



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590

MAY - 6 2008

Mr. Robert J. Keegan
President
Transportation Skills Programs, Inc.
Hazardous Materials Publishing Co., Inc.
243 West Main Street
Kutztown, PA 19530

Ref. No.: 08-0003

Dear Mr. Keegan:

This responds to your letter requesting clarification of the salvage drum requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

You note some confusion in your understanding of the preamble discussion in the final rule issued under Docket HM-215G [69 FR 76053; 12/20/04] and the correction final rule issued under Docket HM-215G [70 FR 34385; 6/14/05] regarding salvage drum provisions. Specifically, you ask if your understanding is correct that: 1) packages of hazardous materials found to be leaking, damaged or defective and hazardous material that have spilled or leaked prior to pickup by the carrier may be placed in salvage drums by the shipper for transportation; and 2) non-conforming packages containing hazardous material after having been placed in transportation do not have to be repackaged into an authorized packaging and may be placed in salvage drums for shipment.

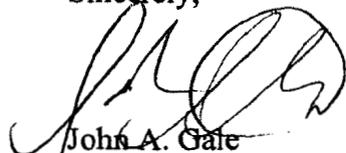
In the December 20, 2004 final rule, we revised the requirements for use of salvage drums to include the term "non-conforming." The term "non-conforming" was added to the UN Model Regulations in 2000. Our intent was to allow the use of salvage drums for non-conforming packages, but to limit such use to instances where the packages were discovered to be non-conforming after having been placed in transportation; however, inadvertently the regulatory text applied the limitation to damaged, defective, and leaking packages, as well as to non-conforming packages.

In the June 14, 2005 correction final rule, we revised the salvage drum provision in §173.3(c) to clarify that damaged, defective, or leaking packages may be transported in salvage drums under the specified conditions irrespective of whether such packages are discovered before or after having been placed in transportation. Therefore, packages of hazardous materials that are damaged, defective or leaking; packages found to be not conforming to the requirements

of the HMR after having been placed in transportation; and hazardous materials that have spilled or leaked may be placed in a metal or plastic removable head salvage drum that is compatible with the lading and shipped for repackaging or disposal.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'John A. Gale', written over a horizontal line.

John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards

Transportation Skills Programs, Inc.
Hazardous Materials Publishing Co., Inc.



Engrum
§ 173.3
Packagings
Exceptions
08-0003

December 20, 2007

Charles Betts
Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
400 Seventh Street Southwest
PHH-1 Room 8421
Washington, DC 20590-0001

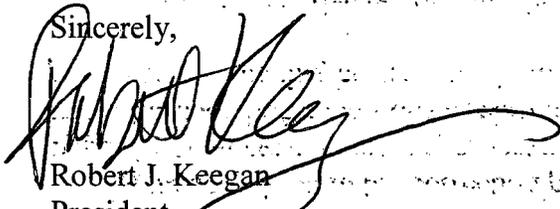
Dear Mr. Betts:

We have encountered quite a bit of confusion regarding the Salvage Drum requirements in 173.3. I have reviewed the changes under HM-215G and request clarification specifically regarding packages found to be leaking prior to being transported. In the Dec. 20, 1994 final rule, the preamble states that "a package found to be leaking prior to its being placed in transportation may not be packaged in a salvage drum. Instead it must be repackaged into an authorized packaging in accordance with the applicable HMR requirements." Then in the correction published June 14, 2005, the preamble states the opposite, "damaged, defective, or leaking packages may be transported in salvage drums under the specified conditions irrespective of whether such packages are discovered before or after having been placed in transportation."

Are we correct in understanding that based on this correction, packages found to be leaking, damaged or defective AND hazardous materials that have spilled or leaked prior to pickup by the carrier may be placed in salvage drums by the shipper for transportation? They do not have to be repackaged into an authorized packaging for shipment? And non-conforming packages may be placed in salvage drums ONLY if discovered after being shipped. They can not be placed in salvage drums if discovered prior to shipment.

Thank you in advance for your assistance. We look forward to your reply.

Sincerely,



Robert J. Keegan
President
Transportation Skills Programs, Inc.