



U.S. Department  
of Transportation

Pipeline and Hazardous Materials  
Safety Administration

1200 New Jersey Ave., SE  
Washington, DC 20590

FEB - 4 2009

Mr. John Fosse  
Vice President-Sales  
1819 W. Harry Street  
Wichita, KS 67213

Ref. No. 08-0310

Dear Mr. Fosse:

This responds to your November 20, 2008 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if you are required to have separate packaging test records and separate report identification numbers for combination packagings that are identical (i.e., the same inner packagings, the same outer packaging and the same packaging configuration) except for closure method (e.g., one is closed using 2-inch tape while another is closed using glue).

The answer is no. You are required to maintain a record of each design qualification test in accordance with § 178.601(l). The test record must include a description of the packaging design type, including methods of closure. You may maintain a single test record and test report identification number for identical packagings that differ only in method of closure, provided each method of closure is documented in the test report and the packaging successfully passes the required tests when closed in accordance with each closure method identified in the test report.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles E. Betts'.

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards



P.O. BOX 533 • WICHITA, KS 67201

Eichenlaub  
§ 178.601(4)(ii)  
Testing  
08-0310

November 20, 2008

Dear Sirs:

I would like to request that SFB Plastics, Inc be given an exemption to 49 CFR section 178.601 (4) (ii), ... "method of closure". This rule requires that separate UN certificate numbers be assigned for a package with the only difference being different (outer carton) closure requirements.

SFB Plastics is a manufacturer of plastic bottles. We provide these empty bottles (in bulk and in boxes) to wholesale packaging distributors, who in turn resale these packages to fillers throughout the Midwest. Our bottles are sold in a variety of packaging configurations, with some of them being UN certified packages.

An example of the problem is as follows: We have a generic 4 pak box that has been UN certified for approximately 6 years. We sell this package to many different packaging distributors who in turn resale it to fillers for various applications. As you can imagine, the fillers don't all want to close this box the same way. For example, some prefer to use 3" tape or glue instead of the standard 2" tape. Some may not even close it the same way every time. Accordingly, we have looked at the various closing combinations that our customers use and performed the appropriate UN tests for each combination. Each combination is UN approved and has passed the drop and stack test. (All under one UN certificate number.) We have typically not been concerned as to what customer uses which method so long as they follow one of the closure instructions that have been provided to them for this package.

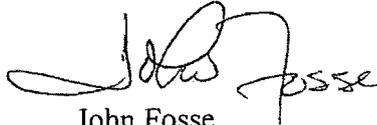
It has come to our attention that per 49 CFR section 178.601 (4) (ii) we are required to have a different UN certificate number for each set of closure instructions. Apparently we need three identical boxes with the only difference being the UN certificate number. This would mean that we must know which method of closure each customer wants and then provide bottles to them in the box with the applicable UN certificate number. For the type of business that we are, it is not practical. We would be required to inventory 3 boxes instead of one. This would triple the number of finished goods that we manufacture and greatly increase the likelihood that a box could go to a customer who may close it improperly, thus becoming a UN regulation violation. This problem is compounded since our customer is the wholesale distributor who then resells the package to the filler, leading to more chances for mistakes.

We are asking that we continue to be able to use a singular certification number printed on the outer package with a corresponding certification report indicating each method has successfully passed required testing per 49 CFR 178.601. Since each of the closing methods passes the UN certification tests, there is no safety hazard presented with our

request. We sell over 1 million containers in various UN packages that we manufacture. We would have to consider the termination of these packages as it would be administratively impractical to ensure that each customer is using the proper closing combination for the given box that they are using.

Please give us an exemption to 49 CFR section 178.601 (4) (ii), ... "method of closure" for our UN certified packages "indefinitely" based upon our specific circumstances.

Regards,

A handwritten signature in black ink, appearing to read "John Fosse". The signature is stylized with a large initial "J" and a long horizontal stroke.

John Fosse  
Vice President-Sales