



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

Office of
Chief Counsel

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***Hazardous Materials Safety
Law Division***

NOTICE OF PROBABLE VIOLATION

Date Issued: June 2, 2023

PHMSA Case No.: 22-0280-SH-SO

Respondent: EDS Enterprises D/B/A Mass Ammo
455 E 10th Ct.
Hialeah, Florida 33010
ATTN: Arnold Iacoviello, Chief Engineer

No. of Alleged Violations: 4

Total Proposed Assessment: \$21,125

The Office of Chief Counsel of the Pipeline and Hazardous Materials Safety Administration (PHMSA) alleges that you have violated certain provisions of the Federal hazardous materials transportation law, 49 U.S.C. § 5101 *et seq.*, and/or the Hazardous Materials Regulations (HMR), 49 CFR Parts 171-180. PHMSA sets forth the specific allegations in Addendum A to this Notice.

What are the maximum and minimum civil penalties that PHMSA can assess? Federal law sets a maximum civil penalty of \$83,439 (or \$194,691 if the violation results in death, serious illness or severe injury, or substantial destruction of property), and a minimum civil penalty of \$502 if the violation concerns training, for each violation of the Federal hazardous materials transportation law or the HMR. Each day of a continuing violation by a shipper or transporter of hazardous materials constitutes a separate violation for which the maximum penalty may be imposed (49 U.S.C. § 5123(a)).

What factors does PHMSA consider when proposing and assessing a civil penalty? Federal law requires PHMSA to consider certain factors when proposing and assessing a civil penalty for a violation of Federal hazardous materials transportation law or the HMR. Please refer to Addendum B to this Notice for more information concerning these factors, which include corrective actions you take to attain and ensure compliance with the HMR.

How do I respond? You may respond to this Notice in any of three ways:

- (1) By paying the proposed assessment (49 CFR § 107.313(a)(1));
- (2) By sending an informal response, which can include a request for an informal conference (49 CFR § 107.313(a)(2)); or
- (3) By requesting a formal hearing (49 CFR § 107.313(a)(3)).

Details on these three options are provided in Addendum B to this Notice and also online at: (<https://www.phmsa.dot.gov/hazmat/field-operations/nopvresponses>). PHMSA explains its procedures for assessing civil penalties and imposing compliance orders in 49 CFR §§ 107.307 - 107.331.

When is my response due? You must respond within thirty (30) days from the date that you receive the Notice (49 CFR § 107.313(a)). I may extend the 30-day period for your response if you ask for an extension, and show good cause, within the original 30-day period (49 CFR § 107.313(c)). A response received out of time will not be considered. To assure timely receipt, **PHMSA strongly encourages you to submit your response by e-mail, fax, or express mail.**

What happens if I fail to respond? You waive your right to contest the allegations made in Addendum A to this Notice if you fail to respond within thirty (30) days of receiving it (or by the end of any extension). In that event, the Chief Counsel may find that you committed the violation(s) alleged in this Notice and assess an appropriate civil penalty.

What happens if PHMSA issues an Order assessing a civil penalty, and I fail to pay? If you fail to pay a civil penalty assessed by an Order, on the 91st day after the date of the Order you will be prohibited from conducting hazardous materials operations, in accordance with 49 CFR Part 109, Subpart E. If PHMSA issues a cease operations order and you continue to conduct hazardous materials operations, you may be subject to additional penalties, including criminal prosecution pursuant to 49 U.S.C. § 5124. The prohibition shall continue until payment of the penalty has been made in full, or until PHMSA approves an acceptable payment plan.

The Case Exhibits have been supplied to you via a secure large file transfer link. If receiving the Case Exhibits in electronic format creates an undue hardship for you, please contact me.

Brittany S. Besser, Attorney

Enclosures: Addendum A
Addendum B
Addendum C

SERVICE BY ELECTRONIC MAIL

ADDENDUM A

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GENERAL ALLEGATIONSGeneral Factual Allegations/Averments

1. On March 29, 2022, PHMSA's Investigators conducted an inspection at Respondent's facility in Hialeah, Florida.
2. Arnold Iacoviello, Chief Engineer, represented the company and provided necessary information and documentation.
3. Respondent is a distributor of small arms ammunition, up to .308 caliber, and gun powders to city, county, state, and federal law enforcement agencies. Customers arrive on-site and collect the products or United Parcel Service (UPS) is utilized for shipments tendered to domestic locations. One employee at this facility, the Office Manager, Ms. Mariah Hendricks, handles the shipping operations and is current with hazardous materials training in four areas (see Inspection Report No. 22248015 at page 1).
4. This investigation was initiated in PHMSA's Central Region Field Office by Investigator Lundgren after he was contacted by a company in Shawnee, Kansas, which manufactures gun powders, Hodgdon Powder Company. The company informed him they had received a shipment from Respondent, located in Hialeah, Florida, which contained eight pounds of "UN0509, Smokeless Powder, 1.4C," packaged in a non-UN Standard, non-specification fiberboard box (see Inspection Report No. 22248015 at page 2).
5. The shipment was delivered by UPS, and Hodgdon Powder Company complained that the smokeless powder inside the fiberboard box was not the same powder they manufacture. although the product code on the inner plastic container was the same code as their powder. Further, the inner plastic bottle was not the same plastic bottle they use to package their powders, and they were concerned how one of their "EX" approval numbers was displayed on the exterior of the shipping container. Hodgdon Powder Company insisted that although they make a smokeless powder with a product code of "IMR-4227," and that while what they had received was also marked IMR-4227, this was not their product (see Inspection Report No. 22248015 at page 2).
6. Investigator Lundgren deployed to Hodgdon Powder Company in Shawnee, Kansas, examined and photographed the subject shipment, collected documents, and interviewed management there. Investigator Lundgren also contacted UPS Corporate Dangerous Goods and began the process for obtaining the history of this shipment. Subsequently, Investigator Lundgren coordinated his findings with Investigator Burns in PHMSA's Southern Region, and then both Investigators investigated the shipment in question and the packaging and shipping operations at Respondent on March 29, 2022 (see Inspection Report No. 22248015 at page 2).
7. As an offeror of hazardous materials, Respondent is a regulated entity subject to the HMR and to the jurisdiction of the Secretary of Transportation, PHMSA's Associate Administrator for Hazardous Materials Safety, and PHMSA's Office of the Chief Counsel (49 U.S.C. § 5103(b) and 49 CFR § 107.301).

SPECIFIC ALLEGATIONSProbable Violation No. 1

Offering for transportation in commerce hazardous materials, packaged in non-UN Standard fiberboard boxes when UN Standard packaging was required, according to the Hazardous Materials Regulations (HMR), in violation of 49 CFR §§ 171.2(a), (b), (e), (i); 173.22(a)(2); 173.24(c)(1); 173.1(b); 173.62(b) PI 114(b); and 173.62(b) PI 133.

Regulatory Standard

1. 49 CFR § 173.1(b) states: “A shipment of hazardous materials that is not prepared in accordance with this subchapter may not be offered for transportation by air, highway, or water.”
2. 49 CFR § 173.22(a)(2) states, in part: “Except as otherwise provided in this part, a person may offer a hazardous material for transportation in a packaging or container required by this part only in accordance with the following: The person shall determine that the packaging or container is an authorized packaging, including part 173 requirements.”
3. 49 CFR § 173.24(c)(1) states, in part” “The packaging is prescribed for the hazardous material in a packaging section specified for that material in Column 8 of the 172.101 Table and conforms to applicable requirements in the special provisions Column 7 of the 172.101 Table and, for specification packaging’s, the specification requirements in parts 178 and 179 of this subchapter.”

Factual Allegations/Averments

1. On February 22, 2022, Investigator Lundgren began an investigation at Hodgdon (IMR) Powder Company, located at 6430 Vista Drive, Shawnee, Kansas 66218. There, he interviewed the company’s Vice President, Mr. Tim Vaitekunas, concerning their complaint of receiving a shipment of “UN0509, Smokeless Powder, 1.4C,” from Respondent in Hialeah, Florida, delivered by UPS, which they were not expecting (see Inspection Report No. 22248015 at page 3 and Exhibit 2 to Report No. 22248015).
2. Mr. Vaitekunas explained his staff examined the shipment and found an eight-pound plastic bottle of explosive powder inside the fiberboard package with the product name of “IMR-4227,” which is a product code of a powder his company produces. However, neither the plastic bottle nor the powder itself was a type that they actually use and manufacture (see Inspection Report No. 22248015 at page 3 and Exhibit 2 to Report No. 22248015).
3. An emergency response telephone number listed on the shipping paper affixed to the package for a person named “Mike Ryan” was called for more information by Mr. Vaitekunas, but the call was answered by a voicemail instructing callers to go to

Respondent's website for information (see Inspection Report No. 22248015 at page 3 and Exhibit 2 to Report NO. 22248015).

4. Mr. Vaitekunas provided Investigator Lundgren with "screenshots" taken from Respondent's website, "massammo.com," denoting the same plastic bottles of "IMR-4227" for sale in e-commerce. Mr. Vaitekunas informed Investigator Lundgren that a check of the same website days later revealed that the "IMR-4227" product had been removed from the site. Mr. Vaitekunas also stated that the fiberboard box received was not of a UN Standard. A signed written statement was provided by Mr. Vaitekunas summarizing the aforementioned information (see Inspection Report No. 22248015 at page 3 and Exhibits 3 and 4 to Report No. 22248015).
5. While on-site, Investigator Lundgren examined and photographed the shipment in question, finding it was indeed a UPS package tendered by Respondent in Hialeah, Florida, consigned to Charles Rojas, 82 Los Cerritos Drive, Vallejo, California 94589-2607, on UPS Ground Tracking label number 1Z Y84 R34 03 4281 6523. There were other hand-written labels visible on the exterior of the package, showing a different destination address of Hodgdon (IMR) Powder Company at the Shawnee, Kansas, location, which partially explains why this shipment was delivered to Hodgdon (see Inspection Report No. 22248015 at pages 3-4 and Exhibit 5 to Report No. 22248015).
6. The package was a non-UN Standard fiberboard box labeled with a Class 1.4C label and marked "Powder, Smokeless, UN0509." Attached to outside of the package was a UPS packing slip marked "Hazardous Materials Shipping Papers Enclosed." Investigator Lundgren discovered several duplicate hazardous materials shipping papers inside, identifying the shipper's account number as "Y84R34," and an emergency response telephone number of "(407) 906-9049" and the "ER Registrant" as "Mike Ryan" (see Inspection Report No. 22248015 at page 4 and Exhibit 5 to Report No. 22248015).
7. The hazardous material declared on the shipping papers was "UN0509, Powder, Smokeless (Smokeless Propellant), 1.4C, EX2012100357, 1 Fiberboard Box x 8 pounds." The shipping papers affixed to the exterior of the package contained a shipper's certification and signature of what appeared to be Mike Ryan (see Inspection Report No. 22248015 at page 4 and Exhibit 5 to Report No. 22248015).
8. Inside the fiberboard box, Investigator Lundgren noted wadded paper dunnage and one round jug-style plastic bottle with a plastic screw cap, filled with product. The product label on the bottle identified the contents as "IMR 4227 Smokeless Powder" with a "8 LB Net Weight" (see Inspection Report No. 22248015 at page 4 and Exhibit 5 to Report No. 22248015).
9. Mr. Vaitekunas again stated this bottle was not used by, nor the powder produced by, his company, and he had contacted his attorney about the matter. He then produced a plastic bottle that his company uses to package and ship their powders. Investigator Lundgren noted this bottle was of different design – it was a plastic rectangular "F-style" jerrican with a handle, labeled with a different product of powder "IMR 4831" at "8 LB." Again, Mr. Vaitekunas explained that he had no IMR-4227 in the inventory but this is an

exemplar bottle of what they use to ship all powders, including IMR-4227 when they produce it (see Inspection Report No. 22248015 at page 4 and Exhibit 5, pages 31-32, to Report No. 22248015).

10. Investigator Lundgren contacted Ms. Lynn Reiman, who is the Global Director for UPS' Corporate Regulated Goods, to gather information concerning this shipment on UPS Tracking Number 1Z Y84 R34 03 4281 6523 (see Inspection Report No. 22248015 at page 4 and Exhibit 6 to Report No. 22248015).
11. Through email correspondence, Ms. Reiman confirmed that Respondent in Hialeah, Florida was the shipper of record, and the shipment was picked up at that facility by a UPS route driver and destined for Vallejo, California (see Inspection Report No. 22248015 at page 4 and Exhibit 6 to Report No. 22248015).
12. She also confirmed that the account number of "Y84R34" listed on the tracking label indeed belongs to Respondent in Hialeah, Florida. Ms. Reiman also stated that their internal tracking system showed that at some point the shipment became frustrated because of an issue with tracking labels, and it is unknown how, but the shipment was redirected and delivered to Hodgdon Powder Company in Shawnee, Kansas (see Inspection Report No. 22248015 at page 4 and Exhibit 6 to Report No. 22248015).
13. On March 29, 2022, Investigators Burns and Lundgren continued the investigation on site at Respondent's facility in Hialeah, Florida, making contact with Mr. Arnold Iacoviello and Ms. Mariah Hendricks. The Investigators asked to speak with Mr. Mike Ryan who certified this shipment to gather more background information but were informed Mike Ryan was not there and might not be employed by the company anymore (see Inspection Report No. 22248015 at page 4).
14. The Investigators asked who prepared the shipment and what was the reason and history of why it was intended for an individual in Vallejo, California yet was sent to Hodgdon Powder Company in Shawnee, Kansas. Neither employee could provide an answer for these questions (see Inspection Report No. 22248015 at page 4).
15. The Investigators requested to examine the inventory of the IMR-4227 smokeless powder that was in the subject shipment and advertised on the company website. They were informed there was no inventory of that product, and it was discontinued. A tour of the warehouse provided by Mr. Iacoviello verified the fact that there was no IMR-4227 product available (see Inspection Report No. 22248015 at page 5).
16. The Investigators asked who the vendor was for the product and for copies of procurement documentation, but both employees claimed they did not know the vendor and could not provide any documentation (see Inspection Report No. 22248015 at page 5 and Exhibit 16 to Report No. 22248015).
17. The Investigators requested copies of a sales invoice, packing slip, and/or any documentation showing the sale of the IMR-4227 smokeless powder contained in the shipment in question. Mr. Iacoviello provided a company sales order number 16614068, denoting that one each "IMR 4227 Smokeless Powder (8 LB Jug)" was sold and shipped

- to Charles Rojas, 82 Los Cerritos Drive, Vallejo, California 94589-2607 on February 4, 2022. The sales order also matched the UPS shipping information, showing the shipping carrier was UPS on the same tracking number of 1Z Y84 R34 03 4281 6523 (see Inspection Report No. 22248015 at page 5 and Exhibit 7 to Report No. 22248015).
18. The Investigators requested a copy of the original tracking label that had been applied to the package and copies of the hazardous materials shipping papers. Ms. Hendricks accessed her UPS tracking system and printed out a duplicate tracking label, (Exhibit 8) denoting the same individual and ship-to address in California as the sales order and the same UPS tracking number (see Inspection Report No. 22248015 at page 5 and Exhibit 8 to Report No. 22248015).
 19. The label also states it was a hazardous materials shipment and that the origination address was Respondent's; however, the address shown was 3505 Lake Lynda Drive, Orlando, Florida 32817, and not Hialeah. UPS established that the shipment was actually picked up by a UPS route driver at Respondent's facility in Hialeah, Florida (see Inspection Report No. 22248015 at page 5 and Exhibit 6 to Report No. 22248015).
 20. Ms. Hendricks also printed and provided duplicate hazardous materials shipping papers that were with the shipment, declaring the contents as "UN0509, Powder, Smokeless (Smokeless Propellant), 1.4C, EX2012100357. 1 Fiberboard Box x 8 pound." The account number of "Y84R34" was Respondent's number, and the tracking number was 1Z Y84 R34 03 4281 6523 (see Inspection Report No. 22248015 at page 5 and Exhibit 9 to Report No. 22248015).
 21. The Investigators pointed out to Mr. Iacoviello and Ms. Hendricks that Respondent, as a company, had tendered that hazardous materials shipment into commerce, packaged in a non-UN standard, non-specification package, when a UN standard container was required, and a fiberboard box was used that was not marked and certified specifically as a UN 4G (see Inspection Report No. 22248015 at page 5 and Exhibit 9 to Report No. 22248015).
 22. The Investigators walked the two employees through the process of determining proper packaging for the shipment by referencing the 49 CFR § 172.101, Table of Hazardous Materials and Special Provisions for UN0509, finding there were no Special Provisions that applied to packaging (see Inspection Report No. 22248015 at page 5).
 23. The packaging exception listed was § 173.171. A review of that section revealed that smokeless powder for small arms classed as 1.4 may be reclassified and shipped as Class 4.1, under the conditions of § 173.56 and § 173.58, which require a formal complex process and documentation. However, in this case, the IMR-4227 product was not offered and declared as a Class 4.1. It was offered fully regulated as a Class 1.4C explosive, hence the requirement to be shipped in UN standard combination packaging provided in § 173.62(b), Packing Instruction 114(b), as a UN 4G fiberboard box (see Inspection Report No. 22248015 at page 5).
 24. While touring the warehouse area with Mr. Iacoviello, the Investigators observed Ms. Hendricks preparing shipments of hazardous materials, such as ammunition. Wooden and

fiberboard boxes of ammunition arrive from vendors and are then repackaged into smaller quantities, depending on customer requirements (see Inspection Report No. 22248015 at page 6).

25. In process was an open wooden box containing small inner paperboard boxes of “Small Rifle Primers.” The box was marked to the UN standard of “UN 4D/Y6.3/21” and also marked “UN0044, Primers, Cap Type.” A Class 1.4S label was affixed to the box near the markings. Subsequently, the Investigators requested Ms. Hendricks to demonstrate how the repackaging process is typically performed (see Inspection Report No. 22248015 at page 6 and Exhibit 10, pages 1, 2, 3, 7-14, and 17 to Report No. 22248015).
26. Ms. Hendricks showed small plastic bags of the primer caps, non-specification fiberboard boxes, and poly packaging tape (Exhibit 10, pages 4,5,15,16) and explained that either the paperboard boxes or bags of the ammunition are packed into the fiberboard boxes with some dunnage then closed with the packaging tape, marked, and labeled, including with UPS tracking labels applied to the exterior. Finally, hazardous materials shipping papers were generated in the UPS tracking system (see Inspection Report No. 22248015 at page 6 and Exhibit 10, pages 4, 5, 15, and 16 to Report No. 22248015).
27. For the primer caps, she provided an example of the marking typically applied to the packages, which was noted to be “Primers Cap Type, UN#0044, 1.4S” (see Inspection Report No. 22248015 at page 6 and Exhibit 11 to Report No. 22248015).
28. Ms. Hendricks also provided a hazardous material shipping paper and corresponding UPS tracking label for a recent shipment of the primer caps. The shipping paper lists Respondent’s UPS account number of “Y84R34” and declared the contents as “UN0044, Primers, Cap Type (primers cap type), 1.4S, EX1995110131H, 1 Fiberboard Box x 2 pounds” on tracking number 1Z Y84 R34 03 4047 8554. The tracking label denotes that Respondent tendered the shipment to UPS on March 13, 2022, consigned to Adam Hastert, 4306 Grantham, St. George, Kansas 66535-9520 (see Inspection Report No. 22248015 at page 6 and Exhibits 12 and 13 to Report No. 22248015).
29. Again, the Investigators walked the two employees through the process of determining proper packaging for the shipment by referencing the 49 CFR § 172.101, Table of Hazardous Materials and Special Provisions for UN0044, finding there were no Special Provisions listed for this entry, and there were no exceptions listed that would allow the use of Limited Quantity provisions from specification packaging, hence the requirement to be shipped in UN Standard combination packaging, provided in § 173.62(b), Packing Instruction 133, as a UN 4G fiberboard box (see Inspection Report No. 22248015 at page 6).
30. The Investigators pointed out to Mr. Iacoviello and Ms. Hendricks that both shipments of explosives discussed during this investigation were required to be packaged in UN standard packaging for shipments in commerce, and they were not, which violates the HMR and causes a safety concern (see Inspection Report No. 22248015 at page 6 and Exhibit 11).

31. On or about February 4 and March 13, 2022, Respondent offered for transportation in commerce hazardous materials, packaged in non-UN Standard fiberboard boxes when UN Standard packaging was required, according to the Hazardous Materials Regulations (HMR), in violation of 49 CFR §§ 171.2(a), (b), (e), (i); 173.22(a)(2); 173.24(c)(1); 173.1(b); 173.62(b) PI 114(b); and 173.62(b) PI 133.

- Please see Inspection/Investigation Report Number 22248015 at pages 3-7, and the exhibits that accompany this report, which are incorporated herein.

Probable Violation No. 2

Offering for transportation in commerce an unapproved explosive material, which is forbidden for transportation, according to the Hazardous Materials Regulations (HMR), in violation of 49 CFR §§ 171.2(a), (b), (e), (i); 173.1(b); 173.21(b); 173.54(a); and 173.56(b).

Regulatory Standard

1. 49 CFR § 173.1(b) states: “A shipment of hazardous materials that is not prepared in accordance with this subchapter may not be offered for transportation by air, highway, or water.”
2. 49 CFR § 173.21(b) states: “Forbidden materials and packages. Forbidden explosives as defined in 173.54 of this part.”
3. 49 CFR § 173.54(a) states: “Forbidden explosives. An explosive that has not been approved in accordance with 173.56 of this subpart.”

Factual Allegations/Averments

1. The shipment that arrived at Hodgdon Powder Company was declared as an explosive material, which requires an approval from U.S. DOT/PHMSA to be offered and transported in commerce domestically and assigned an “EX” number. The “EX” number noted on the shipping papers with the shipment and affixed to the package was “EX2012100357” (see Inspection Report No. 22248015 at page 8 and Exhibits 5, 6, 8, and 9 to Report No. 22248015).
2. During the course of the investigation at Respondent’s facility, the Investigators asked for a copy of the approval document for the “EX2012100357” number associated with this shipment. Mr. Iacoviello was unable to provide this approval and stated he was unaware of how that number was placed on the shipping papers (see Inspection Report No. 22248015 at page 9).

3. The Investigators inquired as to how Hodgdon Powder Company's product code of IMR-4227 was displayed on the plastic bottle in the shipment and if indeed that was one of their powders. Mr. Iacoviello did not know and explained they were not one of the vendors used to purchase explosive powders (see Inspection Report No. 22248015 at page 9 and Exhibit 16 to Report No. 22248015).
4. Investigator Burns queried the PHMSA's approvals and permits data base to search for "EX2012100357." He found the history of this EX-number, with the last revision dated September 15, 2017 (see Inspection Report No. 22248015 at page 9 and Exhibit 14 to Report No. 22248015).
5. This approval is issued to Hodgdon Powder Company for several product codes of smokeless powders; however, the bottle of powder contained in the shipment marked "IMR-4227" was not listed with this approval number and is not authorized to be marked as representing IMR-4227 (see Inspection Report No. 22248015 at page 9 and Exhibit 14 to Report No. 22248015).
6. During Investigator Lundgren's on-site investigation of this shipment at Hodgdon Powder Company's facility in Shawnee, Kansas, the Vice President, Mr. Tim Vaitekunas stated and provided a written statement that he was concerned how his company's EX-number "ended up on the outside of the package" (see Inspection Report No. 22248015 at page 9 and Exhibit 4 to Report No. 22248015).
7. Mr. Vaitekunas provided a copy of the EX-approval letter for the smokeless powder that Hodgdon Powder Company produces under their product code of IMR-4227 and that approval number is "EX2016090516," not "EX2012100357" (see Inspection Report No. 22248015 at page 9 and Exhibit 15 to Report No. 22248015).
8. Respondent was unable to provide an explanation for how that incorrect and unauthorized approval number was placed on the shipping papers and package, and it was unable to provide any information as to what the correct approval number was during or after this investigation, or any documentation to show the powder they shipped was an approved explosive powder (see Inspection Report No. 22248015 at page 9).
9. Respondent declared the contents of the shipment on shipping papers and by marking and labeling the product as "UN0509, Powder, Smokeless, 1.4C"; however, without a proper approval, an unapproved explosive powder was shipped. which is forbidden in transportation (see Inspection Report No. 22248015 at page 9).
10. On or about February 4, 2022, Respondent offered for transportation in commerce an unapproved explosive material, which is forbidden for transportation, according to the Hazardous Materials Regulations (HMR), in violation of 49 CFR §§ 171.2(a), (b), (e), (i); 173.1(b); 173.21(b); 173.54(a); and 173.56(b).

- Please see Inspection/Investigation Report Number 22248015 at pages 8-9, and the exhibits that accompany this report, which are incorporated herein.

Probable Violation No. 3

Offering for transportation in commerce a hazardous material, accompanied by shipping papers that included an emergency response telephone number, which was incapable of providing the necessary information, in violation of 49 CFR §§ 171.2(a), (b), (e), (i); 172.201(d); and 172.604(a) (1) & (2).

Regulatory Standard

1. 49 CFR § 172.201(d) states: “Except as provided in 172.604(c), a shipping paper must contain an emergency response telephone number, as prescribed in Subpart G of this part.”
2. 49 CFR § 172.604(a) states, in part: “A person who offers a hazardous material for transportation must provide an emergency response telephone number, including the area code or international access code, for use in the event of an emergency involving the hazardous material. The telephone number must be—(1) Monitored at all times the hazardous material is in transportation, including storage incidental to transportation; (2) The number of a person who is either knowledgeable of the hazardous material being shipped and has comprehensive emergency response and incident mitigation information for that material, or has immediate access to a person who possesses such knowledge and information. A telephone number that requires a call back (such as an answering service, answering machine, or beeper device) does not meet the requirements of paragraph (a) of this section.”

Factual Allegations/Averments

1. The shipping papers (Exhibits 5, 8) for the UPS package tendered by Respondent in Hialeah, Florida, consigned to Charles Rojas, 82 Los Cerritos Drive, Vallejo, California 94589-2607, on UPS Ground Tracking label number 1Z Y84 R34 03 4281 6523, were inside a fiberboard box labeled with a Class 1.4C label and marked “Powder, Smokeless, UN0509” (see Inspection Report No. 22248015 at page 10 and Exhibits 5 and 8 to Report No. 22248015).
2. Attached to outside of the package was a UPS packing slip marked “Hazardous Materials Shipping Papers Enclosed.” Several duplicate hazardous materials shipping papers inside identified the shipper’s account number as “Y84R34” and an emergency response telephone number of “(407) 906-9049,” with the “ER Registrant” as “Mike Ryan” (see Inspection Report No. 22248015 at page 10 and Exhibits 5 and 8 to Report No. 22248015).
3. The hazardous material declared on the shipping papers was “UN0509, Powder, Smokeless (Smokeless Propellant), 1.4C, EX2012100357, 1 Fiberboard Box x 8 pounds.” The shipping papers affixed to the exterior of the package contained a shipper’s

- certification and signature of what appeared to be Mike Ryan. Contained inside the fiberboard box was one round jug-style plastic bottle with a plastic screw cap, filled with product. The product label on the bottle identified the contents as “IMR 4227 Smokeless Powder” with a “8 LB Net Weight” (see Inspection Report No. 22248015 at page 10 and Exhibits 5 and 8 to Report No. 22248015).
4. UPS verified that Respondent in Hialeah, Florida, was the shipper of record, and the shipment was picked up at that facility by a UPS route driver and destined for Vallejo, California. The account number of “Y84R34” listed on the tracking label indeed belongs to Respondent in Hialeah, Florida (see Inspection Report No. 22248015 at page 10 and Exhibit 6 to Report No. 22248015).
 5. Respondent tendered this shipment into transportation with an improper emergency response telephone number. When the shipment was received at Hodgdon Powder Company in Shawnee, Kansas, the Vice President, Mr. Tim Vaitekunas, was alarmed and informed Investigator Lundgren he called the emergency response number on the shipping papers to discuss the matter and received a recording of a person named Mike Ryan instructing callers to go to Respondent’s website to send a message to Mike Ryan (see Inspection Report No. 22248015 at page 11 and Exhibit 2 to Report No. 22248015).
 6. During the investigation with Investigator Lundgren at Respondent’s facility, Investigator Burns called the emergency response telephone number on the shipping papers, (407) 906-9049, and received the same recorded message (see Inspection Report No. 22248015 at page 11).
 7. The Investigators discussed the emergency response telephone number requirements with Mr. Iacoviello, explaining the intent is for immediate accessibility to a knowledgeable person at, or representing, the company to provide comprehensive emergency response information in real time (see Inspection Report No. 22248015 at page 11).
 8. On or about February 4, 2022, Respondent offered for transportation in commerce a hazardous material, accompanied by shipping papers that included an emergency response telephone number, which was incapable of providing the necessary information, in violation of 49 CFR §§ 171.2(a), (b), (e), (i); 172.201(d); and 172.604(a) (1) & (2).

- Please see Inspection/Investigation Report Number 22248015 at pages 10-11, and the exhibits that accompany this report, which are incorporated herein.

Probable Violation No. 4

Offering for transportation in commerce a hazardous material, accompanied by shipping papers and marking on a package that included an incorrect and unauthorized EX approval number for a shipment of explosives, in violation of 49 CFR §§ 171.2(a), (b),(e), (i); 172.202(a); and 172.320(a) & (d).

Regulatory Standard

1. 49 CFR § 172.320(a) states: “Except as provided in paragraphs (b), (c), (d) and (e) of this section, each package containing a Class 1 materials must be marked with an EX-number for each substance, article, or device contained therein.”
2. 49 CFR § 172.320(d) states, in part” “The requirements of this section do not apply if the EX-number is shown in association with the shipping description required by 172.202(a).”

Factual Allegations/Averments

1. The shipment that arrived at Hodgdon Powder Company was declared as an explosive material, which requires an approval from U.S. DOT/PHMSA to be offered and transported in commerce domestically and assigned an “EX” number. The “EX” number noted on the shipping papers with the shipment and affixed to the package was “EX2012100357” (see Inspection Report No. 22248015 at page 12 and Exhibits 5, 6, 8, and 9 to Report No. 22248015).
2. During the course of the investigation at Respondent’s facility, the Investigators asked for a copy of the approval document for the “EX2012100357” number associated with this shipment. Mr. Iacoviello was unable to provide this approval and stated he was unaware of how that number was placed on the shipping papers (see Inspection Report No. 22248015 at page 12).
3. The Investigators inquired as to how Hodgdon Powder Company’s product code of IMR-4227 was displayed on the plastic bottle in the shipment and if indeed that was one of their powders. Mr. Iacoviello did not know and explained they were not one of the vendors used to purchase explosive powders (see Inspection Report No. 22248015 at page 12 and Exhibit 16 to Report No. 22248015).
4. Investigator Burns queried the PHMSA’s approvals and permits data base to search for “EX2012100357.” He found the history of this EX-number, with the last revision dated September 15, 2017 (see Inspection Report No. 22248015 at page 13 and Exhibit 14 to Report No. 22248015).
5. This approval is issued to Hodgdon Powder Company for several product codes of smokeless powders; however, the bottle of powder contained in the shipment marked “IMR-4227” was not listed with this approval number and is not authorized to be marked as representing IMR-4227 (see Inspection Report No. 22248015 at page 13 and Exhibit 14 to Report No. 22248015).
6. During Investigator Lundgren’s on-site investigation of this shipment at Hodgdon Powder Company’s facility in Shawnee, Kansas, the Vice President, Mr. Tim Vaitekunas stated and provided a written statement that he was concerned how his company’s EX-

number “ended up on the outside of the package” (see Inspection Report No. 22248015 at page 13 and Exhibit 4 to Report No. 22248015).

7. Mr. Vaitekunas provided a copy of the EX-approval letter for the smokeless powder that Hodgdon Powder Company produces under their product code of IMR-4227 and that approval number is “EX2016090516,” not “EX2012100357” (see Inspection Report No. 22248015 at page 13 and Exhibit 15 to Report No. 22248015).
8. No one at Respondent’s facility could explain how “EX2012100357” became listed on the shipping papers or package; however, it is clear that it is not the correct EX number for the explosive powder shipped, and the company could not provide any documentation showing an approval number (see Inspection Report No. 22248015 at page 13).
9. On or about February 4, 2022, Respondent offered for transportation in commerce a hazardous material, accompanied by shipping papers and marking on a package that included an incorrect and unauthorized EX approval number for a shipment of explosives, in violation of 49 CFR §§ 171.2(a), (b),(e), (i); 172.202(a); and 172.320(a) & (d).

- Please see Inspection/Investigation Report Number 22248015 at pages 12-13, and the exhibits that accompany this report, which are incorporated herein.

FACTS ALREADY CONSIDERED (UNDER 49 CFR § 107.331) IN SETTING PROPOSED PENALTIES

Prior Violations:

When setting a civil penalty, PHMSA will review the respondent's compliance history and determine if there are any finally-adjudicated violations of the HMR initiated within the previous six years. Only cases or tickets that have been finally-adjudicated will be considered (i.e., the ticket has been paid, a final order has been issued, or all appeal remedies have been exhausted or expired). PHMSA will include prior violations that were initiated within six years of the present case; a case or ticket will be considered to have been initiated on the date of the exit briefing for both the prior case and the present case. If multiple cases are combined into a single Notice of Probable Violation or ticket, the oldest exit briefing will be used to determine the six-year period. If a situation arises where no exit briefing is issued, the date of the Notice of Probable Violation or Ticket will be used to determine the six-year period. PHMSA may consider prior violations of the Hazardous Materials Regulations from other DOT Operating Administrations.

The general standards for increasing a baseline proposed penalty on the basis of prior violations are as follows (49 CFR Part 107, Subpart D, Appendix A):

1. For each prior civil or criminal enforcement case—25 percent increase over the pre-mitigation recommended baseline penalty.

2. For each prior ticket—10 percent increase over the pre-mitigation recommended baseline penalty.
3. If a respondent is cited for operating under an expired special permit and previously operated under an expired special permit (as determined in a finally-adjudicated civil, criminal, or administrative enforcement case or a ticket), PHMSA will increase the civil penalty 100 percent.
4. If a respondent is cited for the exact same violation that it has been previously cited for within the six-year period (in a finally-adjudicated civil, criminal, or administrative enforcement case or a ticket), PHMSA will increase the baseline for that violation by 100 percent. This increase will apply only when the present violation is identical to the previous violation and applies only to the specific violation that has recurred.
5. A baseline proposed penalty (both for each individual violation and the combined total) will not be increased more than 100 percent on the basis of prior violations.

PHMSA's records do not contain any prior violations by Respondent and PHMSA did not consider any prior violations in determining the proposed assessment for the violation in this Notice.

Penalty Increases for Multiple Counts:

PHMSA generally will treat multiple occurrences that violate a single regulatory provision as separate violations and assess the applicable baseline penalty for each distinct occurrence of the violation. PHMSA will generally consider multiple shipments or, in the case of package testers, multiple package designs, to be multiple occurrences; and each shipment or package design may constitute a separate violation.

PHMSA, however, will exercise its discretion in each case to determine the appropriateness of combining into a single violation what could otherwise be alleged as separate violations and applying a single penalty for multiple counts or days of a violation, increased by 25 percent for each additional instance, as directed by 49 U.S.C. 5123(c). For example, PHMSA may treat a single shipment containing three items or packages that violate the same regulatory provision as a single violation and apply a single baseline penalty with a 50 percent increase for the two additional items or packages; and PHMSA may treat minor variations in a package design for a package tester as a single violation and apply a single baseline penalty with a 25 percent increase for each additional variation in design.

When aggravating circumstances exist for a particular violation, PHMSA may handle multiple instances of a single regulatory violation separately, each meriting a separate baseline or increase the civil penalty by 25 percent for each additional instance. Aggravating factors may include increased safety risks, continued violation after receiving notice, or separate and distinct acts. For example, if the multiple occurrences each require their own distinct action, then PHMSA may

count each violation separately (e.g., failure to obtain approvals for separate fireworks devices) (49 CFR Part 107, Subpart D, Appendix A).

Corrective Action:

An important purpose of PHMSA's enforcement program is to bring the regulated community into compliance with the HMR, and to promote ongoing efforts by that community to maintain compliance. In determining the final penalty assessment, PHMSA considers documented evidence of actions taken by a Respondent to correct violations and ensure that they do not recur (49 CFR § 107.331(g)).

In its April 28, 2022, letter, Respondent addressed the actions it has taken to correct the violations alleged in this Notice and to prevent future violations of the HMR. Respondent described and documented its corrective action as follows:

- Violation No.1: Mr. Iacoviello stated the company procured the proper UN standard packaging needed for its shipments of explosives and the proper tape for closure of the containers. Procurement documents for both were provided as well as photographs of the UN 4GV boxes (see Inspection Report No. 22248015 at page 14 and Exhibit 17, pages 3-4, to Report No. 22248015).
- Violation No.2: Mr. Iacoviello stated that the company no longer sells or ships the product in question and that he now has two certified hazardous materials employees with a third in training. He provided his hazardous materials training certificates as evidence (see Inspection Report No. 22248015 at page 14 and Exhibit 17, page 7, to Report No. 22248015).
- Violation No.3: Mr. Iacoviello explained the company entered into a contract with Chemtrec to support them as an authorized emergency response information provider. A copy of an invoice confirming payment for services was provided with the response (see Inspection Report No. 22248015 at page 14 and Exhibit 17, page 6, to Report No. 22248015).
- Violation No.4: Mr. Iacoviello provided a statement of intent only that moving forward "accuracy of EX numbers will be ensured and crosschecked before shipping in proper UN packaging" (see Inspection Report No. 22248015 at page 14 and Exhibit 17 to Report No. 22248015).

Based on this information and documentation, the proposed penalty has been reduced by 25% for Violation 1, 15% for Violation 2, 25% for Violation 3, and 10% for Violation 4 (as indicated below).

In order to justify further reduction of the proposed penalty, Respondent must submit additional information and documentation (such as recent shipping papers with all required information and documentation of current EX-approvals in use).

Financial Status

Under 49 CFR §107.331 (e) and (f), the proposed penalty may be reduced if Respondent demonstrates that it is unable to pay that penalty, or if payment of the proposed penalty would affect Respondent's ability to continue in business. Respondent's poor financial condition may be a basis for reducing the proposed penalty; a healthy financial condition is *not* a basis for increasing the penalty.

PHMSA has no information that indicates that Respondent is unable to pay the proposed penalty or that payment of the proposed penalty will affect Respondent's ability to continue in business. If Respondent wishes its financial condition to be considered in assessing a penalty for the violation(s) alleged in this Notice, it must provide current financial information (i.e., copies of Respondent's three most current Federal tax returns, an income statement, and a current balance sheet [preferably certified]).

TOTAL CIVIL PENALTY PROPOSED

Probable Violation	Baseline Penalty	Increase for Priors	Corrective Action	Proposed Penalty
1	\$11,200	+\$0	-\$2,800	\$8,400
2	\$12,500	+\$0	-\$1,875	\$10,625
3	\$1,600	+\$0	-\$400	\$1,200
4	\$1,000	+\$0	-\$100	\$900
TOTAL	\$26,300	+\$0	-\$5,175	\$21,125

ADDENDUM B

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**DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION**

How do I respond to this Notice of Probable Violation (Notice)?

You may respond to this Notice in any of three ways:

- (1) Pay the proposed assessment (49 C.F.R. § 107.315);
- (2) Send an informal response, which can include a request for an informal conference (§ 107.317); or
- (3) Request a formal hearing (§ 107.319).

How do I pay the proposed assessment?

You pay the proposed assessment by:

- (1) Sending a wire transfer, through the Federal Reserve Communications System (Fedwire), to the U.S. Treasury account (49 C.F.R. § 89.21(b)(3)). Addendum C contains the instructions for sending wire transfers. Questions concerning wire transfers should be directed to: DOT/PHMSA/MMAC, AMK-325/HQ-RM 181 6500 S MacArthur Blvd., Oklahoma City, OK 73169 (Telephone No. (405) 954-9309).

Or

- (2) Sending a certified check or money order if the penalty amount is \$10,000 or less. The certified check or money order must be payable to the "U.S. Department of Transportation" and must be mailed to: DOT/PHMSA/MMAC, AMK-325/HQ-RM 181 6500 S MacArthur Blvd., Oklahoma City, OK 73169 (Telephone No. (405) 954-9309).

Or

- (3) Using a credit card via the Internet. To pay electronically with a credit card, visit the following website address and follow the instructions:

<https://www.pay.gov/public/form/start/1078346>

Where do I send my response?

You must address your informal response or formal hearing request to the attorney who issued the Notice at the following address:

Pipeline and Hazardous Materials Safety Administration
Office of the Chief Counsel (PHC-10)
Room E26-105
U.S. Department of Transportation
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

When is my response due? (§ 107.313)

You must respond to the Notice within thirty (30) days of the date you receive it. The attorney who issued the Notice may extend the 30-day period for your response if you ask for an extension, and show good cause, within the original 30-day period.

What happens if I do not respond? (§ 107.313)

If you fail to respond to the Notice within thirty (30) days of receiving it (or by the end of any extension), you will waive your right to contest the allegations made in Addendum A to the Notice. In addition, the Chief Counsel will issue a default Order finding the facts as alleged in the Notice and assessing the civil penalty as outlined within that notice.

May I propose a compromise offer? (§ 107.327)

Yes. At any time before an order is issued and referred to the Attorney General for collection, you may propose to compromise a civil penalty case by submitting a specific compromise offer amount to the attorney handling the case (§ 107.327). The Chief Counsel may also propose a compromise.

If a compromise is agreeable to all parties, the attorney handling the case will forward a compromise agreement to you for signature. This document will outline the terms of the joint agreement and you must return a signed original to the attorney handling the case within 30 days. After this agreement has been returned it will be signed by the assigned attorney and presented to the Chief Counsel with a request that the Chief Counsel adopt the terms of that agreement by issuing a Compromise Order (49 C.F.R. § 107.327(a)(1)). The terms of the agreement constitute an offer of compromise until accepted by the Chief Counsel. When you agree to a compromise, you give up your right to appeal the order issued by the Chief Counsel.

What should I include in my informal response? (§107.317)

Your informal response must contain written explanations, information or arguments that respond to the allegation(s), the amount of the proposed civil penalty, or the terms of a proposed compliance order. Provide complete documentation of your explanations and arguments. No specific format is required for an informal response.

May I request an informal conference? (§ 107.317)

Yes. You may request an informal conference as part of your informal response. Please describe the issues you want to discuss during the conference. After receiving your request, the attorney handling the case will contact you to arrange the conference. Normally the conference will be held by telephone, and the attorney handling the case and the inspector who conducted the compliance inspection will participate in the conference.

What happens after I submit an informal response to the Notice?

We will hold an informal conference if you have asked for one. Based on the Notice, the evidence supporting the Notice, any written explanations, information and documentation that you provide, and matters presented at a conference, the Chief Counsel decides the case. The Chief Counsel may issue an order finding all or some of the violation(s) alleged in the Notice or may withdraw all or some of the alleged violation(s). If the Chief Counsel finds violation(s), the order will assess a civil penalty.

How do I appeal an order? (§ 107.325)

You may appeal an order to PHMSA's

Administrator. How do I request a formal hearing? (§ 107.319)

You must request a formal hearing within 30 days of the date that you receive the Notice. If you are granted an extension of time to respond to the Notice, you must submit a formal hearing request by the end of the extended time period. If you do not request a formal hearing within the specified time, you will waive your right to a formal hearing.

Your request for a formal administrative hearing must include the following:

- (1) The name and address of the respondent and any other person submitting the request;
- (2) A statement of which allegations of violations are not in dispute; and
- (3) A description of the issues that you will raise at the hearing. (The Administrative Law Judge will decide whether issues not raised in the request may be raised at the hearing.)

After receiving a request for a hearing that complies with these requirements, the Chief Counsel will request an Administrative Law Judge from the DOT Office of Hearings to preside over the hearing. Once an Administrative Law Judge is assigned, all further matters in the proceeding will be conducted by the Administrative Law Judge. Either you or PHMSA may appeal the decision of the Administrative Law Judge to PHMSA's Administrator.

How does PHMSA determine if I have committed a violation?

This is a civil penalty case and PHMSA uses the "knowingly" standard, which is defined in the Federal hazardous materials transportation law (See 49 U.S.C. 5123(a)(1)), in all civil penalty cases. The standard for a violation is similar to "negligence". After considering all the available information (including the additional information you provide in your response to the Notice), PHMSA must find either that (1) you had actual knowledge of the facts giving rise to the violation, or (2) you had imputed knowledge, of the facts giving rise to the violation, in that a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge. PHMSA does not need to find that you actually knew about, or intended to violate, requirements in the Federal hazardous material transportation law or the HMR.

What factors does PHMSA consider when proposing and assessing a civil penalty? (§ 107.331)

PHMSA considers the following factors when proposing and assessing a civil penalty for a violation of the regulations:

- (1) The nature and circumstances of the violation(s);
- (2) The extent and gravity of the violation(s);
- (3) The degree of your culpability;
- (4) Your history, if any, of prior offenses;
- (5) Your ability to pay the penalty;
- (6) The effect of the penalty on your ability to continue in business;
- (7) The size of your business, and
- (8) Other matters as justice may require.

The nature and the timeliness of any corrective action you take to prevent future violations of a similar nature will be considered under item No. 8. However, you must submit documented evidence of that corrective action to the PHMSA attorney. If you have submitted documented evidence regarding any of these factors during PHMSA's investigation of the alleged violation(s), and that documentation is referenced in the Notice or accompanying Inspection/Investigation Report, you do not need to resubmit it.

Under the Small Business Regulatory Enforcement Fairness Act (SBREFA), PHMSA must consider the rights of small entities in enforcement actions. PHMSA's hazardous materials enforcement program has been designed to consider small businesses and the penalties that PHMSA proposes and assesses are generally considered appropriate for small businesses. PHMSA takes into consideration the size of the company when proposing and assessing a civil penalty.

However, special consideration may not be given to a small business if:

- (1) The small business has not corrected its violation(s) within a reasonable time;
- (2) The small business has committed one or more prior violations of the HMR;
- (3) The violations involve willful conduct;
- (4) The violations pose serious threats to health, safety or the environment; or
- (5) The small business has not made a good faith effort to comply with the law.

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. Our objective is to ensure a fair regulatory enforcement environment.

You have a right to contact the Small Business Administration's national Ombudsman at 1-888- REG-FAIR (1-888-734-3247) or <https://www.sba.gov/ombudsman> regarding the fairness of the compliance and enforcement activities by this agency.

The Pipeline and Hazardous Materials Safety Administration strictly forbids retaliatory acts by its employees. As such, you should feel confident that you will not be penalized for expressing your concerns about compliance and enforcement activities.

Where can I find more information on how PHMSA handles hazardous materials enforcement cases?

A more detailed discussion of these procedures is in 49 C.F.R. §§ 107.301 through 107.333. These procedures are also on the Office of the Chief Counsel's home page at <http://www.phmsa.dot.gov/org/office-of-chief-counsel>.

ADDENDUM C

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**INSTRUCTIONS FOR ELECTRONIC FUNDS TRANSFER TO
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION,
U.S. DEPARTMENT OF TRANSPORTATION**

1. <u>RECEIVER'S ABA NO.</u> 021030004	2. <u>TYPE SUBTYPE</u> (provided by sending bank)
3. <u>SENDING BANK ARB NO.</u> (provided by sending bank)	4. <u>SENDING BANK REF NO.</u> (provided by sending bank)
5. <u>AMOUNT</u>	6. <u>SENDING BANK NAME</u> (provided by sending bank)
7. <u>RECEIVER NAME:</u> TREAS NYC	8. <u>PRODUCT CODE</u> (Normally CTR, or sending bank)
9. <u>BENEFICIAL (BNF)- AGENCY LOCATION CODE</u> BNF=/AC-69140001	10. <u>REASONS FOR PAYMENT</u> <i>Example: PHMSA Payment for Case #/Ticket</i>

INSTRUCTIONS: You, as sender of the wire transfer, must provide the sending bank with the information for Block (1), (5), (7), (9), and (10). The information provided in blocks (1), (7), and (9) are constant and remain the same for all wire transfers to the Pipeline and Hazardous Materials Safety Administration, Department of Transportation

Block #1 - RECEIVER ABA NO. - "021030004". Ensure the sending bank enters this nine digit identification number; it represents the routing symbol for the U.S. Treasury at the Federal Reserve Bank in New York.

Block #5 - AMOUNT - You as the sender provide the amount of the transfer. Please be sure the transfer amount is punctuated with commas and a decimal point. **EXAMPLE:**
\$10,000.00

Block #7 - RECEIVER NAME- "TREAS NYC." Ensure the sending bank enters this abbreviation, which must be used for all wire transfer to the Treasury Department.

Block #9 - BENEFICIAL - AGENCY LOCATION CODE - "BNF=/AC-69140001"
Ensure the sending bank enters this information. This is the Agency Location Code for Pipeline and Hazardous Materials Safety Administration, Department of Transportation

Block #10 - REASON FOR PAYMENT – "AC-Payment for PHMSA Case#" To ensure your wire transfer is credited properly, enter the case number/ticket number or Pipeline Assessment number."

Note: - A wire transfer must comply with the format and instructions or the Department cannot accept the wire transfer. You, as the sender, can assist this process by notifying, at the time you send the wire transfer, the General Accounting Division at (405) 954-9309.