



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, SE
Washington, D.C. 20590

SEP 13 2010

Mr. James V. McManus
Sr. Project Manager
Implant Technologies
7 Commerce Drive
Danbury, CT 96810

Ref. No. 10-0167

Dear Mr. McManus:

This responds to your July 26, 2010 request for clarification on the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). According to your letter and subsequent telephone conversation with a member of my staff, you are going to ship "UN 3383, Toxic by inhalation liquid, flammable, n.o.s.," using packaging authorized in §173.226. Specifically, you ask if you may use selective testing variation 2 in § 178.601(g)(2) to exclude testing of the inner packaging system as normally required in § 173.226(c)(3)(ii).

The answer to your question is no. In accordance with 178.601(g)(2), selective testing of combination packaging variation 2 provides relief from performance testing for outer packaging of combination packaging when inner packaging differ in minor respects from the tested packaging configuration. Variation 2 applies to inner packaging that are not themselves subject to performance testing. Section 173.226(c)(3)(ii) requires the inner packaging system to meet the drop test, leakproofness test, and hydrostatic pressure performance tests of part 178 subpart M at the Packaging Group I performance level. Additionally, the outer packaging of the non-bulk combination packaging must also conform to the performance test requirements of subpart M of part 178 at the Packaging Group I performance level. As a result of the specific requirements for your packaging, you may not use variation 2 to exclude performance testing of the inner packaging system required by § 173.226(c)(3)(ii).

I hope this answers your inquiry. If you need additional assistance, please contact this Office at 202-366-8553.

Sincerely,

Ben Supko
Acting Chief, Standards Development
Office of Hazardous Materials Standards

Boothe
§ 173.226
§ 178.601
§ 172.101
Testing
10-2167

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Tuesday, July 27, 2010 9:18 AM
To: Drakeford, Carolyn (PHMSA)
Cc: DerKinderen, Dirk (PHMSA)
Subject: FW: Request for Interpretation

Carolyn,
See below, yet another request for a formal written letter of interpretation.
-Rob

From: jmcmanus@atmi.com [mailto:jmcmanus@atmi.com]
Sent: Monday, July 26, 2010 5:04 PM
To: INFOCNTR (PHMSA)
Subject: Request for Interpretation

To Whom it May Concern:

I request an interpretation on the following situation in order to answer the question below:

1. The material of interest is UN3383, Toxic by inhalation liquid, flammable, n.o.s.
2. The packaging authorization for UN3383 is CFR 49 173.226.
3. The packaging we are using is a non-bulk combination packaging.
4. The inner packaging system consists of:
 - a. A helium leak tight 1.3 liter stainless steel container that contains the UN3383 liquid.
 - b. A 5 gallon leak tight drum certified to UN1A2 is the second part of the inner packaging system that contains the 1.3 liter stainless steel container .

My question pertaining to the above hazardous material and the associated packaging authorization is as follows:

Can I use the Selective Testing Variation prescribed in 178.601 (g) (2) to exclude testing of the inner packaging system as normally required in CFR 49 173.226 (c) (2) (iv) if the outer packaging complies with CFR 49 178 (g) (2) (i)-(vii)?

I note that 178.601 (g) (2) indicates "**inner packagings of any type**" for solids or liquids, may be assembled and transported without testing in an outer packaging if the outer packaging complies with CFR 49 178 (g) (2) (i)-(vii).

We look forward your interpretation on the above question as we have received conflicting information from several sources regarding this question.

Kind regards,

Jim McManus

Jim McManus
Project Manager
Phone 203-207-9307
Mobile 203-482-1606

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