



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

APR 26 2005

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

Capt. Bruce Bugg
Special Projects Coordinator
Law Enforcement Division
Georgia Department of Motor Vehicle Safety
P.O. Box 80447
Conyers, GA 30013

RefNo.: 05-0089

Dear Capt. Bugg,

This is in response to your letter dated April 13, 2005, requesting clarification of §§ 173.25, 173.63, and 177.835 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 100-185), as applicable to containers conforming to the Institute of Makers of Explosives' Safety Library Publication No. 22 (IME Standard 22). Specifically, you ask if an IME Standard 22 container that is not permanently attached to a motor vehicle may be used as an overpack or outer packaging and, if so, must it be marked and labeled.

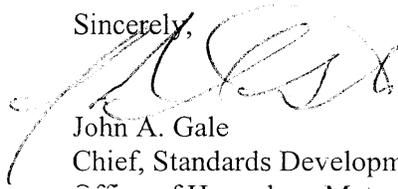
An overpack, as provided by § 171.8, is an enclosure that is used by a single consignor to provide protection or convenience in handling a package or to consolidate two or more packages. An IME Standard 22 container that is not permanently attached to a motor vehicle may meet the definition of an overpack in § 171.8, provided it fulfills the requirements in § 173.25.

An outer packaging, as provided by § 171.8, is the outermost enclosure of a composite or combination packaging, together with any absorbent materials, cushioning, and any other components necessary to contain and protect inner receptacles or inner packagings. Sections 173.63(f) and 177.835(g) authorize IME Standard containers or compartments as the outer packaging of a combination packaging. Therefore, provided it conforms with § 173.63(f), an IME Standard 22 container that is not permanently attached to a motor vehicle may serve as the outer packaging of a completed combination package.

In both instances, whether the IME Standard 22 container is used as an overpack or as an outer packaging, it must be marked and labeled in accordance with Part 172, Subparts D and E, respectively.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



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173.63
177.835

