



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

Memorandum

Date AUG 16 2000

Reply to Attn. of:

Subject: INFORMATION: Clarification of 49 CFR 173.8

Ref. No: 00-0173

From Delmer F. Billings, Chief
Standards Development, DHM-11

To William A. Quade, Chief
Hazardous Materials Division, MC-ECH

This is in response to your request for clarification of the provisions in the Hazardous Materials Regulations (HMR) authorizing use of non-specification bulk packagings, under certain conditions (§ 173.8). You ask whether this exception affects the provisions of § 173.315.

The answer is no. Section 173.8 provides for the continued use of certain non-specification cargo tanks which were authorized for intra-state carriers by State law or regulation, but not otherwise authorized by the HMR. The use of non-specification cargo tanks which are specifically authorized by the HMR, such as those in § 173.315, is not affected by § 173.8.

#



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Memorandum

La Valle
§ 173.8
OO-0173

Subject: **INFORMATION:** Regulatory Interpretation

Date: JUN 9 2000

From: William A. Quade
Chief of Hazardous Materials Division

Reply to
Attn. of: MC-ECH

To: Ed Mazzulo
Director Hazardous Materials Standards
DHM-10

On October 1, 1997 RSPA issued HM-200. In that rule, §173.8(a) was added which states: Non-specification bulk packagings. Not with standing requirements for specification packagings in subpart F of this part and parts 178 and 180 of this subchapter, a non-specification bulk packaging may be used for transportation of a hazardous material by an intrastate motor carrier until July 1, 2000, in accordance with the provisions of paragraph (d) of this section.

Some in the enforcement community are interpreting this to mean that after July 1, 2000 non-specification cargo tanks authorized in § 173.315 may not be used. Is this interpretation correct?

William A. Quade