



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

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

MAY 24 2001

Mr. Carl Spurchise
Dangerous Goods Transportation Analyst
Kodak Environmental Services
Eastman Kodak Company
1600 Lexington Ave.
Rochester, NY 14652-0174

Ref. No. 01-0069

Dear Mr. Spurchise:

This responds to your March 6, 2001 letter and subsequent telephone conversations with Eric Nelson of my staff requesting clarification of requirements for the reuse of combination packages under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

- Q1. What is the applicability of § 173.28 to a combination packaging consisting of a fiberboard outer packaging and a 4.0 liter capacity plastic inner bag with a thickness of 29 mil?
- A1. Both outer packagings and inner packagings are subject to the general reuse provisions of § 173.28. Because the packaging is a combination packaging, the leakproof test and marking requirements do not apply. According to § 178.28(b)(3), packagings made of plastic film may not be reused. Therefore, in the case described above, the outer packaging is subject to the general reuse provisions of § 173.28 and the inner plastic bag may not be reused.
- Q2. Can Kodak personnel transport Class 8 materials in the above-mentioned packaging to service (drain and refill) remotely-located equipment under the materials of trade exception of § 173.6?
- A2. Yes, you may transport Class 8 materials under the materials of trade (MOTS) exception if the materials do not meet the definition for hazardous wastes. If you transport a Class 8 material under the MOTS exception, it must be contained in a packaging having a gross mass or capacity not over 30 kg (66 pounds) or 30 L (8 gallons) for a Packing Group II or III material. Packagings must be leak tight for liquids and gases, sift proof for solids, and be securely closed, secured against movement, and protected against damage.



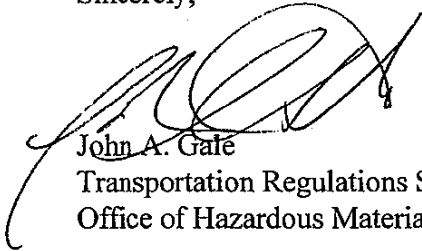
010069

173.28

Except for diluted mixtures, the aggregate gross weight of all materials of trade on a motor vehicle may not exceed 200 kg (440 pounds).

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale", written over the typed name.

John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards

P.1
Nelson
§ 173.28
Packaging Reuse
01-0069



Eastman Kodak Company
1600 Lexington Avenue
Rochester, NY 14652-0174
Telephone 716/722-5879
FAX 716/588-6046

Tuesday, March 06, 2001

Edward Mazzullo
OHMS DHMS-10.
U.S. DOT/RSPA
400 Seventh Street S.W.
Washington, D.C. 20590

Dear Mr. Mazzullo:

I am writing to you to ask your interpretation as to whether the following packaging is acceptable for reuse under 49 CFR, part 173.28.

Background

A design of a flexible plastic 3-ply bag is being considered for containing a hazard class 8 corrosive liquid material. The formulation of the 3-ply bag is as follows:

1. Outer ply – 14 mil thick of linear low density polyethylene plastic.
2. Middle ply – 14 mil thick of Ethyl Vinyl Alcohol (EVOH) plastic.
3. Inner ply – 1 mil thick of Ethyl Vinyl Alcohol (EVOH) plastic.

The 3 plies are laminated together for a total of 29 mil thick plastic bag. The bag will be sized for less than 4.0 liters volume containing no more than 2.0 liters of the corrosive liquid. The outer packaging will be a fiberboard box packaging. Effectively the flexible plastic bag and the outer fiberboard box become a combination packaging. The total gross mass of the packaging when filled does not exceed 30 kg.

The intention of the combination package is to be reusable. This assumes the inner flexible bag as well as the outer fiberboard box packaging is in acceptable condition for transport prior to reuse. As of the time of this request, a packing group has not been assigned to the material. If the material is assigned a packaging group III, we will take advantage of the limited quantity exception for class 8. As you are aware, this exception allows for the use of non-specification packaging (49 CFR, part 173.154(b)). If the packing group assignment is I or II, we will comply with the full performance oriented packaging requirements for combination packaging as required by 49 CFR, part 178 et al.

Question 1 - Is the flexible bag as described above allowed to be refilled and reused multiple times with class 8 corrosive liquid material in compliance with 49 CFR, part 173.28?

Question 2 - Is the flexible bag allowed to be refilled and reused multiple times with the class 8 corrosive liquid material and shipped under the provisions of 49 CFR, part 173.6 (Materials of Trade)?

If possible I would appreciate a response by fax at your earliest convenience, as we are in the process of opening discussions with various packaging suppliers.

Sincerely,

Carl W. Spurchise

Carl W. Spurchise
Dangerous Goods Transportation Analyst
Kodak Environmental Services
Eastman Kodak Company

*my [unclear]
[unclear]
PAC [unclear]*

*material
either
a PG II
or PG III*