



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAR 04 2019

Mr. Brian French
Abbott Action, Inc.
dba-French Packaging Services
249 Oceana Way
Norwood, MA 02062

Reference No. 18-0144

Dear Mr. French:

This letter is in response to your November 20, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to packaging modifications. You state that your company wishes to make modifications to a tested plywood large packaging (50D/Y) and explain that the outer packaging (plywood box) will remain unchanged but that the foam blocks used for cushioning will be modified to accommodate a different configuration of smaller or identical inner packages within the large packaging. Specifically, you note that while the overall thickness of the foam cushioning blocks will remain unchanged, a notch/groove will be moved. Therefore, you ask if § 178.601(g)(4) permits modifications to the cushioning materials used in a plywood large packaging (50D/Y) without requiring that the packaging configuration be retested.

Your email references § 178.601 under Subpart M, "Testing of Non-Bulk Packagings and Packages"; however, based on the information provided, this Office believes that § 178.955 under Subpart Q, "Testing of Large Packagings" would better address your question. Section 178.955(g) states that inner packagings of equivalent or smaller size may be used provided certain conditions are met. In accordance with § 178.955(g)(1)(iv), sufficient additional cushioning material must be used to take up void spaces and to prevent significant movement of the inner packages. Therefore, if you are moving the notch/groove on the foam blocks to accommodate the smaller or identical inner packages and to fill any void spaces and prevent any significant movement within the outer package, then this modification would not violate the requirements of § 178.955(g) and would be considered an authorized variation.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Larson
18-0144

January, Ikeya CTR (PHMSA)

From: Satterthwaite, Cameron (PHMSA)
Sent: Friday, November 23, 2018 10:23 AM
To: Dodd, Alice (PHMSA); January, Ikeya CTR (PHMSA)
Cc: Nickels, Matthew (PHMSA)
Subject: FW: Interpretation 178.601(g)(4)(iv)

Hey Alice and Ikeya,

Here is a hazmat interp request for your handling. (see below)

Cameron H. Satterthwaite
Supervisory Transportation
Regulations Specialist
Standards and Rulemaking
East Building, PHP 30
1200 New Jersey Avenue, SE
Washington, DC 20590
(o) 202-366-1319

From: PHMSA Pipelinesafety
Sent: Friday, November 23, 2018 10:15 AM
To: Gale, John (PHMSA) <john.gale@dot.gov>; Satterthwaite, Cameron (PHMSA) <Cameron.Satterthwaite@dot.gov>
Cc: Asebe, Tewabe (PHMSA) <Tewabe.Asebe@dot.gov>
Subject: FW: Interpretation 178.601(g)(4)(iv)

Good morning,

We received the email below in the general OPS inbox. I am forwarding it to your office for appropriate handling.

Regards,

Karen

From: Brian French [mailto:brian.french@frenchpackaging.com]
Sent: Tuesday, November 20, 2018 11:37 AM
To: PHMSA Pipelinesafety <PHMSA.Pipelinesafety@dot.gov>
Subject: Interpretation 178.601(g)(4)(iv)

Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590
United States

I'm respectfully requesting an interpretation about the need to re-test a packaging that differs only in minor respects from the tested type, as follows:

Abbott Action, Inc. currently manufactures a tested 50D/Y/ - Plywood Large Packaging. The plywood box was originally testing with internal polyethylene foam cushioning blocks that secure the inner container. We wish to make minor modifications to these foam cushioning blocks without the need to retest. The plywood box will remain the same. The modification to the foam cushion blocks will not alter the thickness between the inner packaging, and the outside packaging. The cushioning type will remain the same. The cushioning design will be modified minimally with no negative effect on performance.

My question is; Does 178.601(g)(4)(iv) allow for this type of modification to the cushion as the paragraph states "the same type or design"?

Thank you for your consideration in this matter.

Brian

Brian French

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