



U.S. Department
of Transportation

Research and
Special Programs
Administration

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Washington, D.C. 20590

Mr. F. Michael Friedman
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Ref. No. 98-0310

Dear Mr. Friedman:

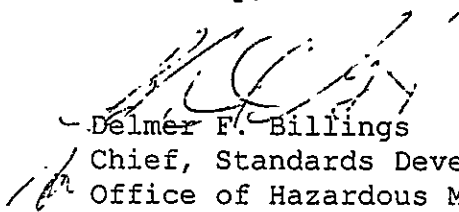
This is in response to your letter dated October 14, 1998 regarding clarification of the small quantity exceptions in 49 CFR 173.4, under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Your questions are paraphrased and answered as follows:

- Q1. The small quantity exceptions in 49 CFR 173.4 contain specific language describing the performance requirements for acceptable packaging; does this mean that it is not necessary to use UN standard packaging for materials offered for shipment under 49 CFR 173.4, provided the materials meet these requirements?
- A1. Your understanding is correct. A material prepared in accordance with the quantity limits and packaging requirements in 49 CFR 173.4, is not subject to any other requirements of the HMR, including UN standard packaging requirements.
- Q2. Is there a periodic retest requirement for packages used for hazardous material shipments made in accordance with 49 CFR 173.4.
- A2. No. Only prototype testing of a packaging is required. However, if the packaging is modified, a new prototype test must be performed. As provided in § 173.4(a)(6), each completed packaging must be capable of passing the prescribed tests.

I hope this satisfies your inquiry.

Sincerely,



Delmer F. Billings

Chief, Standards Development

Office of Hazardous Materials Standards

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October 14, 1998

Mr. Edward Mazzullo, Director
Office of Hazardous Material Standards
DHM 10
Research and Special Projects Administration
United States Department of Transportation
400 7th Street S.W.
Washington, DC 20590-0001

Dear Mr. Mazzullo:

I am writing on behalf of a client who desires clarification on two points.

49 C.F.R. Section 173.4 (Small Quantities Exemption) contains specific language describing the performance requirements for acceptable packaging. As such, it would appear that it is not necessary to use UN standard packaging for materials offered for shipment under 173.4 provided the materials meet the requirements of 173.4. Am I correct in this?

Second, am I correct that there is no requirement for periodic retesting of packages used for shipment made pursuant to §173.4. In other words, under 49 C.F.R. Section 178.601 packages which meet a UN standard must be retested every two years if they are a composite package. By their nature packages under 173.4 are composite packages but it does not appear that they require bi-annual testing, provided there is no change in the components. Am I correct in this?

Thank you for your assistance.

Very truly yours,



F. Michael Friedman

FMF/bam