



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUN 18 1998

Mr. Ben Barrett, P. E.
Manager, Engr. & Safety
Hodgdon Powder Co., Inc.
6231 Robinson
Shawnee Mission, KS 66201

Ref. No. 98-0127

Dear Mr. Barrett:

This is in response to your letter dated May 22, 1998 requesting clarification of the requirements in § 173.171 (c), under the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). Specifically, you ask whether "Smokeless powder for small arms, 4.1, NA 3178, PG I" may be shipped in combination packagings with inner packagings not exceeding 8 pounds net mass.

The answer is yes. In § 173.171 (c), RSPA's intent is that smokeless powder be authorized in combination packagings with inner packagings not exceeding 8 pounds although it states "3.6 kg" which is actually 7.93 pounds. This will be clarified in a future rulemaking action.

If we can be of further assistance, please feel free to contact us.

Sincerely,

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

HODGDON POWDER CO., INC.

FACSIMILE TRANSMISSION

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TO: Charles Betts
COMPANY: DOT RSPA, Regulatory Review
FAX: 202-366-3753 PHONE: 202-366-8553
DATE: May 22, 1998 TIME: # OF PAGES: 1

Dear Charles:

Per our conversation on Wednesday, I request that DOT consider a small change to 49 CFR 173.171(c). The regulation states that no inner packaging is allowed over 3.6 kg (8 lbs.) net. The original intent of this regulation was an 8 lb. net limit, which converts to metric as 3.6288 kg. The last 3 digits were apparently truncated for ease of reading. This is causing a problem for the smokeless powder manufacturers (who all sell 8 lb. containers), as shippers are converting the 3.6 kg back into pounds as 7.93 lbs., which indicates the 8 lb. containers are above the limit. Add to this the fact that where SI and English weights both appear, the metric weight is the official weight enforced by DOT per 49 CFR 171.10(a).

This may seem minor, but one of my customers just had UPS return a shipment based on the above scenario, as UPS only lists the 3.6 kilogram weight and not the 8 pounds. Please consider changing the 3.6 kg value to 3.7 or 3.63 kg. This is a negligible increase, and in most cases will result in no increase at all. The change would however eliminate misunderstandings with shippers who aren't familiar with 173.171. In the mean time, I would appreciate a letter of interpretation to show shippers that 8 pounds is okay.

Thanks for your help!

Best Regards,



Ben Barrett

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