



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

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

SEP 10 2003

Mr. Roland M. Kelley  
RP Kelley Enterprises, Inc.  
P.O. Box 744  
Bonifay, FL 32425

Ref No: 03-0098

Dear Mr. Kelley:

This is in response to your facsimile and subsequent telephone conversation with Sandra Webb of this Office requesting confirmation of your understanding of the marking requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they pertain to the United Nations (UN) symbol. Specifically, you ask if a packaging may be marked with a (UN) symbol displayed in a series of small dots with spaces between them instead of a solid circle as illustrated in § 178.503(e)(1).

You enclosed a photograph of the marking that depict a series of small dots for our review. You also included a November 8, 2002 letter issued by this Office to your company, stating that the UN symbol should be displayed in a solid circle. This Office made that determination based on the fact that the UN symbol was not displayed in a circle and, further, that the UN symbol did not appear the same as the UN symbol illustrated in § 178.503 and, therefore, was not acceptable for use as the UN standard mark.

As provided in § 178.503 (a)(1), the UN symbol must be as illustrated in paragraph (e) of § 178.503. In our opinion, the use of a series of small dots with spaces between them is permitted provided the dots form a circle and, the symbol otherwise appears the same as the UN symbol illustrated in § 178.503.

I apologize for any confusion our earlier response may have caused, and I hope this information is helpful. If you need additional assistance, do not hesitate to contact us.

Sincerely,

Susan Gorsky  
Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards



030098

178.503

**RP Kelley Enterprises Inc.**  
PO Box 744  
Bonifay, FL 32425

Webb  
§ 178.503(e)(1)  
Marking  
03-0098

April 2, 2003

Mr. Edward T. Mazzullo, Director  
DHM -10  
**U. S. Department of Transportation**  
**Research and Special Programs Administration**  
**Office of Hazardous Materials Standards**  
400 Seventh Street SW  
Washington, D.C. 20590

RE: Interpretation of 178.503 (e) (1)

Dear Mr. Mazzullo:

Based on 49 CFR Part 178.503 (e)(1) and interpretation letter Ref. No. 02-0265 issued by your office we determined that the 'UN symbol found on a steel drum (Figure 1) did not conform to the requirements and was not allowed. The symbol's circle is a series of small dots with spaces between them which did not match the illustration in 49 CFR Part 178.503 (e)(1). This method of marking appears to be common in the industry and for this reason we contacted your office and inquired if there had been any special exceptions given to manufacturers.

On April 2, 2003 your office issued a verbal interpretation stating that the example we have provided meets the requirements of 49 CFR Part 178.503 (e)(1) and is acceptable. Since the example we provided did not display the circle as a solid line, as stated in your previous interpretation Ref. No. 02-0265, we request written confirmation of your verbal interpretation in this matter. Should you have any further questions please contact us at 547-547-2122.

Sincerely,



Roland M. Kelley  
Packaging Consultant