



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

FEB 11 2000

Ref. No. 99-0317

Mr. Steven H. Wisness  
Department of Energy  
Richland Operations Office  
P.O. Box 550  
Richland, WA 99352

Dear Mr. Wisness:

This is in response to your letter regarding the use of salvage drums under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered below.

- Q1. May a salvage drum be offered into transportation in accordance with § 173.3(c)?
- A1. Yes.
- Q2. An authorized package of a hazardous material is being stored in a warehouse awaiting transportation. The package is discovered to be leaking. May the leaking package be placed into a salvage drum in accordance with § 173.3(c) to transport it for repackaging?
- A2. Yes. In accordance with § 173.3(c), a salvage drum may be used to ship a damaged or leaking package for disposal or repackaging.
- Q3. An authorized package of a hazardous waste is moved from a 90-day accumulation area to a treatment and/or disposal facility on site. The package develops a leak while in storage awaiting transportation to a disposal facility. May the leaking package be placed into a salvage drum in accordance with § 173.3(c) and then transported for disposal?
- A3. Yes. (See A2.)



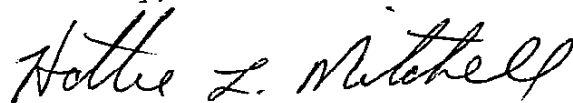
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- Q4. An authorized package of a hazardous waste is moved from a 90-day accumulation area to a storage facility. A Uniform Hazardous Waste Manifest (UHWM) is generated at the 90-day accumulation area and the drum is transported to a storage facility where the drum develops a leak. The leaking drum is placed into a salvage drum and transported for disposal in accordance with § 173.3. Does a new UHWM need to be generated?
- A4. For guidance on whether a new UHWM must be generated, you should contact Mr. Tom Cusack, EPA, Washington State Office at (360)407-6755. A UHWM is an Environmental Protection Agency (EPA) requirement and must be prepared in accordance with 40 CFR part 262. A UHWM containing all of the information required by 49 CFR part 172, subpart C, may be used to satisfy the shipping paper requirement in the HMR (see 49 CFR 172.205).
- Q5. Regarding the above scenario, may the salvage drum be transported several years later?
- A5. Yes. Also, for your information, we have initiated a rulemaking under Docket HM-223 to clarify the applicability of the HMR to the loading, unloading, and storage of hazardous materials at fixed facilities. A supplemental advance notice of proposed rulemaking (64 FR 22718) was published under Docket No. RSPA-98-4952 (HM-223) on April 27, 1999.

I hope this information is helpful. Please contact this office if you need additional assistance.

Sincerely,



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



**Department of Energy**  
Richland Operations Office  
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McIntyre  
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Mr. Edward T. Mazzullo, Director  
Office of Hazardous Materials Standards  
Research and Special Program Administration, (DHM-10)  
U.S. Department of Transportation  
400 7<sup>th</sup> Street S.W.  
Washington, DC 20590

Dear Mr. Mazzullo:

#### REQUEST FOR CLARIFICATION OF COMPLIANT USE OF SALVAGE DRUMS

Recently, several U.S. Department of Energy (DOE) contractors have raised issues concerning the use of salvage drums. Based on these issues we have two questions and several scenarios that need clarification and guidance.

1. Can a salvage drum, used in accordance with 49 CFR 173.3 (c), be offered into transportation?
2. If a salvage drum can not be offered into transportation, and assuming that a salvage drum can only be used during transportation, at what point does transportation begin?

Scenario 1: Can a salvage drum be used for hazardous material before it is actually placed into commerce?

A hazardous material has been packaged for transport and is being stored in a warehouse. Before loading on the Commercial Motor Vehicle (CMV), it is discovered that the drum is leaking. The leaking drum is placed in a salvage drum in accordance with 49 CFR 173.3(c), loaded on the CMV and placed into commerce for repackaging.

Scenario 2: Can a salvage drum be used for hazardous waste before it is actually placed into commerce?

A drum of hazardous waste was moved from a 90 day accumulation area to a treatment and/or disposal facility (TSD) onsite. At the storage facility the drum developed a leak and was placed in a salvage drum in accordance with 49 CFR 173.3(c). The drum was then transported offsite, in commerce, to a TSD.

Mr. Edward Mazullo  
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Scenario 3: Can a salvage drum be used for hazardous waste, once the drum has been placed in commerce, using the same UHWM?

A drum of hazardous waste was moved from a 90 day accumulation area to a storage facility (TSD). A Uniform Hazardous Waste Manifest (UHWM) was generated at the 90 day accumulation area; the drum was placed in commerce, and transported to the TSD for storage. At the storage facility the drum developed a leak and was placed in a salvage drum in accordance with 49 CFR 173.3(c). The next business day, the drum was then transported, in commerce, to a TSD for disposal, using the same UHWM.

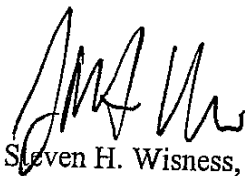
Scenario 4: If a material has been placed into a salvage drum while in storage, is it acceptable to transport the salvage drum, in commerce, several years later, using a newly generated UHWM?

A drum of hazardous waste, which contained a limited quantity of radioactive material, was moved from a satellite accumulation area to a storage facility TSD. A UHWM was generated at the satellite accumulation area for the drum placed in commerce. At the storage facility the drum developed a leak and was placed in a salvage drum in accordance with 49 CFR 173.3(c). Several years later, is it acceptable to transport the mixed waste drum (in a salvage drum) in commerce to a TSD for disposal using a newly generated UHWM?

I would appreciate a written reply. I recognize that you have a large number of demands on your time and attention and I would greatly appreciate any guidance you may offer.

If you have any questions, please contact Dennis Claussen, of my staff, (509) 372-0938.

Sincerely,



Steven H. Wisness, Director  
Office of Site Services

OSS:DWC

cc: J. H. Portsmouth, WMNW