



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

MAY 30 2006

Mr. Matthew D. Kuehn
Manager, Technical Services - Aerosol
BWAY Corporation
3400 North Powell Avenue
Franklin Park, IL 60131

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

Ref. No. 06-0118

Dear Mr. Kuehn:

This is in response to your May 8, 2006 letter requesting clarification regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the marking of cylinders. Your scenario is based on the marking of specification 2P and 2Q aerosol containers. Specifically, you ask if these containers may be marked with your company name "Bway."

The answer is yes. Sections 178.33-9(a)(2) and 178.33a-9(a)(2) for specification 2P and 2Q aerosol containers, respectively, state that either the name or symbol of the manufacturer must be marked on the container. Therefore, it is acceptable to mark your 2P and 2Q containers with "Bway" to comply with §§ 178.33-9(a)(2) and 178.33a-9(a)(2).

I hope this information is helpful.

Sincerely,

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



060118

178.33-9 (a)(2)
173.33a-9 (a)(2)



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Satterthwaite
§178.33-9(2)
§178.33a-9(2)
Marking
06-0118

May 8, 2006

U.S. Department of Transportation
400 7th Street SW
Washington, DC 20590
ATTN: PHH-10

Dear Sir or Madam;

I am seeking your interpretation regarding the marking requirements for specification 2P and 2Q aerosol containers in CFR 49 section 178.33-9(2) and 178.33a-9(2). We are a manufacturer of these containers.

The regulation states that the marking must show the name or symbol of the person making the mark. I understand that current DOT policy does not provide for new applications for a manufacturer to register a symbol, instead the use of an "M-number" is advised. My question pertains to the other provision in the regulation, that the marking show the "name" of the person making the mark.

Based on my interpretation of the regulation, my company could therefore apply a marking to show our company name "Bway" as an acceptable means of identification. Please advise if you agree with this interpretation; or if we must use an M-number to mark our specification 2P and 2Q containers.

Thank you kindly for your assistance. Please contact me directly at your convenience if you would like to discuss this further. I can be reached at (847) 288 7128.

Sincerely,

A handwritten signature in black ink that reads 'Matthew Kuehn'.

Matthew D. Kuehn
Manager, Technical Services - Aerosol