U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

JUN 28 2005

Mr. Russell Keith
Engineering
Wrangler Corporation
68 First Flight Drive
P.O. Box 1970
Auburn, Maine 04211

Ref. No.: 05-0112

Dear Mr. Keith:

This is in response to your April 29, 2005 letter requesting further clarification of our letter to you dated November 9, 2004 concerning intermediate bulk containers (IBC) under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask about requirements for closure of the inner receptacle of a composite IBC.

As we stated in our November 9, 2004 letter, as specified in § 178.707, a composite IBC is an IBC that consists of a rigid outer packaging and is designed to bear the entire stacking load. Based on the description of your packaging and subsequent assessment of a sample you submitted, your packaging does not meet the requirement for a rigid outer packaging. Therefore, your packaging may not be marked with the IBC code designation "11HH2," and the closure requirements of the inner receptacle of a composite IBC do not apply to your packaging.

If you believe your packaging provides a level of safety equivalent to the United Nations (UN) 11HH2 specification, or another IBC specification, and can demonstrate this, you may wish to apply for an exemption for your packaging.

I hope this information is helpful.

Sincerely,

Susan Gorsky
Acting Director
Office of Hazardous Materials Standards

WRANGLER CORPORATION
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June 22, 2004

Department of Transportation
Research and Special Projects
400 7th Street
Room 8422
Attn: Glenn Foster
South West Washington DC 20590

Subject: Composite container cross section sample

Dear Mr. Foster

The enclosed sample is a typical cross section for the Cowboy container currently under consideration. The sample is representative of two of the top edges of the container. The remaining two sides are extended to make the closure flaps of the container.

If there are any questions after reviewing the sample please do not hesitate to contact me. Thank you for your consideration in this matter.

Sincerely,

Russell Keith
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Supko
§178.707
IBC
05-0112

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April 29, 2005

To: Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/RSPA (DHM-10)
400 7th Street SW,
Washington, DC 20590-0001

Subject: Reference Number 04-0024: Interpretation of Inner Receptacle Closure Style of a Composite IBC for solids

Dear Mr. Director:

Thank you for your letter dated November 9, 2004. This letter is to address your response and the conclusions you stated in your letter. Because of your response, it is apparent that we were not clear on our original request. We were not looking for a designation on the marking but for a clarification on the inner receptacle closure style of a "Composite IBC" that has an 11HH2 marking. Your analysis and response was based on a "Rigid Plastic IBC" and not a Composite IBC".

The markings for a "Rigid Plastic IBC" §178.706 would be 11H1, **11H2,** 21H2, 31H1or 31H2. The 11HH2 marking would not be appropriate for a "Rigid Plastic IBC. The "11HH2 marking" identifies the IBC as a "Composite" and not a "Rigid Plastic IBC". The marking for a Composite Package designed for solids, discharged by gravity containing a flexible plastic inner receptacle is **11HZ2** (§178.707(a)(2). As instructed in §178.707(a) the **"Z"** is to be replaced by a capital letter, which will represent the material, used for the outer packaging. In §178.702(a)(2) specifies the capital letter **"H"** means plastic. The designation is reached by replacing the **"Z"** with an **"H"** for the 11HH2 marking. Our packaging is a Composite IBC and we currently we have clarification on the 11HH2 marking.

Again, the intention of the original letter was to gain clarification on the closure style of the inner receptacle. On the specification sheet provided in the original letter, the inner receptacle does not close off but terminates at the top of the unit. The two cover flaps of the outer receptacle provide closure to the entire packaging. The language in the regulation is ambiguous on whether a closure is needed on the inner receptacle. The regulations do not call for a specific type of closure on the inner receptacle or even if a closure is required.

Our question is does an inner receptacle of a Composite IBC designed for solids, loaded or discharged by gravity need its own closure if the outer receptacle otherwise provides closure to the IBC as a whole?

Sincerely,

Russell Keith
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