



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

Mr. Ben Barrett, P. E.
Production & Regulatory Administrator
Hodgdon Powder Co., Inc.
Post Office Box 2932
Shawnee Mission, KS 66201

MAY 6 1998

Dear Mr. Barrett:

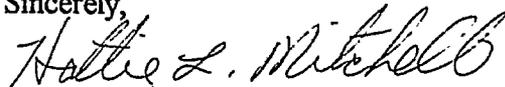
This is in response to your letter dated October 15, 1997, requesting clarification of the requirements in § 173.171 (d), under the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). Your questions are paraphrased and answered as follows:

- Q1. Can a box tested for one inner package be used without further performance oriented packagings (POP) testing for other inner packages regardless of volume, shape, or materials of construction?
- A1. Section 173.171 (d) authorizes the intermixing of different inner packaging of tested and approved combination packaging with no further POP testing provided: (1) a 4G fiberboard packaging meeting the Packing Group I performance level is used; (2) all inside containers are packed to prevent movement; and (3) the total net weight of the material (i.e., smokeless powder) in one package does not exceed 16 pounds. In addition, several packages meeting the conditions of § 173.171 (d) may be overpacked together if the 100 pound net mass limitation in § 173.171 (b) is not exceeded.
- Q2. Can an intermediate packaging (i.e., fiberboard dividers) of a combination packaging be changed without further testing provided the box is filled with packing material to prevent movement?
- A2. The answer is no. Any change to the originally produced packaging in structural design, size, material of construction, wall thickness or manner of construction would result in a different packaging design type, and a different design type requires qualification testing.
- Q3. Can any variance from the manufacturer's method of closing be allowed?

A3. The answer is no. Any change to the originally tested closure of a combination package authorized in § 173.171 would result in a different packaging design type, and a different design type requires qualification testing.

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

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell".

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



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JAN 3 | 1997

Mr. Ben Barrett, P.E.
Production & Regulatory Administrator
Hodgdon Powder Co., Inc.
Post Office Box 2932
Shawnee Mission, KS 66201

Dear Mr. Barrett:

This is in response to your letter dated October 2, 1996, regarding the packaging requirements for smokeless powder in 49 CFR 173.171. Specifically, you ask if the 16 pound weight limitation in 49 CFR 173.171(d) also applies to 49 CFR 173.171(a)(b) and (c).

The 16 pound weight limitation in 173.171(d) applies only to those packagings authorized under § 173.171(d) and does not apply to those packagings authorized under § 173.171(a)(b) or (c). Section 173.171(d) authorizes the intermixing of different inner packaging of tested and approved combination packagings with no further testing provided: (1) a 4G fiberboard packagings meeting the Packing Group I performance level is used; (2) all inside containers are packed to prevent movement; and (3) the total net weight of smokeless powder in one package does not exceed 16 pounds. In addition, several packages meeting the conditions of § 173.171(d) may be overpacked together if the 100 pound net mass limitation in § 173.171(b) is not exceeded.

I hope this satisfies your inquiry.

Sincerely,

Delmer F. Billings
Chief, Regulations Development
Office of Hazardous Materials Standards

Hodgdon

HODGDON POWDER CO., INC.

FACSIMILE TRANSMISSION

*BeHo
file: 173171
SC: 32, 33*

Ben Barrett, P.E.
Production & Regulatory Administrator
6231 Robinson
Shawnee Mission, KS 66202

Telephone: 913-362-9455
Fax: 913-362-1307
Email: ben@98.net
Web: www.hodgdon.com

TO: Edward Mazzullo, Director
COMPANY: DOT RSPA DHM-10
FAX: 202-366-8700 PHONE: 202-366-8553
DATE: October 15, 1997 TIME: 3:00 p.m. # OF PAGES: 1

Dear Mr. Mazzullo:

I would appreciate a clarification of 49 CFR 173.171(d). I spoke today with Kevin Boehne of Enforcement, who said he would contact Mr. Delmer Billings about my need for an interpretation.

I would like clarification that a box tested for one inner package may be used without further POP testing for any inner package regardless of volume, shape, or materials of construction (within the existing parameters of PG I, no inner package over 8 lbs., already tested for 4.1, etc.). I know this is the intent of the regulation, of which the history dates back to a 1979 exemption, and Kevin is in agreement. Otherwise we would be faced with POP testing each box about 8 times or more, and we have about 8 boxes, costing Hodgdon about \$20M every 2 years.

Pop Testing vs. Burn Testing

Kevin did mention that he thought that any intermediate packaging mentioned on the POP cert should be retained, such as fiberboard dividers, because of their effect on structural integrity. I would like to address this. Some manufacturers include dividers in their packages, and it would be impossible to mix brands if these are retained. I reason that if the box is filled with packing material as required to prevent movement, structural integrity will be greater than the original design. This is because the inner packing would evenly support all the walls of the box.

178,401 Variants - 2

One last question – can any variance from the manufacturer’s method of closing be allowed? In other words, tape instead of staples, one type and/or width of tape instead of another, etc. The methods are as varied as there are number of manufacturers, so it is kind of hard for distributors to always duplicate this exactly. Could a standard method of closure be authorized, like 2 or 3 layers of 2” clear tape (the most common method of closure used in shipping of small packages)?

Closures must be as recommended by manufacturer

Mixed brand shipping has been going on for decades with an excellent safety track record. You have my sincere appreciation for your attention to this matter.

Regards,



Ben Barrett

cc: Kevin Boehne, DOT

HODGDON® POWDER
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HODGDON POWDER CO. INC.

PRIORITY:

____ Routine
____ Priority

FACSIMILE TRANSMISSION
Fax No.: (913) 362-1307

Message # _____

RE: _____

TO: Eileen Edmonson FAX # 202-366-3753 PH. # _____

COMPANY: DOT RSPA DTM-12

FROM: Ben Barnett

DATE: 12/15/97 TIME: _____ No. of Pages to Follow: 2

Thanks for calling about my old interpretation requests from 1993/1994. I currently have 2 requests pending, and if these are answered we could drop the 1993/1994 requests.

Top priority is the interpretation of 173.171 (d), dated 10/15/97. Gail told me this was assigned to Charles Betts. This is actually a reformulation of one of the older requests (used to be 177.838 (g)).

Second priority is another request dated 10/15/97 for 173.56. I have a verbal on this from Dr. Watson, but I would like it in writing because we are dealing w/ the Australian govt. I was told this had been assigned to you.

Thanks, Ben Barnett.

(THANKS A LOT!)

Business Office: 6231 Robinson • P.O. Box 2932 • Shawnee Mission, KS 66201
Telephone: (913) 362-9455 Fax: (913) 362-1307

Manufacturing: Herlington Industrial Park • P.O. Box 270 • Herlington, KS 67449
Telephone: (913) 258-2547

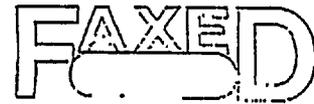
HODGDON POWDER CO., INC.

FACSIMILE TRANSMISSION

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TO: Edward Mazzullo, Director
COMPANY: DOT RSPA DHM-10
FAX: 202-366-8700 PHONE: 202-366-8553
DATE: October 15, 1997 TIME: 3:00 p.m. # OF PAGES: 1



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Mixed brand shipping has been going on for decades with an excellent safety track record. You have my sincere appreciation for your attention to this matter.

Regards,

Ben Barrett

cc: Kevin Boehne, DOT

HODGDON® POWDER
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Copy: Doug, Tom, Bob, JB, Blunt, Brandy

Date
File 173.171
SCi

HODGDON POWDER CO., INC.

Ben Barrett, P.E.
Production & Regulatory Administrator
6231 Robinson
Shawnee Mission, KS 66201

Telephone 913-362-9455
Fax 913-362-1307

CERTIFIED MAIL

October 2, 1996

Edward Mazullo, Director
DHM-10 Standards
Research & Special Programs Administration
U.S. Department of Transportation
400 7th St., S.W.
Washington, D.C. 20590-0001

Re: Request for Interpretation, 173.171, newly revised per HM-222B

Dear Mr. Mazullo:

I was pleased to see the changes recently made to 173.171 which incorporate 177.838(g) as a new paragraph (d). With regard to paragraph (d), our industry is concerned that inspectors may misinterpret the 16# limitation as applying in general to 173.171, whereas it is strictly relating to paragraph (d). Several companies in our industry have approval from DOT to ship tested combination packages exceeding 16#.

I have attached a previous interpretation which addressed this issue when the regulation was still part of 177.838(g). I once had a field inspector tell me that no package could contain more than 16# net, whether it be, for example, a 6X4# (24# net) factory package or two 10# combination packages overpacked together. I requested an interpretation, and Mr. Delmer Billings agreed that this was not the intended meaning.

Since the regulations have changed, I would appreciate a new interpretation which clarifies the following points with regard to 49 CFR 173.171:

1. The 16# net limitation in paragraph (d) does not apply to paragraphs (a), (b), and (c).
2. Paragraph (d) refers to the intermixing of inner packagings of tested and approved combination packagings with no further testing, providing a 4G box is used, all voids are filled with packing material, and a 16# net maximum is adhered to.
3. No prohibition is intended against overpacks containing more than 16# net, up to a 100# net maximum.

Sincerely,



Ben Barrett

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