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RSPA-04-17898-1

Dr. Robert McGuire
Associate Administrator for
Hazardous Materials Safety
Research & Special Programs Administration
U.S. Department of Transportation
Washington, DC 20590

2004 MAY 18 P 1:10

DEPT. OF TRANSPORTATION
SUBJECTS

Attn: Edward Mazzullo
Standards, DHM-10

Re: Petition for packaging rule changes

Dear Dr. McGuire:

In the next hazardous materials rulemaking action that pertains to performance standard packaging, the Reusable Industrial Packaging Association (RIPA) asks for the following two revisions:

Section 173.28(c). The existing regulations, due we believe to an earlier printing error, does not include any provisions authorizing the reconditioning of UN 1H1 plastic drums. Our members recondition such drums on a daily basis. To clarify the rules applicable to their actions, we petition for the following revision --

Sec. 173.28(c). *Reconditioning of non-bulk packaging*. (1) For the purpose of this subchapter, reconditioning of a metal drum is:

* * *

(2) For the purpose of this subchapter, reconditioning of a non-bulk packaging other than a metal drum ~~or a UN 1H1 plastic drum~~ includes:

Section 189.350(c). In the final rule in HM-215E, implementing the UN provisions on IBC reprocessing, a UN marking provision for persons who perform routine maintenance was omitted. We petition for the following revision to address this omission --

Sec. 180.350(c). *Routine maintenance of IBCs* is the routine performance on metal, rigid plastic or composite IBCs of operations such as:

* * *

(4) Except for routine maintenance of metal, rigid plastic, composite and flexible IBCs performed by the owner of the IBC, whose country and name or authorized symbol is durably marked on the IBC, the person performing routine maintenance shall durably mark the IBC near the manufacturer's UN design type marking to show:

(i) The country in which the routine maintenance was carried out; and

(ii) The name or authorized symbol of the person performing the routine maintenance.

Please let me know if you have any questions on this petition for rulemaking under Sec. 106.95.

Sincerely,

Lawrence W. Bierlein
RIPA General Counsel