



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue SE  
Washington, DC 20590

APR 02 2012

David Wilson  
Packaging and Transportation Project Manager  
Navarro Research and Engineering, Inc.  
669 Emory Valley Road  
Oak Ridge, TN 37830

Reference No.: 11-0302

Dear Mr. Wilson:

This is in response to your November 17, 2011 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they pertain to the reuse and reconditioning provisions of § 173.28. Specifically you ask if the reuse and reconditioning provisions of § 173.28 are applicable to Type B(U), Type B(M), and fissile material packagings.

The answer to your question is yes. Subpart I of part 173 describes the shippers general requirements for Class 7 (radioactive) materials. General design requirements are discussed in § 173.410. The introductory text to § 173.410 states that each package used for the shipment of Class 7 materials must be designed to the requirements of this section, as well as meet the requirements of subparts A and B of this part. The section you reference, § 173.28 is found in subpart B of part 173, and thus the reuse and reconditioning provisions found in § 173.28 apply to shipments of Type B(U), Type B(M), or fissile packagings.

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

Sincerely,

Delmer Billings  
Senior Regulatory Advisor  
Standards and Rulemaking Division



Webb  
§ 173.28  
Reuse  
11-0302

NAVARRO  
Research and Engineering, Inc.

NRE-PE-11-0133  
November 17, 2011  
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Office of Hazardous Materials Standards  
Pipeline and Hazardous Materials Safety Administration  
Attn: PHH-10  
U.S. Department of Transportation  
East Building  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

#### CLARIFICATION OF PACKAGING REUSE AND RECONDITIONING REQUIREMENTS

In support of transportation related activities associated with Class 7 (radioactive) materials under the Hazardous Materials Regulations (49 CFR Parts 171-180), we request clarification of the reuse and reconditioning provisions of 49 CFR 173.28 applicable to Type B(U), Type B(M), and fissile material packagings, which meet the applicable requirements of 49 CFR, Subpart I and have been evaluated, approved, and certified for use in accordance with 10 CFR Part 71. More specifically, to what extent, if any, are the requirements of 49 CFR 173.28 applicable to Type B(U), Type B(M), and fissile material packagings?

If you have any questions or need additional information, please feel free to contact me.  
Thank you for your assistance.

Respectively submitted,

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c: Navarro Project File