



U.S. Department  
of Transportation

Pipeline and Hazardous Materials  
Safety Administration

1200 New Jersey Ave., SE  
Washington, DC 20590

SEP 29 2008

Ms. Erin N. Jarman  
Environmental Scientist  
URS Corporation  
1600 Perimeter Park Drive  
Morrisville, NC 27560

Ref. No. 08-0221

Dear Ms. Jarman:

This responds to your September 2, 2008 letter requesting clarification of the overpack requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered below.

Q1. Does the strong non-bulk outer packaging required by § 173.301(a)(9) for specification 2P, 2Q, 3E, 3HT, spherical 4BA, 4D, 4DA, 4DS, and 39 cylinders constitute an overpack?

A. No. In this case, the specification cylinder is the inner packaging of a combination package. As specified in § 173.301(a)(9), the strong outer package must be marked with an indication that inner packages conform to the prescribed specifications. A shipper may not use the OVERPACK marking prescribed in § 173.25 to satisfy this requirement because this configuration does not constitute an overpack.

Q2. Does a box or crate used to protect cylinder valves in accordance with § 173.301(h) constitute an overpack? Is this package subject to the requirements of § 173.25 including the requirement to mark the word OVERPACK on the box or crate?

A2. Yes. An overpack means an enclosure that is used by a single consignor to provide protection or convenience in handling of a package or to consolidate two or more packages. In this case, the specification cylinder constitutes a single package and the box or crate provides additional protection. The box or crate must comply with § 173.25 including the

requirement to mark the word OVERPACK on the protective outer packaging when specification packages are used.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Gorsky".

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



September 2, 2008

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2nd Floor  
Washington, DC 20590

Dear Mr. Mazzullo:

I am writing to you with regards to a clarification of the requirements for UN specification cylinders that are packed in fiberboard boxes or crates for shipping. There is some confusion in the regulated community regarding whether or not these boxes or crates would be considered overpacks, and would therefore be subject to the overpack provisions found in 49 CFR §173.25 with regard to marking etc. We would appreciate a formal written interpretation to clarify the following sections:

- 1) Per the requirements of §173.301(a)(9), would the box used to ship the specifically listed cylinders be considered an overpack? If so, should the statement "inner packagings conform to the prescribed specifications" be changed to "Overpack"?
- 2) Per the requirements of §173.301(h)(2)(ii), cylinders manufactured before October 1, 2007, must have the valves protected against damage during transportation. Is the box or crate used to protect the valves considered an overpack? If so, would the box be required to be marked with the word "Overpack" and be subject to all of the provisions of §173.25?
- 3) Per the requirements of §173.301(h)(3)(ii), cylinders manufactured on or after October 1, 2007 must have a valve assembly of sufficient strength or protected such that no leakage occurs when the cylinder is dropped from a height of 6 feet or more on a non-yielding surface such as concrete or steel. One method to achieve this is through the use of a box, crate, or other strong outside packaging which conforms to §173.25. If the box, crate, or other strong outside packaging must conform to §173.25, does this mean that the outside packaging is an overpack and thus required to be marked with the word "Overpack"?

Thank you in advance for your assistance. I look forward to your response.

Sincerely,

Erin N. Jarman  
Environmental Scientist

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§173.25  
§173.301  
Overpacks/Cylinders  
08-0221