



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

MAY 12 2004

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

Mr. Robert J. Ten Eyck
Director
Technical Services
Ten-E Packaging Services, Inc.
1666 County Road 74
Newport, MN 55055

Ref. No. 04-0011

Dear Mr. Ten Eyck:

This responds to your letter dated December 24, 2003, that requests clarification of the package closure requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a particular closure system design meets the intent of "positive closure" under § 173.27(d) of the HMR and Part 4; Paragraph 1.1.4 of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions).

The design you submitted for review consists of six 400 mL plastic bottles with friction-type closures (snap caps). The bottles are placed in a fiberboard box and the closure is secured by using a corrugated pad and spacer placed between the snap caps and the major and minor box closure flaps.

Under § 173.27(d) of the HMR and Part 4; Paragraph 1.1.4 of the ICAO Technical Instructions, friction-type closures (e.g., stoppers, corks, caps) must have some form of "positive" means to ensure they are held securely in place. Acceptable methods of supplemental securement include using tape, wire, shrink wrap, or other similar positive means. Downward pressure alone exerted upon a friction-type closure does not satisfy this requirement and, therefore, would not be an acceptable means of positive closure under the HMR or the ICAO Technical Instructions.

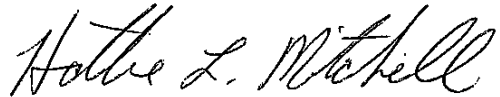


040011

173.27(d)

I hope this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in dark ink and is positioned above the typed name.

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



Handwritten: 1/1/11

Stevens
§ 173.27(d)
Packaging
04-0011

December 24, 2003

Edward Mazzullo
U.S. DEPARTMENT OF TRANSPORTATION
Research and Special Programs Administration
Office of Hazardous Materials Standards, DHM-10
400 Seventh Street, S.W.
Washington, DC 20590

Dear Ed:

TEN-E Packaging Services, Inc. is writing to request clarification on whether a particular closure system meets the criteria for "positive means" of securing friction-type closures as called for under Section 173.27(d) of Title 49 CFR and Part 4; Paragraph 1.1.4 of the ICAO Technical Instructions. The package in question consists of a 440 ml plastic bottle with a friction fit snap cap. Six of these inner receptacles are place in a corrugated box and the closures are secured by the use of a corrugated pad and spacer. An isometric drawing of the components is provided for your review.

TEN-E Packaging Services is of the opinion that the packaging system meets the intent of the regulations with respect to providing a positive means for holding the friction-type closures in place but would like to have the agency's written viewpoint on this regulatory matter.

Sincerely,


Robert J. Ten Eyck
Director, Technical Services
TEN-E Packaging Services, Inc.

Attachments included with e-mail

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