



U.S. Department  
of Transportation

Pipeline and Hazardous Materials  
Safety Administration

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1200 New Jersey Ave., SE  
Washington, DC 20590

Mr. Andrew Romach  
Regulatory Compliance Manager  
URS Corporation  
1600 Perimeter Park Drive  
Morrisville, NC 27560

Ref. No.: 08-0270

Dear Mr. Romach:

This is in response to your October 28, 2008 letter requesting clarification of the non-bulk shipping requirements for shock absorbers under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if shock absorbers that are classed as "*Articles, pressurized pneumatic, UN3164*" may be shipped together in non-specification outside packaging (e.g., large fiberboard box or metal cage) and whether they are excepted from DOT hazard labeling and placarding requirements.

In accordance with § 173.306(f)(3), the shock absorbers are excepted from labeling (unless offered for transportation by aircraft) and specification packaging requirements. To take advantage of these exceptions, each shock absorber must be designed and fabricated with a burst pressure of not less than five times its charged pressure at 70°F when shipped. In addition, each shock absorber must be shipped as an inside packaging (outer packaging may consist of a large fiberboard box or metal cage that meets the general packaging requirements in Part 173), have a gas space under stored pressure of 2,500 cubic inches or less, and be tested before initial shipment and before each refilling and reshipment without evidence of failure or damage. Shock absorbers conforming to the requirements in § 173.306(f)(3) are not excepted from placarding requirements.

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

Sincerely,

  
Susan Gorsky  
Acting Chief, Standards Development  
Office of Hazardous Materials Standards



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**

Supko  
§ 173.306(f)(3)  
§ 172.101  
Applicability  
08-0270

Dear Mr. Mazzullo:

I am writing to you to request written clarification of the regulatory requirements set out in 49 CFR 173.306(f) that apply when shipping several hundred automotive shock absorbers together in an outside packaging, such as a metal cage or a large fibreboard box. These shock absorbers are being shipped for metal recycle. The shock absorbers are classified as *Articles, pressurized pneumatic*, UN3164. The shock absorbers meet the requirements set out in 49 CFR 173.306(f)(3).

Based on my reading of the regulations, **49 CFR 173.306(f)(3) appears to allow shock absorbers to be shipped together in an outside packaging, such as a metal cage or a large fibreboard box, and to be excepted from DOT hazard labeling and placarding requirements. Please confirm that this shipping scenario is correct.** I have described below the regulatory evaluation to support this shipping scenario.

In discussions with Donald Burger in DOT's Office of Hazardous Materials Technology, he agreed that as a receptacle for a gas, each shock absorber would meet the definition of a *non-bulk packaging* in 49 CFR 171.8 because each shock absorber has a water capacity much less than this 454 kg limit.

As set out in column 8A (exceptions) of the Hazardous Material Table in 49 CFR 172.101, non-bulk shipping requirements for *Articles, pressurized pneumatic*, UN3164 are found in 49 CFR 173.306.

Based on the requirements set out in 49 CFR 173.306(f)(3), the above-described shock absorbers could be shipped as follows:

- Each shock absorber would be considered an inside packaging [49 CFR 173.306(f)(3), indirect reference to 49 CFR 173.306(f)(2)(i).]
- The shock absorbers must be contained in an outer packaging. A metal cage or a large fibreboard box could be used as the outer packaging. (The shock absorber is excepted from specification packaging requirements.) [49 CFR 173.306(f)(3)].
- The outer package must be marked with the proper shipping name and UN number (*Articles, pressurized pneumatic*, UN3164).
- The outer packaging is excepted from the Division 2.2 hazard label [49 CFR 173.306(f)(3)].

- The shipment is also excepted from placarding. (Although the exception from placarding is not explicitly stated in 49 CFR 173.306(f)(3), the exception is referenced indirectly through 49 CFR 173.306(f)(3)(i), which states: "Each accumulator must be in compliance with the requirements stated in paragraph (f)(2)...." Paragraph (f)(2) states: "In addition, shipments are not subject to subpart F of part 172 of this subchapter."

**Please confirm that the above-described shipping scenario is correct for shipping several hundred shock absorbers together in an outside packaging, such as a metal cage or a large fibreboard box, and that under this shipping scenario, the shock absorbers contained in the outside packaging would also be excepted from DOT hazard labeling and placarding requirements.**

I appreciate your written clarification of this regulatory question.

Sincerely,



Andrew N. Romach  
Regulatory Manager  
URS Corporation