



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

AUG 07 2012

Kevin Corson
Global, DOT Hazardous Materials Compliance Manager
Steris
5960 Heisley Road
Mentor, OH 44060

Reference No.: 12-0113

Dear Mr. Corson:

This responds to your May 11, 2012 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the closure requirements for limited quantity air shipments. You state that in the 2011-2012 International Civil Aviation Organization (ICAO) Technical Instructions (TI), packing instruction Y963 describes the closure instructions for ID8000 consumer commodities in paragraph (d) as, "Stoppers, corks, or other friction type closures." You note that in a Notice of Proposed Rulemaking (NPRM) published in the Federal Register on May 14, 2010 [75 FR 27273] entitled "Hazardous Materials: Packages Intended for Transport by Air" under Docket Number PHMSA-2007-29364 (HM-231A), the Pipeline and Hazardous Materials Administration (PHMSA) proposed to amend § 173.27(d) to require that all friction and screw type closures be secured by secondary means. In the HM-231A Final Rule published on April 16, 2012 [77 FR 22504], PHMSA adopted regulatory language in § 173.27(d) which states "Inner packaging or receptacle closures of combination packages containing liquids must be held securely, tightly, and effectively in place by secondary means." You add that § 173.167 implies that consumer commodities with friction type closures must be secured by secondary means when shipped by air. You ask if it is the intention of PHMSA to require consumer commodities containing liquids with screw type closures to have secondary means of closure when shipped by air. Additionally, you ask if it is PHMSA's intention to define screw type closures as a friction type closure, which will clarify the closure requirements written in Y963 and § 173.167.

The answer to both questions is no. For packages other than those shipped as consumer commodities under § 173.167, PHMSA amended the HMR to require closures of inner packagings containing liquids within a combination packaging intended for transportation by aircraft to be secured by a secondary means or, where a secondary closure cannot be applied or it is impracticable to apply, permit the use of a leakproof liner. These amendments are consistent with the 2011-2012 editions of the ICAO TI. In an NPRM published in the Federal Register on May 25, 2012 [77 FR 32174] entitled "Hazardous Materials: Harmonization With the United Nations Recommendations on the Transport of

Dangerous Goods Model Regulations, International Maritime Dangerous Goods Code, and the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air,” under Docket Number PHMSA-2009-0126 (HM-215K), PHMSA proposed language in § 173.167(a)(2) to clarify that only friction type closures must be closed by secondary means.

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

Sincerely,

A handwritten signature in black ink, reading "T. Glenn Foster". The signature is written in a cursive style with a large, sweeping initial "T" and a long, horizontal flourish extending to the right.

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

STERIS®



May 11, 2012

Mr. Charles Betts
Director, Standards and Rulemaking
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation -PHH-10
1200 New Jersey Ave., SE -East Bldg, 2nd Floor
Washington, DC 20590

Andrews
§173.27(d)
§173.167
Aircraft
12-0113

Re: Defining closure requirements for limited quantity air shipments

Dear Mr. Betts:

The 2011-2012 ICAO TI, packing instruction Y963 describes a closure for ID8000 Consumer commodity in paragraph d) as, "Stoppers, corks, or other such friction-type closures". In the April 16, 2012, Federal Register, PHMSA published the final rule, HM-231A, where in section II Background, subsection B, Summary of Proposals in NPRM, the 2nd sentence reads, "We proposed to amend 173.27(d) by requiring that all friction and screw type closures must be secured by a secondary means." On May 16, 2012, the newly written regulation will publish in 49CFR 173.27(d) to read, "Inner packaging or receptacle closures of combination packages containing liquids must be held securely, tightly and effectively in place by secondary means."

Additional reading on the subject of closures is found in 173.167, where Consumer commodities with "Friction-type closures must be secured by secondary means."

I find clarity in the writing of the new 173.27 and believe that all fully regulated liquid shipments in air transport must have secondary closures. Is it then the intention of PHMSA to require Consumer commodities containing liquids with screw type closures to have a secondary means of closure? As well, is it PHMSA's intention to define screw type closures as a friction type closure, which will clarify the closure requirements written of in Y963 and 173.167?

Regards,

Kevin Corson
Global, DOT Hazardous Materials Compliance Manager