



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

SEP 14 2006

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

Mr. Lonny Jaycox
C.L. Smith Company
1311 South 39th Street
St. Louis, Missouri 63110

Ref. No.: 06-0129

Dear Mr. Jaycox:

This is in response to your May 30, 2006 email regarding the application of selective testing Variation 4 in § 178.601(g) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you state that your company has a performance oriented packaging design type that is tested and certified with a closure method specified in the notification as follows: "Tape XXXX, 48mm wide, poly PST, single strips top and bottom, centered both longitudinally along and spanning the flap seams, extending a minimum of 2.5" onto the sides of the carton, with tape adhered firmly in place." However, your company would like to use Tape XXXX, 72mm wide, which is different from the original notification. Your questions are paraphrased and answered below:

Q1: If a shipper complies with the closure method specified in the notification, then adds some additional strips of the same tape, either in a similar manner slightly offset from the flap seams, or in a different manner, would that package be considered a "different packaging design type" under the HMR and require retesting?

A1: The answer is no. A different packaging as defined in § 178.601(c)(4), is one that differs (i.e., is not identical) from a previously produced packaging in structural design, size, material of construction, wall thickness, or manner of construction. The packaging manufacturer may specify the type and dimensions of the tape needed to satisfy the performance requirements. The manufacturer or other person certifying compliance with the specifications must notify, in writing, each person to whom the package is transferred of such requirements (§ 178.2(c)). If the packaging is closed as specified by the manufacturer, the application of additional tape would not be considered a different design. Therefore, if your company adds additional tape to your package, it would not be considered a different packaging design type.

Q2: If a shipper uses the 72mm wide version of the tested 48mm wide tape and applies it consistent with the closure method specified in the notification, would that package be considered a "different packaging design type" under the HMR and require retesting?



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178.1
178.819
178.601

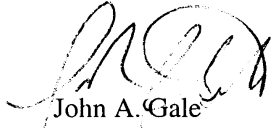
A2: The answer is yes. Changing the size of the tape from that specified in the packaging test report and closure notification constitutes a change in design. To eliminate this problem, two packagings should be tested with the different tapes and the packaging notification amended to specify the actual widths or a range of widths.

Q3: If a shipper applied both 48mm and 72mm wide tape consistent with the closure method specified in the notification, would that package be considered a "different packaging design type" under the HMR and require retesting?

A3. See preceding answers.

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

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards

Jarman, Erin <PHMSA>

Stevens
Reberford

From: ljaycox@clsmith.com
Sent: Tuesday, May 30, 2006 11:27 AM
To: INFOCNTR <PHMSA>
Subject: Information Center Comments/Questions

\$178.1
\$178.819
Packagings
06-0129

Below is the result of your feedback form. It was submitted by Lonnie Jaycox (ljaycox@clsmith.com) on Tuesday, May 30, 2006 at 11:27:08.

Email: ljaycox@clsmith.com

Name: Lonnie Jaycox

Category: Specifications for Packagings (Sections 178.1 - 178.819) ←

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Comments: Scenario:

A performance oriented packaging design type is tested and certified, and with a carton closure method specified in the notification as follows:

"Tape XXXX, 48mm wide, poly PST, single strips top and bottom, centered both longitudinally along and spanning the flap seams, extending a minimum of 2.5" onto the sides of the carton, with tape adhered firmly in place."

Tape XXXX, is a specific stock number manufactured by a particular vendor to a consistent, acceptable specification. This same tape is also available in 72mm width. This would be identical tape just slit to the wider specification. (Tape is manufactured in wide "logs" then slit to width.)

Q1: If a shipper applied the carton closure above in the specified manner first; then added some additional strips of the same tape, either in a similar manner slightly offset from the flap seams, or in a different manner (i.e.: added additional strips to complete an "H" pattern) to enhance flap retention or to keep handlers from using the flap edges as lift points; would that package be "different" under the regulations and require re-testing?

Q2: If the shipper needed to use the 72mm wide version of the tested 48mm tape and applied it consistent with the notification, to satisfy application equipment needs, or from the desire for a more robust package (perhaps for parcel shipment); would that package be "different" under the regulations and require re-testing?

Q3: Assuming the answer to Q1 is yes: If the shipper needed to use the 72mm wide version of the tested tape applied consistent with the application variations in Q1; would that package be "different" under the regulations and require re-testing?