



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

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

JUL 27 2006

Mr. Wade Winters
Regulatory Resources, Inc.
240 Joshua Road
Kennewick, WA 99338

Ref. No. 06-0076

Dear Mr. Winters:

This is in response to your March 30, 2006 letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to a product consisting of small amounts of hazardous materials absorbed into polyethylene pellets. You enclosed a picture of the pellets and the packaging. You also enclosed material safety data sheets for the following product constituents: piperidine, a corrosive liquid; pyrazine, a flammable solid; 1-methylpiperazine, a corrosive, flammable liquid; 1-methylpiperidine, a flammable liquid, corrosive; and 1-methylpyrrolidine, a flammable liquid, corrosive.

According to your letter, each product to be shipped contains one or more of the above constituents completely absorbed in a vacuum environment into porous polyethylene pellets. The pellets are placed into a plastic dish and heat sealed in individual metalized polyethylene packets. Once the packet is sealed, a 2-3 mm hole is created on one surface of the packet then resealed with metalized self-adhesive tape. Each completed packet weighs approximately 2.75 grams and contains between 0.7 and 1 gram of constituent material. The package as prepared for transport consists of 16-32 individual packets. You state the small amount of hazardous material absorbed into the polyethylene pellets further contained within the packet do not pose a risk in transportation.

You did not provide sufficient information on the final product to make a determination regarding classification. Under § 173.22 of the HMR, it is the shipper's responsibility to properly class a material as hazardous or non-hazardous. This office does not perform that function.



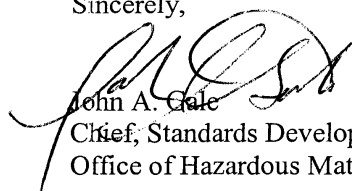
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173.22
173.136 (b)

If you determine that the material in the form it will be offered for transportation does not meet the definition of any hazard class or division in the HMR, the material is not subject to the HMR.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale". The signature is stylized and overlaps the printed name below it.

John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



Leary
\$173.22
\$173.136(b)
Shipper's Responsibility

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06-0076

March 30, 2006

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
400 7th Street S.W.
Washington, D.C. 20590-0001

Dear Mr. Mazzullo,

Regulatory Resources, Inc. (RRI) is a consulting and training company serving clients subject to the Department of Transportation (DOT) Hazardous Materials Regulations (HMRs) and the Environmental Protection Agency (EPA) solid and hazardous waste management regulation. As provided in 49 CFR 173.136(b), RRI is requesting a determination for the classification of a product with limited amounts of a Class 8 corrosive. We do not believe that the material, as presented for transport, poses a risk in transportation.


Each product to be shipped contains one or more of the following active constituents:

- 1-methylpiperazine (corrosive and flammable liquid) – aluminum corrosion
- 1-methylpyrrolidine (flammable and corrosive liquid)– aluminum corrosion
- 1-methylpiperidine (flammable and corrosive liquid)– aluminum corrosion
- 1-ethylpiperazine (flammable liquid)
- piperidine (corrosive and flammable liquid) – aluminum corrosion

The actives above are absorbed in a vacuum environment into very porous MP-100 polyethylene pellets (e.g., no free liquid available). These pellets are placed onto a small plastic boat dish and the entire assembly is heat sealed in individual metalized polyethylene packets. The metalized polyethylene is constructed of a thin aluminum foil surrounded on both sides by a polyethylene film; it is the same metalized polyethylene used for military MRI rations (Marvelseal 470, MIL-B-131J, Type 1, Class 1). There is approximately 1.65 grams of aluminum available per packet. Once heat sealed, a small 2-3 mm hole is made in one surface of the packet and covered and sealed with metalized self-adhesive tape. The entire packet, when completed, weighs approximately 2.75 grams.

Each sealed packet contains between 0.7 to 1 gram of absorbed active. This amount may increase in the future to up to two grams per packet. During testing, 0.7 grams active reacted in the packet configuration with 0.008 grams aluminum. At 0.7 grams active per packet and 1.65 grams of aluminum per packet with only 1/200 of the aluminum available in contact with the active (2-3 mm hole), it would take approximately 87.5 times more active to react with the available aluminum (1.65 grams). Hence, in the unlikely event the polyethylene liner were to be breached, given the amount of active and configuration of the product for transport, there needs to be 98.86% more active in each packet to react with the aluminum of just one packet.

The package configuration for transport will consist of 16-32 individual packets. The packet assembly itself is capable of withstanding, without leakage, standard pressure at 130°F.

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Mr. Mazullo
March 30, 2006
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RRI believes that the actives as presented for transport do not pose a risk in transportation. We seek your concurrence in our classification determination.

Thank you. Please call if you have any questions or need further information.

For Regulatory Resources, Inc.,



Wade A. Winters, CET, CHMM
President

WAW/lom