



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

Mr. Randolph Martin
Hazardous Materials Distribution Consultant
DuPont Sourcing
Wilmington, DE 19898

MAY 7 1998

Dear Mr. Martin:

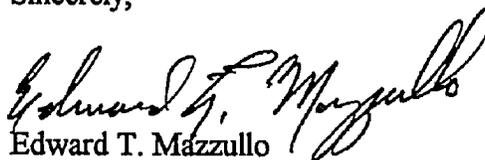
This is in response to your letter dated November 3, 1997 concerning whether UN 11D wooden intermediate bulk containers (nailed plywood boxes with inner woven polypropylene bags) are permitted for reuse if they are refurbished and remarked.

You describe a situation wherein a used UN 11D intermediate bulk container (IBC) would be returned to your manufacturing site, inspected for any defects, discarded if it showed signs of undue wear, corrosion, contamination or other damage which might render it unsafe for transportation, refitted with a new polypropylene inner bag and remarked by application of a new date of manufacture. Refurbishing the IBC and remarking the date of manufacture in the described manner does not alter the fact that the IBC has been used and it is our determination that the prohibition in 49 CFR 173.35(b) against reuse of a wooden IBC would still apply.

If you can demonstrate that your procedures achieve a level of safety at least equal to that provided by regulation, you may want to apply for an exemption under the provisions of 49 CFR 107.105.

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

Sincerely,


Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards



DuPont Sourcing

Doyle
File: 173.35(b), 173.28
SC: 35M
398

DuPont Sourcing
Wilmington, DE 19898
Room D-3082

November 3, 1997

**Mr. Edward Mazzullo
Director, Office of Hazardous Materials Standards (DHM-10)
US Department of Transportation
Research and Special Programs Administration
400 Seventh Street, SW
Washington, DC 20590**

Dear Mr. Mazzullo:

We currently ship large quantities of Sodium Cyanide, a Packing Group I Poisonous Material, in DOT-approved UN Specification 11D Wooden Intermediate Bulk Containers. These IBC's consist of a nailed plywood box containing a woven polypropylene inner bag, which we test and certify to PG I standards. These IBC's are used in both the domestic and export markets.

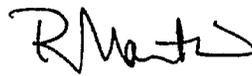
49CFR 173.35(b) states that "Fiberboard, wooden or flexible intermediate bulk containers may not be reused". We are trying to determine if reuse of ONLY the nailed plywood box, and not the inner woven bag, constitutes reuse or, in our interpretation, remanufacture.

We wish to return the nailed plywood boxes to our manufacturing site for possible reshipment. We would use a new, woven polypropylene inner bag for reshipment, since the inner bag is cut and destroyed in the unloading process. 49CFR 178.709 defines a Wooden IBC as consisting of "a rigid or collapsible wooden body together with an inner liner (but no inner packaging) and appropriate service and structural equipment", and our interpretation is that reuse of just the wooden body is remanufacture rather than reuse.

I spoke with Fritz Wybenga of your office today and he seemed to agree with our interpretation, but nonetheless suggested that we contact you for a written response. We would thoroughly inspect each returning wooden body for any possible defects, and discard any which showed signs of undue wear, corrosion, contamination or other damage which might render them unsafe for transportation. We would also apply a new manufactured date to each box, certifying that each IBC is manufactured and assembled so as to be capable of successfully passing the required performance tests.

We would appreciate your quickest response to this request. Please contact me on 302-773-4248 if I can answer any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "R Martin".

Randolph Martin
Hazardous Materials
Distribution Consultant

Mazzullo, Ed

From: Burger, Donald
To: Betts, Charles; Mazzullo, Ed
Cc: Bonekemper, Ed; Hochman, Charles; Smith, Doug S.; Wybenga, Frits; Hedgepeth, Suzanne; Richard, Bob
Subject: RE: Dupont 11-3-97: reuse of 11D IBCs
Date: Thursday, March 26, 1998 2:48PM

Ed,

The more I think about this letter the less I agree. No matter how we phrase it in the letter, unless DuPont tears down the wooden structure and rebuilds it, they are reusing (or repairing) and not remanufacturing these IBCs. Reuse is clearly prohibited in 49 CFR. I did some investigating and discovered we have several exemptions that address similar issues of reuse for other IBCs. The difference is that they are for FIBCs and not for wooden IBCs. However, the thought process for the two should be similar, if not identical. As a matter of consistency, I believe we need handle this in the same manner as we did for the users of flexible IBCs and indicate that the wooden IBCs may be reused only under the terms of an exemption.

The exemptions are 10880 and 11171 and both state in paragraph 4 that they are exempted from 173.35(b) in that "reuse of a flexible intermediate bulk container is authorized".

The terms we impose for reuse of FIBC are highlighted below:

The filler must: remove the liner, inspect the IBC, replace the liner and refill.

The filler must record the usage of each IBC and these exemptions limit the reuse of the FIBCs to 6 and 15 times respectively. After completing a specified number of shipments, a certain number of the FIBCs must be returned and performance tested to determine if any degradation has occurred.

We may initially want to put a reuse limit on the wooden IBCs until a performance history is generated.

The only difference is that DuPont wants to add a new manufacturers mark. I believe if we permit DuPont to reuse (remanufacture) a wooden IBC then we need to permit the others to reuse (remanufacture) FIBCs and we should consider canceling their exemptions and advising them they can add a new manufacturers mark once they pass inspection and the liner is replaced.

In addition, I have a current exemption application to reuse a FIBC with a replaceable liner. Based on what we are planning to tell DuPont I believe an exemption would not be required. We could indicate to the applicant may remove the liner, inspect the FIBC, correct damage, install a new liner and remark the IBCs as new.

I believe we need to make DuPont apply for an exemption to 173.35(b) unless they truly remanufacture the IBCs, i.e. destroy and rebuild them.

DonB

PS - Ideally we should change the regulations to permit the reuse of all IBCs if they are capable of meeting performance requirements.

From: Mazzullo, Ed
Sent: Thursday, March 26, 1998 10:59 AM
To: Betts, Charles
Cc: Bonekemper, Ed; Burger, Donald; Hochman, Charles; Smith, Doug S.; Wybenga, Frits
Subject: Dupont 11-3-97: reuse of 11D IBCs

Please revise this letter per attached. Seek concurrence from DHM-20, DHM-5 and DCC-10. Thanks.

<<File: DUPONT-1.WPD>>