



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

JAN 3 1 2013

Mr. Chip Robison
Environmental Engineer
Newell Rubbermaid Division of Sanford LLP)
831 Volunteer Parkway
Manchester, TN 37355

Ref. No. 12-0204

Dear Mr. Robison:

This responds to your September 9, 2012 request for clarification and telephone conversation with a member of our staff on package reuse provisions under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your incoming letter, you describe the following scenario:

Steel UN 1A1 reconditioned drums are received by production staff from an outside drum vendor. These drums are accompanied by required shipping papers. Hazardous material is then filled into each 55-gallon reconditioned drum. The filled drums hazardous material products are shipped via a commercial carrier as a dedicated load to an internal downstream plant. The hazardous material is then utilized at the internal plant and the drums are emptied, leaving small amounts of residue in each. The drums are then sent back to the original filler, where the intention is to refill the drums with the same hazardous material (finished product) and ship again to the same internal plant for reuse.

You ask if these steel UN 1A1 reconditioned drums are authorized for reuse without being leakproofness tested with air as specified in § 178.604?

Notwithstanding the provisions of § 173.28(b)(2), a packaging otherwise authorized for reuse may be reused without being leakproofness tested with air provided the packaging: (1) is refilled with a material that is compatible with the previous lading; (2) is refilled and offered for transportation by the original filler; (3) is transported in a transport vehicle or freight container under the exclusive use of the refiller of the packaging; and (4) is constructed in accordance with one of the methods described in § 173.28(b)(7)(iv). Based on your letter and telephone conversation, your shipment is refilled and offered for transportation and transported in a transport vehicle under exclusive use of the refiller of the packaging. These steel UN 1A1 reconditioned drums are authorized for reuse without being

leakproofness tested with air, as specified in § 178.604, only if they are constructed of stainless steel meeting the requirements of § 173.28(b)(7)(iv)(A) and meet all other applicable requirements of § 173.28.

I hope this answers your inquiry. If you need additional assistance, please contact this office at (202) 366-8553.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Benedict". The signature is written in a cursive style with a large initial "R" and a long, sweeping underline.

Robert Benedict
Chief, Standards Development
Standards and Rulemaking Division



Boothe
3173.28
Reuse
12-0204

September 9, 2012

United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC
20590

RE: Letter of Interpretation for 49 CFR 173.28(b)(7), 173.28(b)(7)(iii) and 173.28(b)(7)(iv)(C)

Dear sir or madam,

We do hereby request a Letter of Interpretation for the following production scenario:

Reconditioned drums are received by production staff from an outside drum vendor. The drums are accompanied by required certifying documentation. Finished product is filled into each 55-gallon steel UN1A1 DOT reconditioned drum. The drummed hazardous material products are shipped via a commercial carrier configured as a dedicated load to an internal downstream plant 3 ½ hours away. The hazardous material is then utilized at the internal plant and the drums are emptied, leaving miniscule amounts of residue in each. The drums are then sent back to the original filler, where the intention is to refill the drums with the same hazardous material (finished product) and ship again to the same internal plant for reuse. Once reused, the drums are sent back once again to the original filler under the same DOT empty drum exemption.

The question, are these steel drums otherwise authorized for reuse without being *leakproofness* tested with air as specified in 49 CFR 178.604?

An expeditious response is greatly appreciated.

Regards,

A handwritten signature in black ink, appearing to read "Chip Robison". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Chip Robison- Environmental Engineer
Newell Rubbermaid Division of Sanford LP
831 Volunteer Parkway
Manchester, TN 37355