



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

AUG 21 2002

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

Mr. Kent Hancock
Director, Office of Transportation
U. S. Department of Energy
19901 Germantown Road
Germantown, MD 20874-1290

Ref. No. 02-0154

Dear Mr. Hancock:

This responds to your May 14, 2002 letter requesting clarification on salvage drums and filling limits specified in §§ 173.3(c) and 173.24a(b) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a salvage drum, which exceeds its maximum gross weight because it contains a leaking, non-bulk packaging, may be placed into commerce.

If after placement of a leaking, non-bulk packaging into a authorized salvage drum, the maximum gross weight of the salvage drum is exceeded, it may not be placed into commerce. Section 173.3(c) authorizes specified UN drums tested and marked for Packing Group III or higher performance standards and leakproof tested for use as a salvage drum. As with any UN standard packaging, the packaging must be compatible with the lading and the authorized maximum gross weight of the packaging may not be exceeded.

I hope this answers your inquiry.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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Department of Energy
Germantown, MD 20874-1290

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§ 173.3(c)
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Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. Department of Transportation
Research and Special Programs Administration/(DHM-10)
400 7th Street SW
Washington, DC 20590-0001

SUBJECT: Request for Department of Transportation (DOT) clarification of the application of Title 49 CFR 173.3(c), "Salvage Drums" and 49 CFR 173.24a(b), "Non-bulk packaging filling limits"

Dear Mr. Mazzullo:

The Department of Energy Richland Operations Office (DOE-RL) requests written clarification of the applicability of 49 CFR 173.3(c), "Salvage Drums" and 49 CFR 173.24a(b), "Non-bulk packaging filling limits" to the use of salvage drums. In compliance with the requirements of 49 CFR 173.3(c), leaking, non-bulk packaging may be placed inside a salvage drum. After placement, the salvage drum may exceed its maximum gross weight. Please provide clarification as to whether or not a salvage drum, which exceeds its maximum gross weight because it contains leaking, non-bulk packaging, can be placed into commerce. The inability to place salvage drums exceeding their gross maximum weight into commerce may require maintaining an inventory of salvage drums with maximum gross weight ratings higher than any non-bulk packaging plus cushioning and absorption material on a motor vehicle.

Please provide written clarification on this matter. If you have any questions concerning this request please contact Ms. Julia Phifer, DOE at (301) 903-2920 or Mr. Dennis Claussen, DOE-RL Transportation Manager at (509) 372-0938.

Sincerely,

Kent Hancock
Director
Office of Transportation
Office of Integration and Disposition
Office of Environmental Management



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