



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

1200 New Jersey Ave., S.E.  
Washington, DC 20590

**AUG 20 2007**

Ref. No. 07-0029

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

Dear Mr. Ten Eyck:

This responds to your letter dated January 30, 2007, requesting an interpretation of what constitutes a non-bulk packaging design change under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for reconsideration of a previous interpretation issued by this office (06-0129) that states "Changing the size (e.g., width) of the tape from that specified in the packaging test report and closure notification constitutes a change in design." It is your opinion that a change to a wider tape of the same specification as that originally certified would not detract from the packaging's performance either under the UN performance tests or conditions normally incident to transportation.

We agree it is possible that a wider tape applied to a package may create a more "robust" package; however, it does not conclusively demonstrate how the package will perform when tested or transported. Additionally, a strict interpretation of the HMR does not provide for regulatory relief under such a scenario. One solution you may consider is to annotate the test report and customer notification to read "identical specification tape, minimum width 2 inches" if you can conclusively ascertain that using wider tape will not impair the performance of the package as the design was originally tested. This recordkeeping solution would not constitute a different package design type provided a minimum width or a range of widths of identical specification tape was applied by the package assembler. This analogy could also be applied retroactively to previously tested package designs.

Because our previous response (06-129) offered a similar solution to this issue, we consider our previously issued response to be valid and with merit.

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

Sincerely,

Susan Gorsky  
Regulations Officer

Office of Hazardous Materials Standards



070029

178.601



Stevens  
§178.601  
Testing  
07-0029

January 30, 2007


John A. Gale  
U.S. Department of Transportation  
**Pipeline and Hazardous Materials Safety Administration**  
Office of Hazardous Materials Standards PHH-10  
400 Seventh Street, S.W.  
Washington, DC 20590

Ref. No.: 06-0129

Dear John:

TEN-E Packaging Services is writing to request a reconsideration concerning the interpreted design change when a shipper substitutes a wider tape of the same material specification to that which was originally certified under UN combination package testing. A shipper may have reason to substitute a "wider" variation of tape due to different box sealing equipment being employed at its various production operations. A change to a wider tape of the same specification as that originally UN certified would not, in TEN-E's opinion, detract from the packaging's performance either under the UN performance tests or conditions normally incident to transportation. Requiring a re-certification of this tape substitution places an unnecessary burden on industry and it is for this reason that we ask the agency to consider amending the above clarification.

Sincerely,

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

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