



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

APR 25 2017

Bradley Spears
Outbound Logistics Manager
Midway USA
5875 West Van Horn Tavern Road
Columbia, MO 65203

Reference No. 17-0001

Dear Mr. Spears:

This letter is in response to your January 3, 2017, e-mail and letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the general marking requirements for non-bulk packages. You included with your letter pictures illustrating the current marking, which is displayed as "Primers Cap Type UN# 0044 1.4S," on your fiberboard package. Specifically, you ask whether your mark complies with the marking and height requirements of § 172.301(a).

We have paraphrased and answered your questions as follows:

- Q1. You ask if the "#" symbol may be displayed after the marking "UN" and before the "identification number" on your fiberboard package.
- A1. The answer is no. The "#" symbol is not part of the identification number as shown in § 172.101 of the Hazardous Materials Table (HMT). According to § 172.301(a), non-bulk packagings must be marked with the proper shipping name and identification number (preceded by "UN," "NA," or "ID") as shown in the HMT. Furthermore, the hazard classification information displayed on a non-bulk package must comply with applicable labeling requirements in accordance with § 172.411 for "Explosives 1.4."
- Q2. You ask if the 12 mm minimum height requirement for characters in § 172.301(a) applies to the UN identification number marking.
- A2. The answer is yes. The general height requirements state that the UN identification number marking must be displayed with characters at least 12 mm (0.47 inches) high. However, because your packages will be carrying less than 30 kg (66 pounds) maximum net mass of material, the characters for the UN identification number must be at least 6 mm (0.24 inches) high.

- Q3. You ask if the characters for the proper shipping name "Primers, Cap Type" should be displayed at least 6 mm high according to § 172.301(a).
- A3. The HMR do not specifically prescribe minimum height requirements for the display of the proper shipping name on a non-bulk package. If the package you are preparing will be less than 66 pounds and the UN identification number is displayed with characters at least 6 mm (0.24 inches) high, the proper shipping name may be displayed in the same manner.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk Der Kindeken", written in a cursive style.

Dirk Der Kindeken
Chief, Standards Development Branch
Standards and Rulemaking Division

Dodd, Alice (PHMSA)

Baker
§ 172.301
General Markings
17.0001

From: INFOCNTR (PHMSA)
Sent: Tuesday, January 03, 2017 4:21 PM
To: Hazmat Interps
Subject: FW: Request for Interpretation of Regulations, 49 CFR 172.301 and 49 CFR 172.303
Attachments: SKMBT_C45117010311490.pdf

Hi Shante/Alice,

Please submit this for a letter of interpretation. I spoke with Mr. Spears in response to this email.

Please let me know if you have any questions.

Thanks,
Jordan

From: Spears, Bradley [mailto:BSpears@midwayusa.com]
Sent: Tuesday, January 03, 2017 12:26 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request for Interpretation of Regulations, 49 CFR 172.301 and 49 CFR 172.303

Sent on behalf of William R. Burke, Vice President, Logistics, MidwayUSA
Enclosed is a signed PDF of the below written request
Please respond to this email address, bspears@midwayusa

Respectfully,

Bradley Spears
Outbound Logistics Manager
MidwayUSA

U.S. DOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue SE
Washington, DC 20590-0001

William R. Burke
Vice President, Logistics
5875 West Van Horn Tavern Rd
Columbia, MO 65203

Re: 49 CFR 172.301 and 49 CFR 172.303 Request for Interpretation of Regulations

Dear Sir or Madam,

MidwayUSA seeks clarification regarding our current marking displayed on our non-bulk packaging used in shipping *Primers, Cap Type, UN0044*. We are currently working on reprinting and re-certifying our packaging to comply with General Marking Requirements for non-bulk packagings of 49 CFR 172.301, Subpart M – Testing of Non-bulk packagings and packages, respectively.

Enclosed are pictures of the actual markings as they are printed on our fiberboard packaging used in shipping primers (*Primers, Cap Type, UN0044*) to our Customers. In the pictures provided, we have printed 'UN# 0044' on these boxes and seek an interpretation as to whether these markings are in compliance with 49 CFR 172.301(a) – General marking requirements for non-bulk packagings, *Proper shipping name and identification number*.



We seek the two following interpretations:

1. We interpret 'UN' as preceding the identification number as outlined in table §172.101. We interpret the '#' as not listed as a Prohibited Marking outlined in §172.303, thereby making it an acceptable marking for this non-bulk packaging. In addition, we interpret the '#,' as identified in §172.334(g), refers specifically to displays outlined in §172.332 and does not apply to the marking requirements for non-bulk packagings as outlined in §172.301.
2. We are seeking clarification of the height requirements set forth in §172.301 which took effect January 1, 2017. We interpret 'UN' and the identification number as needing to be printed with a minimum height of 12 mm (0.47 inches) and 'Primers' and 'Cap Type' must be printed with a minimum height of 6 mm (0.24 inches) as these non-bulk packagings will be carrying less than 66 lbs. maximum net mass.

We seek a written determination regarding these two interpretations, (1) the '#' in use with the marking of the identification number, and (2) minimum height requirements of the proper shipping name and identification number set forth in 49 CFR 172.301.

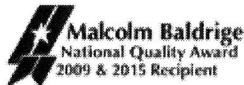
Sincerely,

William R. Burke
Vice President, Logistics
MidwayUSA

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Bradley Spears

Logistics Outbound Manager | NRA Life Member
bspears@midwayusa.com | 573-445-6363 x2663
5875 West Van Horn Tavern Rd. | Columbia, MO 65203





U.S. DOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue SE
Washington, DC 20590-0001

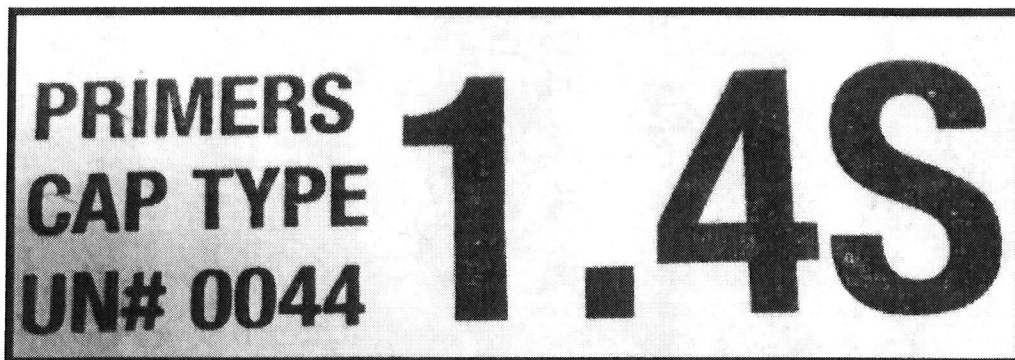
William R. Burke
Vice President, Logistics
5875 West Van Horn Tavern Rd
Columbia, MO 65203

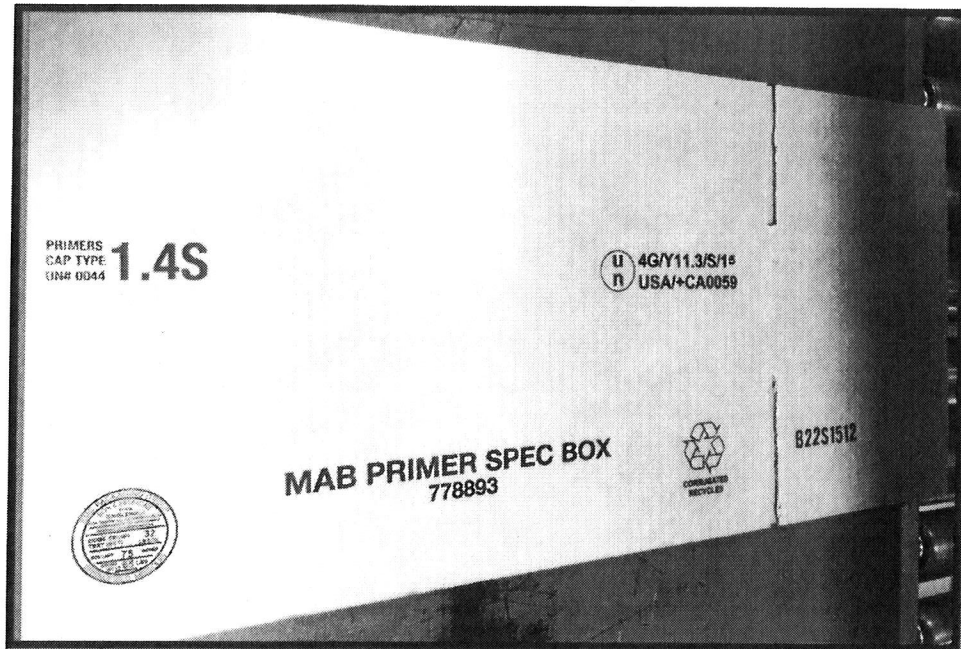
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Sincerely,

William R. Burke
Vice President, Logistics
MidwayUSA

