



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

**JUL 12 2012**

Mr. Steve Dely  
Senior Project Engineer  
Smithers Pira  
6539 Westland Way, Suite 24  
Lansing, MI 48917

Ref. No. 12- 0098

Dear Mr. Dely:

This responds to your April 18, 2012 letter requesting clarification on the Hazardous Materials Regulations (HMR: 49 CFR Parts 171-180). In your letter, you reference the definition of an inner packaging, package, and receptacle under § 171.8. You note that the definition of "receptacle" states "including any means of closing." Specifically, you ask if the receptacle must include a means of closure, or, does it mean if a receptacle has a means of closure, then that would be considered part of the receptacle.

The definition of "receptacle" in § 171.8 indicates that the means of closure is part of the receptacle. In addition, closures are required on packagings, packages, and receptacles as part of the package specification, and function as part of the containment of the hazardous material. Closure instructions are required to be provided with the certified package in accordance with provisions in § 178.2. Closure instructions must include any procedures to be followed including instructions for closing inner packagings and receptacles.

I hope this answers your inquiry. If you need additional assistance, please contact this office at (202) 366-8553.

Sincerely,

Robert Benedict  
Chief, Standards Development Branch  
Standards and Rulemaking Division



Boothe  
§171.8  
Definitions  
12-00-98

To: U.S. DOT  
PHMSA Office of Hazardous Materials Standards  
Attn: PHH-10  
East Building  
1200 New Jersey Avenue, SE.  
Washington, DC 20590-0001  
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800 467 4922

From: Steve Dely  
Smithers Pira (PIRA)  
6539 Westland Way  
Suite 24  
Lansing, MI 48917  
517 322 2400

In writing this letter, Smithers Pira is looking for clarification on whether or not an inner packaging is required to have a closure. 49 CFR §171.8 defines the following:

**Inner Packaging:** a packaging for which an outer packaging is required for transport. It does not include the inner receptacle of a composite packaging.

**Packaging:** a receptacle and any other components or materials necessary for the receptacle to perform its containment function in conformance with the minimum packaging requirements of this subchapter.

**Receptacle:** a containment vessel for receiving and holding materials, including any means of closing.

The definition of receptacle states that it is "including any means of closing". Does that mean that a receptacle must include a means of closure, or does that mean that if a receptacle has a means of closure, then that would be considered part of the receptacle?

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Dely', written over a large, stylized circular flourish.

Steve Dely  
Senior Project Engineer  
(517) 322-2400  
[sdely@smithers.com](mailto:sdely@smithers.com)