



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

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

JUL 11 2013

Mr. Ron Collins
Inventory Control Coordinator
ClearEdge Power
7175 NW Evergreen Parkway, Ste. 100
Hillsboro, OR 97124

Reference No.: 13-0121

Dear Mr. Collins:

This is in response to your May 29, 2013 email to the Standards and Rulemaking Division of the Office of Hazardous Materials Safety requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the determination as to whether or not your shipment meets or exceeds the reportable quantity listed in the appendix A to § 172.101 is based on the amount of hazardous materials, or on the total weight of your package. You state that you offer hazardous materials under a special permit in a non-DOT specification closed bulk bin. You also state the actual weight of the hazardous materials in the bulk bin is 29 pounds, and the metal assembly containing the material is 600 pounds.

The definition of a hazardous substance is found in § 171.8. A hazardous substance (other than a radionuclide) is defined as a material, including its mixtures and solutions, that: (1) is listed in appendix A to § 172.101 of the HMR; (2) is in a quantity, in one package, which equals or exceeds its reportable quantity (RQ) listed in appendix A to 172.101 of the HMR; and (3) when in a mixture or solution, is in a concentration by weight which equals or exceeds the concentration corresponding to the RQ of the material, as shown in § 171.8. The total amount of the material listed by name in appendix A to § 172.101 should be used to determine if your shipment meets or exceeds the reportable quantity shown in column two of the appendix. From the information you provided, the weight you would use to make your hazardous substance determination would be 29 pounds.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Webb
\$172.101
\$176.83

From: INFOCNTR (PHMSA)
Sent: Thursday, May 30, 2013 2:00 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Letter of Interpretation

Reportable Quantity
13-0121

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation. This caller spoke with Victoria Lehman and Adam Lucas in the HMIC previously.

Thanks,
Victoria

From: Ron Collins [<mailto:rcollins@Clearedgepower.com>]
Sent: Wednesday, May 29, 2013 1:48 PM
To: INFOCNTR (PHMSA)
Subject: Letter of Interpretation

May 29, 2013

Dear PHMSA,

Once amended, we plan to be shipping under SP-14158.
The material in question is the solid containing class 8 Liquid as;
UN3244, SOLIDS CONTAINING CORROSIVE LIQUIDS, N.O.S.
(Phosphoric Acid, Absorbed in Solids), 8, PGII

The permit allows shipment in a "non-DOT specification closed bulk bin".
This Bulk Bin is actually our metal assembly with the HM contained inside.
The assembly is tight, but is not a DOT spec. container, and the assembly is shipped inside of a wood crate.

My question is how to determine the reportable quantity of our material.
The actual weight of the HM is 29# (solids and acid); however the metal assembly containing the material is 600#.
Does my shipment contain 29# or 600# of HM?
I have contacted PHMSA by phone and was told that the HM weight is not required for labels.

We desire to have this quantity printed on our HM labels in addition to the Hazardous Material description as additional information.
This weight determination could also be relevant to other compliances yet to be determined.

Your interpretation would be appreciated.

Best Regards,

Ron Collins

Inventory Control Coordinator



7175 NW Evergreen Parkway, Ste. 100

Hillsboro, OR 97124

Office: 877.257.3343 x1683

Direct: 503-214-1683

Fax: 503.693.1707

<http://www.clearedgepower.com>

Corporate management systems certified to ISO 9001 and ISO 14001.