



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DEC 11 2002

Mr. Brett Epstein
President
Legend Products Corporation
20423 State Road 7 #F6-268
Boca Raton, Florida 33498

Ref. No. 02-0293

Dear Mr. Epstein:

This responds to your letter dated November 7, 2002, regarding the packaging of smokeless powder reclassified as a Division 4.1 under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if it is permissible to package, without further approval, a reduced amount of smokeless powder in inner packagings than was originally tested and approved. In addition, you inquire whether it is permissible to further subdivide the smokeless powder into individual-use plastic tubes that would be then placed into the approved inner packaging.

The answer to both of your questions is yes. The approval that is provided for smokeless powder reclassification prescribes the maximum amount of smokeless powder permitted in an inner packaging and the maximum number of inner packagings permitted in an outer packaging. You may place a lesser amount of smokeless powder in each approved inner packaging without further approval by the Department. It is also permissible to individually package the smokeless powder in static-resistant plastic tubes and place them in the approved inner packaging, keeping within the weight limits specified in the approval.

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

Sincerely,

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



020293

173.60

Stevens
\$173.60
Explosive
02-0293

TELEFAX

TO: Mr. Ed Mazzullo
Director of the Office of Hazardous Materials Standards (DHM10)

FAX: (202) 366-3012
PHONE: (202) 366-8553

FROM: Brett Epstein
Legend Products Corporation

FAX: (561) 477-7039
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DATE: November 7, 2002

NO. OF
PAGES: 1 including cover page

NOTE:

Mr. Mazzullo,

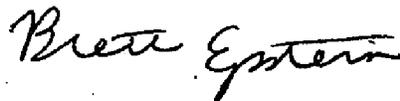
The purpose of this correspondence is to request a written confirmation letter. In a conversation with Dr. Spencer Watson this morning we reviewed the guidelines for "Inner Packaging".

Our product's "EX" number is EX1997100001. I asked Dr. Watson if it was acceptable to place our product in small plastic tubes with caps/plugs to provide the customer with a premeasured portion of our product and the right to reduce the weight of our product per bottle to less than one pound. Dr. Watson verbally confirmed it was acceptable to divide the product in the bottle utilizing plastic tubes. He also confirmed the wording in our "EX" number regarding the "Inner Packaging" (each containing not more than one pound) allows the weight of the product in the bottle to be reduced below one pound.

Dr. Watson suggested I note the conversation with him this morning in my files to create a verbal confirmation; however, if I required a written confirmation, it would be appropriate procedurally that I request it from you. Please fax and then mail us the written confirmation.

Thank you in advance for your assistance with this matter.

Respectfully yours,



Brett Epstein
President