



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

JAN 02 2018

Christian Calvo
Lockheed Martin
1011 Lockheed Way
MailDrop 6601
Palmdale, CA 93599

Reference No. 17-0108

Dear Mr. Calvo:

This letter is in response to your September 27, 2017, email and subsequent phone conversations requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the reuse of a non-bulk combination packaging. You state that a vendor ships a Class 8 (corrosive) material in a combination packaging that consists of a sealed metal tank (inner packaging) and a 4H2 plastic box (outer packaging), to another location. You also state that once the packaging arrives, the inner packaging is removed and replaced by an unserviceable metal tank of the same design for shipment back to the vendor. Specifically, you ask whether the return of the combination packaging would be limited to one reuse without retesting or reconditioning per § 173.12(c)(5).

The answer is no. Since the shipment does not contain a hazardous waste, the provisions of § 173.12 do not apply. Provided the packaging does not show evidence of a reduction in integrity, one may continue to reuse the packaging. Please see § 173.28 for the conditions and limitations for reuse of packagings.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Dodd, Alice (PHMSA)

Casey
§173.12(c)
Packaging General
17-0108

From: INFOCNTR (PHMSA)
Sent: Monday, October 02, 2017 12:45 PM
To: Hazmat Interps
Subject: FW: Request for Clarification - Hazardous Material Regulation (49 CFR Parts 171-180)

Hi Alice,

Please submit this as a letter of interpretation. Let me know if you have any questions.

Thanks,
Jodi

From: Calvo, Christian D [mailto:christian.d.calvo@lmco.com]
Sent: Thursday, September 28, 2017 5:18 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: RE: Request for Clarification - Hazardous Material Regulation (49 CFR Parts 171-180)

Hello,

This email is in response to a voice message I received on 9/28/2017 requesting to add a phone number to my request for clarification, below.

My phone number is: (661) 572-7556

Thank you,
Christian Calvo
Lockheed Martin Aeronautics Company
1011 Lockheed Way
MailDrop 6601
Palmdale, CA 93599
christian.d.calvo@lmco.com
(661) 572-7556

From: Calvo, Christian D (US)
Sent: Wednesday, September 27, 2017 2:54 PM
To: 'infocntr@dot.gov' <infocntr@dot.gov>
Subject: Request for Clarification - Hazardous Material Regulation (49 CFR Parts 171-180)

Hello,

I am requesting written clarification on 49 CFR Part 173.12(c) *Reuse of packagings*. Currently I am looking into the requirements for shipping a Class 8, Packaging Group II liquid in a non-bulk combination packaging consisting of a sealed metal tank (inner packaging) to hold the liquid and a 4H2 plastic box (outer packaging) per §173.202. Both the inner and outer packagings are designed specifically for this product.

Operationally, a packaging is transported from the vendor to another location where the inner tank is removed from the outer packaging for use. An unserviceable tank that may still contain the hazardous liquid is then placed inside the

original outer packaging for return to the vendor for rework of the inner tank and retesting/reconditioning of the outer packaging.

Section 173.12(c) states, in part, that *"A previously used packaging may be reused for the shipment of waste material transported for disposal or recovery, not subject to the reconditioning and reuse provisions contained in §173.28 and part 178 of this subchapter..."* and may be reused only once without retesting or reconditioning per §173.12(c)(5).

Is return shipping of an unserviceable tank to the vendor considered a reuse *"...for the shipment of waste material transported for disposal or recovery"*, and in compliance with 49 CFR Parts 171-180?

Thank you,

Christian Calvo
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