



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

DEC 4, 2006

Mr. J. F. Moore
Millennium Rail, Inc.
P.O. Box 428
Scottsville, Texas 75688

Ref. No.: 06-0231

Dear Mr. Moore:

This is in response to your October 4, 2006 letter regarding shipping papers as specified under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state your company (MRI) operates several tank car repair shops that perform safety tests on tank cars to ensure they are free of leaks. Occasionally, a shop will receive a tank car containing hazardous material residue. You ask if the original shipper of the tank car containing hazardous material residue may authorize MRI to show it as the shipper with MRI listed secondarily (e.g., Company ABC by MRI) or, alternately, have the original shipper of the tank car containing hazardous material residue provide a shipping paper to the railroad carrier.

The answer to both scenarios is yes. The HMR do not require a shipping paper to include routing information such as shipper or third-party contact information. In addition, the HMR do not prohibit the original shipper of the tank cars containing hazardous material residue from preparing a shipping paper for the return shipment of the tank car and providing it to either MRI or the railroad carrier. The requirements of the HMR apply to persons who offer for transportation or transport hazardous materials in commerce. Any one of several entities in a transportation movement may perform, singly or in combination, regulated functions (e.g., preparation of shipping papers, selection of packaging, etc.). Under the HMR, any person performing functions of an offeror is responsible for performing those functions in accordance with the applicable regulatory requirements.

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

Sincerely,

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



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MILLENNIUM RAIL, INC.
P.O. Box 428, Scottsville, Texas 75688
903-935-7847 Fax: 903-935-2940

DOT/RSPA/OHMS
06 OCT 11 PM 3:56

Satterthwaite
E 173-22
Shipper's Responsibility
06-0231

October 4, 2006

Office of Hazardous Materials Standards (DHM-10)
Pipeline and Hazardous Materials Safety Administration, US DOT
400 Seventh Street, SW, Washington, DC 20590-0001

To Whom It May Concern:

Millennium Rail, Inc. (MRI) operates multiple freight rail car repair locations in several states. Occasionally a residue car (primarily a tank car) is received at our shops. When this occurs, the residue car would be worked as a "do not open car". While in the shop, we perform safety tests on the car to make sure it is not leaking and consequently pose a safety hazard to our employees. We do not disturb the valves or closures while at our facility.

The purpose of this correspondence is to solicit an opinion from the DOT in regards to the appropriate handling of shipping paper documentation generated for residue cars shipped from our repair facilities.

We are of the opinion that MRI is not equipped and cannot be equipped to be shown as the shipper (offeror) of residue cars. I say this because the shipping document is required to show a 24-hour emergency response telephone number, and per 172.604, the person offering the material must provide the number and the number has to be monitored at all times the hazmat is in transportation, and must be that of a person who is knowledgeable of the hazmat, or has comprehensive emergency response information, or has immediate access to someone who has such knowledge. Making it impossible for MRI to be knowledgeable of all the afore mentioned information on all of the Haz Mat products that may shipped out of our shops.

Since the "owner" of the Haz Mat product contained in residue cars, ships the particular product(s) routinely, we propose to either: (1) Have the original shipper of the Haz Mat residue car authorize MRI to show them as the shipper (offeror), with the shop shown secondarily (eg: "Exxon Chemical by Millennium Rail"), or alternatively (2) request that the original shipper of the Haz Mat residue car provide billing instructions to the railroad. We would like both options assessed so that if we can, have both available to us for flexibility purposes.

If you have questions regarding this request, my phone number is (903-935-7847) or email jmoore@millenniumrail.com.

Please advise the undersigned at your earliest opportunity.

Sincerely,

J.F. Moore