



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

OCT 24 2013

Ms. Leigh Davidson
Regulatory Affairs Attorney
Sigma-Aldrich
545 South Ewing Avenue
St. Louis, MO 63103

Reference No.: 13-0175

Dear Ms. Davidson:

This is in response to your August 23, 2013 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You ask several questions pertaining to metal receptacles when used as an inner receptacle in a combination packaging.

Your questions are paraphrased and answered as follows:

Q1. What are the requirements for a container to be acceptable as a metal receptacle when used as an inner packaging in a combination packaging?

A1. Both the inner packaging and the completed combination packaging must comply with the general packaging requirements in §§ 173.24 and 173.24a as applicable. If offered for air transportation, the package must also comply with the requirements of § 173.27.

Q2. May a DOT specification cylinder be used as an inner metal receptacle of a UN tested combination packaging provided a metal receptacle is authorized as an inner packaging in Part 173?

A2. The answer is yes. A DOT specification cylinder may be used as an inner receptacle of a combination packaging provided the outer packaging has been successfully tested with the DOT specification cylinder or similar packaging as an inner receptacle.

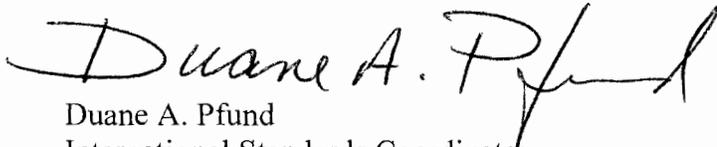
Q3. May a non-DOT specification cylinder (i.e., one that has no specification marking, is beyond its requalification date, or approved by a foreign authority) be used as an inner metal receptacle of a UN tested combination packaging provided a metal receptacle is authorized as an inner packaging in Part 173 when transported in the United States?

A3. The answer is yes. A non-DOT specification cylinder may be used as an inner receptacle of a combination packaging provided the outer packaging has been successfully tested with the non-DOT specification cylinder or similar packaging as an inner receptacle.

In addition, a cylinder that is marked to certify that it conforms to the requirements of Part 178 must be maintained in accordance with applicable specification requirements in the HMR whether or not it contains a hazardous material. If the owner of the DOT specification cylinder wishes to continue to use the cylinder but does not wish to re-qualify the cylinder, the owner must obliterate or cover any specification markings whether or not it is being used to transport hazardous materials in commerce.

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

Sincerely,

A handwritten signature in cursive script that reads "Duane A. Pfund". The signature is written in black ink and is positioned above the typed name and title.

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

Wiener
2171.8
5173.301

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, August 23, 2013 11:00 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Request for Letter of Interpretation

Cylinders
13-0175

Hi Carolyn,

This interp letter request asks about International v. DOT regulations, probably best for a PHH-13 staff.

Thanks,
HMIC

From: Leigh Davidson [<mailto:Leigh.Davidson@sial.com>]
Sent: Friday, August 23, 2013 10:37 AM
To: INFOCNTR (PHMSA)
Subject: Request for Letter of Interpretation

jim.sauers@sial.com

To: U.S. Department of Transportation (DOT)
From: Sigma-Aldrich Corporation
Date: August 23, 2013
Re: Request for a Letter of Interpretation

I submit this request per the guidance in 49 CFR 105.20. I have three questions. I understand the DOT has adopted the UN model regulations provisions for non-bulk packaging, especially as it pertains to the combination package provisions. These provisions allow for packages to be constructed using a "metal bottle" as the inner packaging.

My questions are:

1. What are the requirements for a container to be acceptable as a "metal bottle"?
2. Could a DOT Spec cylinder be utilized as a metal bottle in a POP-tested combination package in transportation in the U.S. (assuming that a metal bottle packaging is allowed)?
3. Could a non-DOT Spec cylinder (one that has no specification stamping, one that had expired or one that was approved from a different country) be utilized as a metal bottle in a POP-tested combination package in transportation in the U.S. (assuming that a metal bottle packaging is allowed)?

I would greatly appreciate your response on this matter. Please email me a response. I thank you in advance for your cooperation. If you have any questions about this request, please contact me.

Sincerely,
Leigh Davidson

SIGMA-ALDRICH

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