



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

NOV 8 2005

Ms. Carol Brozosky  
PTP Consulting, Inc.  
1531 Kings Highway  
Swedesboro, NJ 08085

Ref. No. 05-0226

Dear Ms. Brozosky:

This is in response to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding § 173.12(c), which establishes a 24-hour holding time requirement for the reuse of packagings for the shipment of hazardous wastes. You ask whether the requirement applies to both non-bulk and bulk packagings.

Section 173.12(c) applies to non-bulk packagings only. With respect to bulk packagings, § 173.24 addresses the responsibility of the person offering a hazardous material for transportation, including ensuring that bulk packagings, as well as non-bulk packagings, do not leak; are compatible with the lading; and have no significant chemical or galvanic reaction between the materials and the contents of the packages. Further, § 173.24b contains additional requirements for bulk packagings; § 173.32 contains additional requirements specific to portable tanks; and § 173.33 contains additional requirements specific to cargo tank motor vehicles.

I hope this information is helpful. Please contact this office if you have additional questions.

Sincerely,

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards



050226

173.12(c)



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September 13, 2005

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
US DOT/ RSPA (DHM-10)  
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Washington, DC 20590-0001  
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*McIntyre*  
*§173.12 (c)*  
*Reuse Packaging*  
*05-0226*

Dear Mr. Mazzullo:

PTP Consulting has been requested to assist with a regulatory issue applicable to transporting hazardous waste in a highway tanker, which was loaded from approximately one hundred 55-gallon drums of various wastestreams – presumably compatible with each other.

My question is twofold:

First, we are seeking an interpretation under 49 §CFR 173.12 (c), where it describes conditions for the reuse of a packaging for the purpose of shipping a waste material. In 49 §CFR 173.12 (c), it explains that a previously used packaging – not subject to reuse or reconditioning provisions – may be used under five listed conditions within the same paragraph. Condition 3 discusses the requirement that the packaging shall not be offered for transportation less than 24 hours after it is finally closed for transportation, and is inspected for leakage and is found to be free from leaks immediately prior to being offered for transportation.

Does the definition of a packaging extend to a bulk container, or more specifically, a highway tanker? When I track the definition of a “packaging”, and consequently the definition of a “receptacle” in part 171.8, it does not indicate that this means non-bulk only. If it does not pertain to a bulk containment system, could you explain why?

Second, I would presume that this 24 hour holding period in the above regulatory citation is to ensure that the packaging will not fail due to leaks or incompatibility issues. If tankers are not subject to this 24 hour holding period, is there any regulatory requirement that would require a shipper to ensure the tanker will not have problems for the same reasons, whether it is due to leaking, or due to a chemical reaction, or due to an incompatibility issue?

I most sincerely appreciate your prompt attention to this matter, and look forward to your response.

Sincerely,  
PTP Consulting, Inc.

Carol Brozosky, CET, CHMM  
President