



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, D.C. 20590

OCT 30 2014

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

Reference No. 14-0156

Dear Mr. Romach:

This is in response to your August 11, 2014 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the pressure test and absorbent material requirements when shipping a liquid as an excepted quantity under § 173.4a. Your questions are paraphrased and answered as follows:

Q1. Section 173.4a(a)(4) requires that packagings for which retention of liquid is a basic function must be capable of withstanding without leakage the pressure differential specified in § 173.27(c). The above requirement does not specify which level of packaging must meet the pressure differential requirement. You note that § 173.27(c)(3)(i) provides that hazardous materials may be contained in an inner packaging which itself does not meet the pressure requirement provided that the inner packaging is packed within a supplementary packaging which does meet the pressure requirement. You ask if the pressure test requirement in § 173.27(c) is satisfied if any one of the inner, intermediate, or outer packaging are capable of meeting the pressure requirement.

A1. The answer is yes. If the inner packaging itself does not meet the pressure requirement, a supplementary packaging, either intermediate or outer, must then be capable of withstanding the pressure requirements in § 173.27(c).

Q2. Section 173.4a(e)(3) requires that for liquid hazardous materials, the intermediate packaging must contain sufficient absorbent material and §173.4a(e)(3)(i) requires that such material will absorb the entire contents of the inner packaging. You provide a scenario where a tube containing a liquid hazardous material is contained inside of an inner packaging, which is placed into an intermediate packaging. You ask if the absorbent material may be placed surrounding the tube.

A2. The answer is yes. As required by § 173.4a(e)(3), the absorbent material must be placed outside the of the inner packaging within the intermediate packaging. In the scenario described, the tube may be considered the inner packaging. As such, the absorbent material may be placed surrounding the tube within the next level of packaging.

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read "Shane C. Kelley". The signature is fluid and cursive, with the first name being the most prominent.

Shane C. Kelley
Acting International Standards Coordinator
Standards and Rulemaking Division

Wiener
173.4a, 173.27
Small Quantity
14-0156

Goodall, Shante CTR (PHMSA)

From: Ciccarone, Michael CTR (PHMSA)
Sent: Friday, August 15, 2014 1:35 PM
To: Hazmat Interps
Subject: FW: Request for Formal Interpretation
Attachments: DOT interpr request pressure test absorbent 173_4a.pdf

Shante and Alice,

Please submit this for a formal letter of interpretation. Ms. Jarman spoke to Mike C. in the HMIC.

Thanks,

Mike

P.S – I have a bunch more incoming, sorry!

From: Jarman, Erin [<mailto:erin.jarman@urs.com>]
Sent: Monday, August 11, 2014 1:56 PM
To: PHMSA HM InfoCenter
Cc: carolyn.drakeford@dot.gov; Norris, Carolyn; Romach, Andy
Subject: Request for Formal Interpretation

Dear Info Center,

Attached is a request for formal interpretation. Please contact me if you have any questions related to the request. Have a great day!

Erin N. Jarman
Environmental Scientist
URS Corporation
1600 Perimeter Park Dr.
Suite 400
Morrisville, NC 27560

919-461-1478 (office phone)

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August 11, 2014

Mr. Charles Betts, Division Director
Standards and Rulemaking (PHH-10)
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Mr. Betts:

I am writing to request a Department of Transportation (DOT) interpretation concerning the internal pressure test and absorbent requirements when shipping a liquid under the DOT excepted quantity exception in 49 CFR 173.4a.

49 CFR 173.4a(a)(4) requires that:

Packagings for which retention of liquid is a basic function must be capable of withstanding without leakage the pressure differential specified in 173.27(c) of this part.

The above regulatory text requires that “packagings,” must be capable of meeting the pressure differential requirements; however, it is not specified which level of packaging must meet this requirement--whether the inner packaging, the intermediate packaging, or the outer packaging must meet this requirement.

There is some clarifying text in 49 CFR 173.27(b)(3)(i):

Hazardous materials may be contained in an inner packaging which does not itself meet the pressure requirement provided that the inner packaging is packed within a supplementary packaging which does meet the pressure requirement and other applicable packaging requirements of this subchapter.

Would DOT allow any one of these three required levels of packaging to meet the pressure requirement of 49 CFR 173.27(c): inner, or intermediate, or outer? So long as one level of packaging meets the pressure test requirements, the liquid would be contained inside of a packaging that meets the required pressure requirements.

49 CFR 173.4a(e)(3) requires that:

For liquid hazardous materials the intermediate packaging must contain sufficient absorbent material that will absorb the entire contents of the inner packaging.

If a tube containing the liquid hazardous material is contained inside of an inner packaging, which is placed into an intermediate packaging, could the absorbent material required in 49 CFR 173.4a be placed surrounding the tube?



DOT/PHMSA Interpretation Request
August 11, 2014
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I appreciate your assistance with these questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Romach".

Andrew N. Romach
Regulatory Compliance Manager
URS Corporation

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