



U.S. Department
of Transportation

Research and
Special Programs
Administration

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

APR 20 1999

Mr. Paul D. Johnson
Director of Environmental Affairs
Kinsbursky Brothers Inc.
1314 N. Lemon Street
Anaheim, CA 92801

Ref. No. 99-0072

Dear Mr. Johnson:

This is in response to your letter dated March 17, 1999 regarding the bulk packaging requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether non-specification non-bulk packagings of Lithium hydroxide monohydrate (UN2680) may be further packaged in a sift-proof non-DOT specification closed bulk bin, to satisfy § 173.240.

The answer is yes. As provided in § 173.240, a non-specification closed bulk bin is an authorized packaging for Lithium hydroxide monohydrate (UN2680). The fact that the material is already packaged in non-bulk packagings is not relevant.

I hope this information is helpful.

Sincerely,

Thomas G. Allan
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



990072

173.240



KINSBURSKY
BROTHERS
INC

March 17, 1999

Case
§ 173.240

990072

Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
USDOT-RSPA (DHM-10)
400 Seventh St. SW
Washington, D.C 20590-0001

Dear Mr. Mazzullo,

I am requesting a letter of interpretation from your office in order to clarify the packaging regulations as they apply to bulk containers with inner packages.

Specifically, I am trying to prepare for transit, a load of LiOH (*Lithium Hydroxide Monohydrate, solid, 8, UN2680, PGII*) currently at a processing facility in Columbus, Ohio, packaged in non-UN approved containers. I have arranged for the material to be shipped in a sift-proof non-DOT specification portable closed bulk bin, as provided in 49 CFR §173.240 (*see attached*).

Mr. Todd Nash, from the Hazardous Material Information Center, has also suggested this method of packaging. This reasoning is further supported by a letter from your office dated January 30, 1998 (*see attached*). In this letter, your office is addressing asbestos in a similar situation stating;

"As provided in § 173.240, a non-specification closed bulk bin is an authorized bulk packaging for both of the described Class 9 materials. The fact that the material is already packaged in bags is not relevant to this scenario".

Since 173.240 also applies to LiOH in bulk containers, it would seem one would come to the same conclusion.

However, a misinformed gentleman in charge of the Ohio facility, has sent a letter stating that he will not allow the LiOH to be loaded with out first receiving a letter from the Department authorizing this type of shipment. The same gentleman is charging my firm a storage fee and offering a repackaging service at a grossly inflated price. It is therefor imperative that I provide documentation authorizing this type of packaging.

Your clarification on this matter is greatly appreciated. If you have any questions, please contact my office at (714) 738-8516.

Sincerely,


Paul D. Johnson
Director of Environmental affairs
Kinsbursky Brothers Inc