



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

JUN 17 2005

400 Seventh Street, S.W.
Washington, D.C. 20590

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

Ref. No.: 05-0141

Dear Mr. Ten Eyck:

This is in response to your June 3, 2005 letter regarding the selective testing variations under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if Variation 2 in § 178.601(g) applies to Division 2.1 materials (e.g., butane filled cigarette lighters).

You are correct in your understanding that Variation 2 applies to combination packagings designed and tested to contain liquids or solids and does not apply to flammable gases. In accordance with Special Provision N10 of § 172.102, lighters in their approved inner packagings must be packaged in one of the following outer packagings that have been design qualified tested at the Packing Group II performance level or higher: (1) 4C1 or 4C2 wooden boxes; (2) 4D plywood boxes; (3) 4F reconstituted wood boxes; 4G fiberboard boxes; or (5) 4H1 or 4H2 plastic boxes. Under § 178.601(g), it is permissible to vary the number and type of approved lighter/inner packaging configurations that are packed in an outer UN standard packaging without further design qualification testing of the package, provided an equivalent level of performance is maintained.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



050141

178.601(g)(2)



Pollack
§178.601(g)(2)
Testing
05-0741

June 3, 2005

Susan Gorsky
U.S. DEPARTMENT OF TRANSPORTATION
Office of Hazardous Materials Safety
Pipeline and Hazardous Materials Administration
Standards DHM-10
400 7th Street S.W.
Washington, DC 20590

Dear Susan:

TEN-E Packaging Services, Inc. requests a clarification on whether or not the selective testing variation 2 found in Section 178.601(g)(2) of Title 49 CFR may be applied to combination packaging with inner butane lighters. The regulation in part states "Articles or inner packagings of any type, for liquids or solids, may be assembled". Does the fact that gases are not mentioned in this section preclude the use of this variation for articles (lighters) filled with flammable compressed gases? TEN-E had discussed this matter with Don Burger in DOT's Engineering group and he suggested that we seek a written clarification.

Our client is working to develop a new line of specification packaging by the end of July, 2005 and so we hope to have a response from the agency by that point in time.

Thank you in advance for your assistance on this regulatory matter.

Sincerely,


Robert J. Ten Eyck
Director, Technical Services

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