

Mar 17, 2003

Mr. Orris Gram

Reference No. 03-0003

59285 Lotus Court
Montrose, CO 81401

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

172.201