



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

AUG 22 2011

Bill Murphy
Supply Chain Specialist
International Titanium Powder
940 South Frontage Road
Suite 2000
Woodridge, IL 60517

Ref. No. 11-0073

Dear Mr. Murphy:

This responds to your March 17, 2011 email and subsequent telephone conversation with a member of my staff requesting clarification of the packaging reuse provisions of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). As indicated in your letter, you manufacture a titanium metal powder, which you class and described for transportation as "UN 3089, Metal powders, flammable, n.o.s., 4.1, PG II." The powder is transported in UN1A2 reconditioned steel drums designed to contain solids. The powder is placed in a low-density polyethylene (LDPE) liner with an inert gas, sealed, and placed inside the steel drum for transportation. The combination package is transported to an outside entity for processing. The outside entity unpacks the material, processes the powder, then repackages the material in the same drum and in the same manner as when it was originally packaged, except the outside entity uses a new LDPE liner. Specifically, you ask if the steel drum is required to be leakproofness tested prior to reuse in accordance with § 173.28.

The answer is no. Leakproofness testing in § 173.28 applies to a package originally required to be leakproofness tested. Generally, this is a package intended to contain liquids. Your drum is not subject to leakproofness testing under § 173.28 because it is used for solids and the design was not originally required to be leakproofness tested.

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

Sincerely,

Ben Supko
Chief, Standards Development
Standards and Regulations Division

Eichenlaub
§173.28
Reuse

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, March 18, 2011 12:25 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Formal Letter of Interpretation

11-0073

Hi Carolyn,

We received the following request for a letter of interpretation. The caller previously spoke with Scott Merkel.

Thanks,
Victoria

Victoria Lehman
Hazmat Information Center (HMIC)
Pipeline & Hazardous Materials Safety Administration 1200 New Jersey Avenue, SE,
E21-119 Washington, D.C. 20590
<http://phmsa.dot.gov/hazmat/info-center>
(202) 366-1035

From: William.Murphy@itponline.com [<mailto:William.Murphy@itponline.com>]
Sent: Thursday, March 17, 2011 1:16 PM
To: PHMSA HM InfoCenter
Subject: Formal Letter of Interpretation

Dear Sir or Madame;

My company, International Titanium Powder, manufactures a titanium metal powder, UN#3089, flammable metal, hazard class 4.1, packing group II. We package the powder in UN1A2 / Y400 / S reconditioned steel drums, with a LDPE plastic liner filled with Argon gas, The plastic liner is tied, containing the inert gas and material. The drum is a bolt type, open head, with newly fabricated lid. The minimum thickness of the drum is .9mm (20 Gauge).

We will transport the combination package to an outside entity, who will discard the liner and manipulate the powder. No new materials will be introduced. The material will then be repackaged and returned to International Titanium Powder for warehousing and subsequent sale.

We request clarification of 49 CFR 173.28 with respect to our ability to re-use the identical drum as the outer package on the return trip without performing a leakproofness test. Referencing 49 CFR 173.28 B-7, we read that the non bulk package can be reused, providing the criterion listed in the section.

Can the original UN1A2 / Y400 / S carbon steel drums be considered as acceptable under 49 CFR 173.28 7(C) "Another material or thickness when approved under the conditions established by the Associate Administrator"?

Bill Murphy
Supply Chain Specialist
International Titanium Powder
(630) 410-0078 (Office)