



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

**MAY 01 2014**

Mr. Jeff Christafore  
Dangerous Good Compliance Specialist  
Aerospace  
2400 Aviation Way  
Bridgeport, WV 26330

Ref. No. 13-0171

Dear Mr. Christafore:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR 171-180) applicable to the marking and labeling requirements for boxes containing non-bulk packages. Your scenarios and questions are paraphrased and answered below:

In your first scenario, you state that cylinders manufactured under DOT-SP 8162, that are marked as such, are packaged in an outer fiberboard box. You state that while the cylinder has no hazardous materials markings or labels applied to it, the outer package is marked with "UN1072, Oxygen, compressed," the shipper's and consignee's address, and an "OVERPACK" marking. Further, you state that the outer packaging also displays Division 2.2 (Non-flammable compressed gas) and Division 5.1 (Oxidizer) hazard labels. Finally, you state that this package is placed in an additional outer package that does not bear a DOT-SP number, and the accompanying shipping paper does not provide a notation of "DOT-SP" followed by the Special Permit number as required by § 172.203(a).

Q1: You ask whether this scenario represents an overpack according to §§ 173.25 and 171.8?

A1: The fiberboard box containing the cylinder is the package. The secondary box is an overpack as defined by § 171.8, and subject to the marking requirements for overpacks as specified in § 173.25.

Q2: Is the outer package required to be marked "DOT-SP 8162"?

A2: No. According to paragraph 8.h. of DOT-SP 8162, the requirements to mark shipping papers and packages with the special permits number in accordance with §§ 172.202(a) and 172.301(c) is not required.

- Q3: You ask if the package in your scenario were placed in an overpack, would the overpack need to indicate "inside packages comply with prescribed specifications" as well as "OVERPACK"? It is your understanding that since a specification cylinder is not contained anywhere in the package, this statement would not be required, but that the "DOT-SP 8162" and "OVERPACK" markings would be required.
- A3: Section 7.c.(5) of DOT-SP 8162 requires cylinders under this special permit to be packaged in accordance with § 173.301(a)(9) which requires an outer packaging. The "OVERPACK" marking is required on the secondary box which is considered an overpack under § 173.25.
- Q4: Does this package needs to be marked with an indication that the inner packaging conforms to the prescribed specifications, since this packaging (cylinder) is authorized by a special permit and is not a specification cylinder that is listed in § 173.301(a)(9)?
- A4: The answer is no. Because these cylinders are not listed in § 173.301(a)(9), they are not required to be marked with an indication that inner packagings conform to the prescribed specifications.
- Q5: You ask if cylinders must be placed inside an overpack (outer package) and marked "OVERPACK" if the specification markings on the cylinder inside are not visible? You further ask if the combination package must be correctly marked as well as the overpack?
- A5: The visibility of the specification markings on the cylinder would not affect whether a combination package could be placed inside an overpack. You are correct that the combination package (cylinder in a fiberboard box) is required to have all the required markings and labels. In addition, the overpack (the second box) is required to display all markings and labels required under § 173.25.

In your second scenario, you state that cylinders used as fire extinguishers are manufactured under "DOT-SP 7945" or "DOT-SP 8495," marked with the special permit numbers, and packaged in an outer fiberboard box. Further, you state that the cylinders have no hazardous materials markings or labels applied to them, but the outer package is marked with the proper shipping name "UN1044, Fire Extinguishers," the shipper's and consignee's address, the DOT-SP number, and displays a 2.2 (Non-flammable compressed gas) hazard label. You ask if this scenario would represent an overpack or would it be a combination package?

In your second scenario, the package you describe would be a combination package because it is required to be shipped in a strong outer packaging in accordance with § 173.301(a)(9) as described in paragraph 8.(f) of "DOT SP-7945" and paragraph 8.(g) of "DOT SP-8495."

I trust this information is helpful. Please contact us if you require further assistance.

Sincerely,

A handwritten signature in cursive script that reads "T. Glenn Foster". The signature is written in black ink and is positioned above the typed name.

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

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August 15, 2013

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Madam or Sir,

I am requesting a Letter of Interpretation for the packaging of cylinders listed in the following scenarios. These scenarios are based on packages we have received at our facilities.

Based on my knowledge of the regulations and some conversations with representatives of the PHMSA HMIC, I believe that these shipments may be improperly marked.

I would appreciate any clarification you can provide.

**Scenario 1:** A cylinder, manufactured under DOT-SP 8162 and marked with this special permit number, is packaged in an outer fiberboard box. The cylinder has no HAZMAT markings or labels applied to it, but the outer package is marked with UN1072 Oxygen, compressed, the shipper and consignee address, and an "OVERPACK" marking, as well as displaying 2.2 and 5.1 Hazard Labels. However, the outer package does not bear a DOT-SP marking that is required by 172.301(c) and the shipping paper does not provide a notation of DOT-SP followed by the special permit number, as required by 172.203(a).

**Question 1:** Does this scenario actually represent an overpack according to 173.25 and 171.8? My understanding is that each package in an overpack must be independently capable of being transported as a Hazmat package and that this would be a combination package, not an overpack.

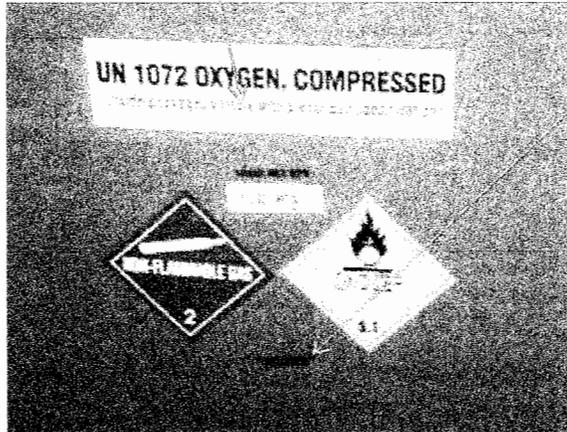
**Question 2:** With this scenario would the outer package be required to display a DOT-SP 8162 marking? It is my understanding that an outer package containing a packaging authorized by a Special Permit must be marked with "DOT-SP" followed by the special permit number, according to 172.301(c) and the shipping papers must contain the DOT-SP number per 172.203(a).

**Question 3:** If this package was placed in an "OVERPACK" would the outer package of the overpack need to indicate "inside packages comply with prescribed specifications" as well as "OVERPACK"? It would be my understanding that since a specification cylinder is not contained anywhere in the package, this statement would not be required, but the DOT-SP 8162 and "OVERPACK" markings would be required.

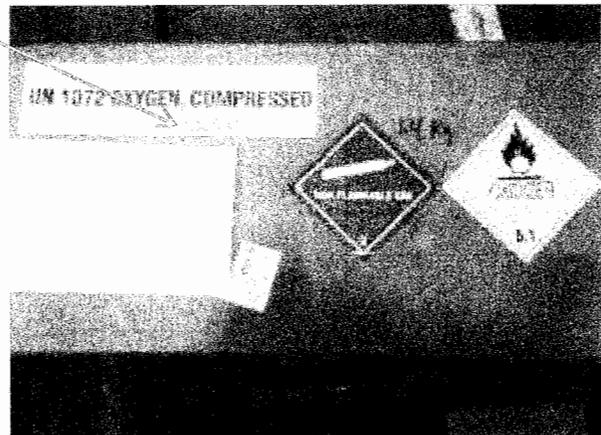
**Question 4:** Does this package need to be marked with an indication that inner packaging conforms to the prescribed specifications, since this packaging (cylinder) is authorized by a Special Permit and not a specification cylinder that is listed in 173.301(a)(9)? Would the DOT-SP number marking instead be sufficient in this case?

**Question 5:** Would this requirement that is listed in a ground carrier's "Hazmat Shipping Guide" be considered as complying with the applicable regulations when applied using the above scenario? "Class 2 cylinders must be placed inside an overpack (outer package) marked "OVERPACK" unless specification markings on the cylinder inside are visible. Regardless, all cylinders must be placed in an outer package". It is my belief that this package is not an overpack by definition in 171.8 and would only be a combination package. It also my belief that this carrier's requirement is not a correct usage of an overpack unless the cylinder was packaged in an outer package which was correctly marked and labeled and then placed in another outer package upon which all markings and labels were reproduced and included the "OVERPACK" marking.

**Note:** I am providing pictures below of a shipment received at one of our facilities with cylinders packaged as described in Scenario 1 marked as OVERPACK, which were then placed in an outer package that was marked with "inside packages comply with prescribed specifications" and also an "OVERPACK" marking.



**Outer Package**



**Inside Package**



**DOT-SP 8162 identification on cylinder located in inside package**

**Scenario 2:** A cylinder used as a fire extinguisher, manufactured under DOT-SP 7945 or DOT-SP 8495 and marked with one of these special permit numbers, is packaged in an outer fiberboard box. The cylinder has no HAZMAT markings or labels applied to it, but the outer package is marked with UN1044 Fire Extinguishers, the shipper and consignee address, the DOT-SP number, and displays a 2.2 Hazard Label.

**Question 1:** As asked in Scenario 1, would this represent an overpack or would it be just a combination package and would the marking and labeling requirements be sufficient to transport this package? It is my understanding as in the first scenario that this would be a combination package and the proper marks and labels are applied.

If you have any questions regarding my scenarios and questions, please contact me.

Thank you for your help in this matter.

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