



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

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

DEC 10 2004

Mr. Robert J. Ten Eyck
Director, Technical Services
TEN-E Packaging Services, Inc.
1666 County Road 74
Newport, Minnesota 55055

Reference No.: 04-0248

Dear Mr. Ten Eyck:

This is a further response to your September 14, 2004 letter concerning the use of single unit Monel drums as packagings for bromine.

You describe the drums as follows:

The drum in question is a robust design having a 10-gallon capacity, with body and heads manufactured from 14 gauge Monel. The top and bottom heads are reinforced with 12 gauge foot rings. The top head is fitted with 2" and 3/4" Hexagonal NPS threaded Monel plugs. The drum has been tested and certified to PG I performance level for products with a specific gravity of 3.2 and marked as UN 1N1 single packaging with a hydrostatic pressure rating of 250 kPa 10-gallon capacity.

Your inquiry concerned whether any of the packaging requirements of § 173.226 apply to the single unit drums authorized by Special Provision (SP) N43. As I indicated in my email response of September 23, 2004, SP N43 authorizes the use of single packagings manufactured from Monel or nickel. The requirements of § 173.226 currently cover only the use of combination packagings (i.e., a drum within a drum) and do not apply to the use of single packagings as authorized by SP N43. Therefore, the Monel drums described in your letter and used under the provisions of SP N43 are authorized for use and are not subject to the provisions of § 173.226.

You should be aware that changes proposed in docket HM-215G (69 FR 34724-34857; June 22, 2004), if adopted in the final rule, will affect the SP N43 packaging authorization. Specifically, we proposed to amend § 173.226 to (1) standardize the minimum thickness requirements and reduce the hydrostatic test pressure for inner drums of the drum-within-a-drum configuration authorized in § 173.226(b); (2) clarify test requirements for inner packaging systems in § 173.226(b)(2)(iv); and (3) add a new § 173.226(d) to authorize transportation of TIH materials



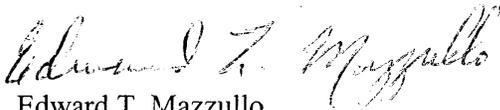
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173.226

in single packages subject to operational controls and approval of the Associate Administrator for Hazardous Materials Safety. If adopted, the proposed change in § 173.226(d) would apply to the single unit packagings authorized under SP N43.

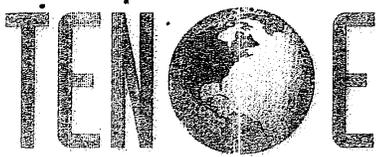
I trust this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,



Edward T. Mazzullo
Director, Office of Hazardous
Materials Safety

cc: Mr. Stephen Scherrer
Great Lakes Chemical Corporation
One Great Lakes Boulevard
West Lafayette, IN 47906



Setting the Standard

Mazzullo
§173.226
Packaging Spec.
04-0248

September 14, 2004

Edward Mazzullo
U.S. DEPARTMENT OF TRANSPORTATION
Research and Special Programs Administration
Office of Hazardous Materials Standards DHM-10
400 Seventh Street, S.W.
Washington, DC 20590-0001

Dear Ed:

TEN-E Packaging Services, Inc. is requesting a formal interpretation on the use of Special Provision N43 for the packaging of Bromine, UN 1744 in Monel drums and whether or not there are any additional packaging obligations under Section 173.226 of Title 49 CFR. As mentioned during our phone conversation a client has received a notice of probable violation and thus we request priority handling of this clarification matter. As a result of this notice of probable violation, the client has halted all shipments in Monel drums with resultant hardships for the company and its customers who include pharmaceutical, pool chemical, detergent, pesticide, flame retardant and fire extinguishing chemical industries.

TEN-E has looked at the N43 Special Provision that appears to authorize "single" packagings when manufactured from Monel or Nickel. The requirements of 173.226 cover the use of "combination" packagings of a drum within a drum configuration and in our estimation do not apply when using a single packaging pursuant to the N43 Special Provision.

The drum in question is a robust design having a 10-gallon capacity, with body and heads manufactured from 14 gauge Monel. The top and bottom heads are reinforced with 12 gauge foot rings. The top head is fitted with 2" and 3/4" Hexagonal NPS threaded Monel plugs. The drum has been tested and certified to PG I performance level for products with a specific gravity rating of 3.2 and marked as UN 1N1 single packaging with a hydrostatic pressure rating of 250 kPa.

The N43 Special Provision was added to Title 49 CFR under the Docket HM-181 final rulemaking in December 1990. We believe it may have been added to allow industry to continue the use of single packaging Monel drums for Bromine that were previously authorized under Section 173.252 of Title 49 CFR (1990 edition) for the use of DOT Specification 5M Monel drums.

We look forward to hearing from you on this packaging issue.

Sincerely,


Robert J. Ten Eyck
Director, Technical Services
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