



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

FEB - 9 2006

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

Ms. Robin J. Eddy Bolte
Regulatory Affairs Manager
Allied Universal Corporation
3901 NW 115 Avenue
Miami, FL 33178

Ref. No.: 06-0024

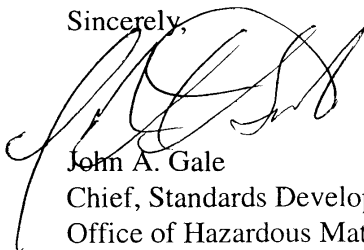
Ms. Eddy Bolte:

This is in response to your letter requesting clarification of the closure requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if §§ 173.24(f) and 173.29 require drums that contain only the residue of a hazardous material to be closed in accordance with the closure instructions supplied by the manufacturer (§ 178.2(c)(1)).

Section 173.29(a) requires an empty packaging containing only the residue of a hazardous material to be offered for transportation and transported in the same manner as when it previously contained a greater quantity of that hazardous material, with certain exceptions (e.g., shipping papers, placarding). The HMR do not except a drum containing the residue of a hazardous material from the closure requirements in § 173.24(f). Therefore, in accordance with § 173.24(f)(2), a specification packaging that contains any amount of a hazardous material must conform to all applicable requirements of the standard to which it was manufactured and must be closed in accordance with the manufacturer's closure instructions required by § 178.2(c)(1).

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



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\$173.29
Empty
06-0024

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Miami, Florida 33178
305-888-2623 office
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February 1, 2006

Mr. Edward Mazzullo
Director of Hazardous Materials Standards Development
Office of Hazardous Materials Standards Development
Pipeline and Hazardous Material Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

VIA FACSIMILE: 202-366-3012

Re: Drum Closures

Dear Mr. Mazzullo:

Department of Transportation regulations require drum closures to be closed per manufacturer specifications. This requirement for shipping hazardous materials in drums is not questioned, and performed routinely. However, what about used, returning drums? Are drums shipped with hazardous material residue only required to adhere to the requirements of 49 CFR 173.24(f)?

Per a voice mail message I received from Joan McIntyre, empty packages (i.e. drum) containing only the residue of hazardous materials must adhere to the closure requirements of 49 CFR 173.24(f). I appreciated Joan's quick response, and understood her answer to mean that drums with a couple inches of product or less (residue only) must be closed per the drum manufacture's specification as required in 49 CFR 173.29. However, to ensure her answer is not confused or misunderstood through verbal communication, I am asking for a written interpretation regarding my question. My question is once again stated below for written interpretation.

Question:

- 1) Per 49 CFR 173.24(f) and 173.29, are drums containing the residue of a hazardous material, regardless of quantity, required to adhere to drum closure requirements, as specified by the drum manufacturer, for shipment?

If you should have any questions, please call me at 305-888-2623, extension 183 or RobinE@Allieduniversal.com.

Thank you.

Sincerely,

Robin J. Eddy Bolte
Regulatory Affairs Manager
Allied Universal Corporation