



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

**MAR 28 2012**

Mr. Frits Wybenga  
President  
Dangerous Goods Transport Consulting, Inc.  
15108 Red Clover Drive  
Rockville, MD 20853

Reference No.: 11-0304

Dear Mr. Wybenga:

This is in response to your December 12, 2011 letter requesting guidance as to whether a recent amendment to Chapter 6.1.1.1(d) of the United Nations Recommendations on the Transport of Dangerous Goods: Model Regulations (UN Model Regulations), approved by the 40<sup>th</sup> session of the United Nations Subcommittee of Experts on the Transport of Dangerous Goods, may be immediately applied in accordance with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). The amendment changes the UN Model Regulations to the extent that the 450 liter capacity limitation applies only to liquids, other than combination packagings, and packagings containing solids are only subject to the 400 kg net mass limitation provided in Chapter 6.1.1.1(c).

The codification of this amendment into the HMR will be considered for a future harmonization rulemaking. Until that time, this amendment to the UN Model Regulations cannot be applied to the HMR. However, in accordance with 49 CFR Part 107, an application for a special permit may be submitted, requesting permission to exceed the 450 liter capacity limitation.

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

Sincerely,

Delmer Billings  
Senior Regulatory Advisor  
Standards and Rulemaking Division

Babich  
§ 178.516(b)(6)  
Packagings  
11-0304

**Dangerous Goods Transport Consulting, Inc**

15108 Red Clover Drive  
Rockville, Maryland 20853  
301-929-1668  
Cell 301-356-2096  
f.wybenga@comcast.net

December 12, 2011

Mr. Charles Betts  
Director, Standards and Rulemaking Division  
Office of Hazardous materials Safety  
Pipeline and Hazardous Materials Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001


Dear Mr. Betts:

This is to seek your guidance on the appropriate treatment of packages for solids, inner packagings and articles when the outer packaging capacity exceeds 450 liters but the net mass is less than 400 kg, specifically whether such packagings may be certified as packagings under the provisions in Subpart L of Part 178.

Due to the light weight of some solid substances, inner packagings or articles regulated as hazardous materials, certain packagings used for these hazardous materials exceed a capacity of 450 liters but do not exceed the 400 kg net mass limit. There has been confusion worldwide on interpretation of how volumetric and net mass limits apply in the case of such packagings. After discussion at the 39<sup>th</sup> and 40<sup>th</sup> sessions of the UN Subcommittee of Experts on the Transport of Dangerous Goods, it was decided to amend the text in 6.1.1.1 of the UN Model Regulations based on a proposal by Germany (ST/SG/AC.10/C.3/2011/34). It is my understanding that the US delegation to both meetings supported the clarification resulting from this proposal. From the perspective of the HMR, the change has the effect of confirming that these packagings may be treated under the provisions of Subpart L. As a consequence, only the 400 kg net mass limit (for example, as shown in 178.516(b)(6)) need apply to packages for solids, inner packagings and articles, such as UN 4G fiberboard boxes. Significantly, the 450 liter capacity limit would not apply for these packagings.

I would appreciate knowing whether this interpretation can be applied immediately with respect to UN packagings certified in accordance with the provisions of the HMR.

Sincerely,

A handwritten signature in black ink, appearing to read "Frits Wybenga". The signature is written in a cursive, flowing style.

Frits Wybenga  
President  
Dangerous Goods Transport Consulting, Inc.