



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

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

JUL 18 2001

Mr. Andrew N. Romach
Regulatory Manager
URS Corporation
P.O. Box 13000
Research Triangle Park, NC 27709

Ref. No. 01-0158

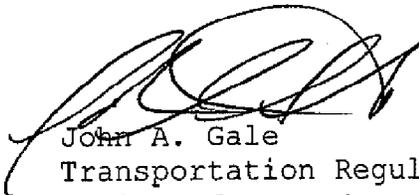
Dear Mr. Romach:

This is in response to your letter dated June 25, 2001, requesting clarification on registration requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a shipper is required to register if the transporter decides to placard a shipment that does not require a placard (e.g., a Class 9 shipment).

The answer is no. A domestic shipment of Class 9 material in non-bulk packagings does not require a Class 9 placard (see § 172.504(f)(9)). Thus the shipper is not required to register.

I hope this satisfies your request.

Sincerely,



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



01-0158

107.601

URS

June 25, 2001

Mr. Ed Mazzullo, Director
Office of Hazardous Material Standards
Research and Special Programs Administration
U.S. Department of Transportation
400 7th Street, SW
Washington, DC 20590-0001
FAX: (202) 366-3012

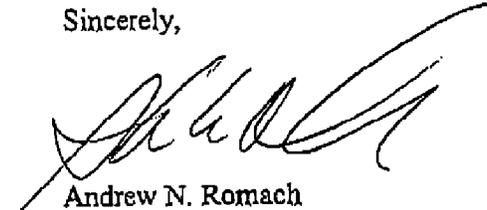
Dear Mr. Mazzullo:

I am writing to you to request a written regulatory interpretation concerning activities requiring registration as described in 49 CFR 107.601(6). Last week, I spoke with Mr. David Donaldson, Registration Program Manager for DOT's registration program. I asked him whether a placardable quantity of a Class 9 material taking advantage of the domestic exception from placarding [as allowed in 49 CFR 172.504(f)(9)] would be a material that "requires placarding", as specified in paragraph (6). Mr. Donaldson responded that because this domestic exception exists, placarding of Class 9 materials within the U.S. would be considered "permissible" rather than "required." The actual regulatory text of 49 CFR 172.504(f) states: "For domestic transportation, a Class 9 placard is not required" which further confirms his response.

Mr. Donaldson further explained that placarding would be considered "permissible" rather than "required" in the above-described instance, even if the shipper offered placards to the driver and the driver placarded the truck. Because the shipper/driver had the option of taking advantage of the exception if the shipper/driver wanted to, placards would not be "required" even if they were used.

I appreciate your clarification of this matter. If you have questions please call me directly at (919) 461-1220 or fax to me at (919) 461-1371.

Sincerely,



Andrew N. Romach
Regulatory Manager
URS Corporation

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~~§ 172.504(f)(9)~~ 107.601
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