



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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MAR 30 2004

Lawrence W. Bierlein
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Suite 600
2175 K Street, NW
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Ref. No. 04-0051

Dear Mr. Bierlein:

This responds to your letter of February 19, 2004, requesting clarification as to whether a drum marked with two thickness marks may be reused under the minimum thickness provisions of 49 CFR 173.28(b).

Under the provisions of § 178.503(a)(9)(i), a metal drum intended for reuse must be marked with the thickness of the metal, expressed in millimeters (mm) and rounded to the nearest 0.1 mm. When the nominal thickness of either head of the drum is thinner than the body, the nominal thickness of the top head, body, and bottom head must be marked (e.g., "0.9 1.2 0.9").

Section 178.503(a)(9)(i) does not provide an example for marking a drum for which the top and bottom heads are thicker than the body. It is our opinion that either a single thickness mark, representing the minimum thickness of the body (e.g., "0.9") or a marking of head-body-head (e.g., "1.2 0.9 1.2") should be used.

Under the provisions of §173.28(b)(4)(i), a steel drum with a maximum capacity not over 220 liters must have a minimum thickness of 0.92 mm for reuse. An exception is provided for a drum with minimum thicknesses of 0.82 mm for the body and 1.11 mm for the heads.

You describe a situation in which a metal drum is marked by the original manufacturer with two thickness marks, e.g., "1.2 0.9". In confirmation of your understanding, this mark is not sufficiently descriptive to determine if the drum may be reused under the provisions of



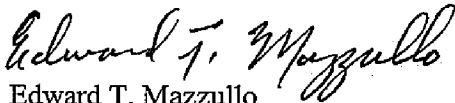
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173.28

§173.28(b)(4)(i). However, the drum may be reused if it meets the minimum thickness requirements: A reconditioner can make this determination by actually measuring the thicknesses or by obtaining confirmation of minimum thicknesses from a knowledgeable party such as the drum manufacturer or its customer.

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

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February 19, 2004

Mr. Edward Mazzullo
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Mazzullo
§ 173.28 (b)
Reuse
04-0051

Re: Interpretation of Sec. 173.28(b)

Dear Mr. Mazzullo:

I would appreciate your concurrence in an interpretation I have provided to the members of the Reusable Industrial Packaging Association (RIPA).

Section 173.28(b)(4) limits the reuse of steel drums for hazardous materials transportation to those having specified minimum thicknesses, expressed in nominal marks. For reuse of 220-liter drums, the drum must have a minimum thickness of 0.92 mm. Alternatively, under Note 1 to the table, a drum may have a body of 0.82 mm, and heads of 1.11 mm.

The person who determines the eligibility of a drum for reuse or reconditioning needs these thickness marks in order to make that decision. The practice in the industry, therefore, when a drum has different thicknesses of body and heads, has been to apply three marks, e.g., "1.2/0.9/1.2." This clearly advises the user of the nominal and, through use of the ISO standard, the minimum thicknesses of the top head, the body, and the bottom head, respectively. See the attached examples of this practice from publications by the Steel Shipping Container Institute (SSCI) and RIPA.

I have advised a RIPA member, and he has advised his filler/customer, that a drum marked only "1.2 0.9" may not be reused or reconditioned for hazardous materials transportation. An incomplete thickness mark like this provides insufficient and perhaps misleading information to the person making this decision whether the nominal thickness mark of 1.2 applies to the body, or one or both of the heads. It also does not advise whether, if one of the heads equates to one of the marked thicknesses, he may assume that the heads are identical. A guess is the only option, other than verifying all three

thicknesses with a manual or electronic micrometer on each drum. Guessing at hazmat compliance is unacceptable; use of a manual micrometer to verify thicknesses cannot be done without destroying the drum; and, use of an electronic micrometer on a production basis would be unreliable due to the physical characteristics of a used drum.

I would appreciate your concurrence in my conclusion that a steel drum marked "1.2 0.9" is not marked in a manner that allows that drum to be reused or reconditioned for hazardous materials transportation. Thank you.

Sincerely,

Lawrence W. Bierlein
RIPA General Counsel