

I have attached our request for an interpretation of the requirements in 49CFR 172.203(a).

<<Request for interpretation.doc>>

Charlcye Sells
DPC Industries, Inc.