



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

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

MAR 01 2011

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

Ref. No. 11-0041

Dear Mr. Ten Eyck:

This responds to your February 16, 2011 letter regarding the proper marking of an approved packaging design having different specifications than those prescribed in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the letter "W" should immediately follow the packaging identification code "1G" marked on a fiber drum packaging approved under the provisions in § 178.601(h). You state the approval was issued because the fiber drum design did not meet the construction standards prescribed in § 178.508 and did not specifically direct the packaging manufacturer to apply the "W" mark as part of the UN marking.

The answer is yes. A packaging having specifications different from those prescribed in §§ 178.504-178.523 may be used if approved by the Associate Administrator. Such packagings must be shown to be equally effective as those prescribed. See § 178.601(h). Furthermore, as specified in § 178.503(a)(2), the letter "W" must follow the packaging identification code on such packagings when required by an approval under the provisions of § 178.601(h). Although your client's approval does not specifically mandate the "W" mark be applied, nothing in the HMR prohibits indicating it in the appropriate position as part of its UN marking.

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

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division



Stevens
§ 178.503 (a)(2)
§ 178.601 (h)
Marking of Packaging
11-0041

February 16, 2011

Charles Betts
U.S. DEPARTMENT OF TRANSPORTATION
Pipeline and Hazardous Materials Safety Administration
Standards & Rulemaking PHH-10
1200 New Jersey Avenue, S. E.
Washington, D.C. 20590

Dear Charles:

TEN-E Packaging Services is writing to request a clarification as to when it is appropriate to apply the "W" mark to a UN packaging. We recently assisted a client with obtaining a competent authority approval to manufacture a drum that did not meet the construction standards for fiber drums found in Section 178.508 of Title 49 CFR. The competent authority approval did not specifically direct the container manufacturer to apply the "W" mark as a part of the UN marking; however it is our understanding that based on the wording of Sections 178.601(h) Approval of equivalent packagings and 178.503(a)(2) Marking of packagings that the "W" mark should be employed even though it is not being called for in the competent authority approval.

Your guidance on this container marking issue is greatly appreciated.

Sincerely,


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

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