



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

FEB 25 2013

Mr. T. Bradley Vance
Traffic Manager
American Ordnance, LLC
Iowa Army Ammunition Plant
17575 Highway 79
Middletown, IA 52638

Ref. No.: 13-0023

Dear Mr. Vance:

This is in response to your January 16, 2013 letter requesting clarification of the marking of packaging under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you seek clarification of § 178.503(a)(6), which stipulates that a packaging must be marked with the last two digits of the year of manufacture. It is your understanding that that the "year of manufacture" is the year that packaging is produced; whereas, it is your customer's understanding that "year of manufacture" is the year that the hazardous materials are placed in the packaging.

Your understanding is correct. Year of manufacture, as referenced in § 178.503(a)(6), and indicated in the certification marking, is the year in which the packaging is produced. With combination or composite packaging, the year of manufacture may be the year in which the packaging is produced or the year in which the packaging is assembled (i.e., inner packagings such as liners or forms are placed in the outer packaging). "Packaging" is defined in § 171.8 as a receptacle and any other components or materials necessary for the receptacle to perform its containment function in conformance with the minimum packing requirements of the HMR. "Package" is defined in § 171.8 as a packaging plus its contents. Section 178.503 pertains to marking of "packagings" not "packages."

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Robert Benedict
Chief, Standards Development
Standards and Rulemaking Division



American Ordnance

We do what we say.

O'Donnell
§178.503(a)(6)
Marking of Packagings
13-0023

American Ordnance LLC
Iowa Army Ammunition Plant
17575 Hwy 79
Middletown IA 52638-9701

(319) 753-7114
info@aollc.biz

January 16, 2013

Mr. Charles E. Betts
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

Dear Mr. Betts,

We have a customer giving us an interpretation of 178.503(a)(6), which does not match my understanding of the regulation.

It is my understanding the year of manufacture means when the container is initially produced. Our customer, who accepts responsibility for certifying the packaging, believes the year of manufacture is when the hazardous materials are placed in the container. Our customer provides us a drawing illustrating the container filled with the hazardous material and indicating the location of the POP marking. Our customer feels this drawing defines the configuration to which the term "manufacture" applies [178.503(a)(6)].

An example would be we receive from a vendor a container initially produced in 2012. In 2013 we load the container with the inner pack and hazardous material. We believe the POP marking should have "12" as the year of manufacture and our customer feels the container is not complete until fully loaded and the POP mark should have "13" as the year of manufacture. Please clarify the correct year of manufacture to mark on the container.

Thank you in advance for your assistance.

Sincerely,

T. Bradley Vance
Traffic Manager
American Ordnance LLC
Phone: (319) 753-7408
Cell: (319) 572-0342
Email: bvance@aollc.biz