



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

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

JUN 29 2010

Mr. Ed Stroud, Health Physicist
Compliance Lead
Radioactive Materials Unit
Colorado Department of Public
Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Ref. No. 10-0063

Dear Mr. Stroud:

This responds to your letter requesting validation of a clarification issued by this office on May 17, 2002 (Reference Number 02-0106), regarding the definition of an overpack under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether an overpack as currently defined under the HMR is an enclosure used by a single consignor to provide protection or convenience in the handling of a package or to consolidate two or more packages. Additionally, you ask for confirmation that the overpack definition does not include transport vehicles.

The answer to both of your questions is yes. An overpack is one or more packages placed in a protective outer packaging such as a box or crate. An overpack must meet the definition in § 171.8 and does not include a transport vehicle, also defined in § 171.8 of the HMR. Thus, our previous clarification on this matter remains valid.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell".

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Plessas, Karen (PHMSA)

Stevens
§ 173.25
§ 173.21
Overpacks
10-0063

From: Ed Stroud [estroud@smtpgate.dphe.state.co.us]
Sent: Tuesday, February 23, 2010 1:03 PM
To: Plessas, Karen (PHMSA)
Subject: Re: Overpack Question

Thanks. That would help. BTW, Randy Erickson from NRC forwarded a copy of Mr. Delmer Billings (USDOT) letter dated 5/17/02 regarding overpacks. In that letter to Ms. Shelly Espinoza, Mr. Billings seems to support the idea that compartments and containers, which are permanently attached to the vehicle, are part of the vehicle and not overpacks. I wonder if this interpretation is still correct?

-Ed

>>> <Karen.Plessas@dot.gov> 2/23/2010 10:32 AM >>>

Ed,
I am on travel this week, but when I get back to the office, I will try to find out the status on it for you.

Karen

----- Original Message -----

From: Ed Stroud <estroud@smtpgate.dphe.state.co.us>
To: Plessas, Karen (PHMSA)
Sent: Tue Feb 23 10:19:09 2010
Subject: RE: Overpack Question

Hello Karen,

Have you heard anything about my question concerning overpacks? As I mentioned in my previous email, we have a radiography licensee who is transporting Yellow III packages in a built-in compartment of a truck, and is calling the compartment an overpack. The information we've received from DOT in the past has always maintained that an overpack is a package and not part of the vehicle (like the trunk of a car). If DOT has changed this interpretation, please let me know.

Thanks,
Ed Stroud, Health Physicist,
Compliance Lead
Radioactive Materials Unit
Colorado Department of Public Health and Environment

>>> <Karen.Plessas@dot.gov> 2/3/2010 7:59 AM >>>

Ed,
I don't see anything in our regulations that denies the use of a cabinet as an overpack as long as it is properly marked and labeled. However, I am going to send this email to our technical people to see if they know of any objections and we will get back to you.

Karen

Karen Plessas
Radioactive Materials Program Manager
Office of Hazardous Materials Enforcement Pipeline and Hazardous Materials Safety Administration
202-366-5267

-----Original Message-----

From: Ed Stroud [mailto:estroud@smtpgate.dphe.state.co.us]

Plessas, Karen (PHMSA)

From: Plessas, Karen (PHMSA)
Sent: Wednesday, February 03, 2010 10:00 AM
To: 'Ed Stroud'
Cc: Simmons, Scott (PHMSA); Boyle, Rick (PHMSA); Williams, James (PHMSA); Conroy, Michael (PHMSA)
Subject: RE: Overpack Question

Ed,
I don't see anything in our regulations that denies the use of a cabinet as an overpack as long as it is properly marked and labeled. However, I am going to send this email to our technical people to see if they know of any objections and we will get back to you.
Karen

Karen Plessas
Radioactive Materials Program Manager
Office of Hazardous Materials Enforcement Pipeline and Hazardous Materials Safety
Administration
202-366-5267

-----Original Message-----

From: Ed Stroud [mailto:estroud@smtpgate.dphe.state.co.us]
Sent: Tuesday, February 02, 2010 4:20 PM
To: Plessas, Karen (PHMSA)
Subject: Overpack Question

Hello Karen,
Randy Erickson from NRC gave me your contact information.
I have a transportation question I was hoping you could help with.
Today I observed an industrial radiography licensee that regularly ships Yellow II and Yellow III packages. For security reasons, they decided to use a cabinet within the darkroom on the truck to store the package during shipment. They would like to classify this cabinet, which is built into and attached to the truck, as an overpack for transportation purposes. DOT markings and labels would be attached to the outside of the cabinet. Can a cabinet as described above be considered an overpack?
Thanks,
Ed Stroud, Compliance Lead
Radioactive Materials Unit
Colorado Department of Public Health and Environment