



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

AUG 11 2000

Mr. Frank Chamberlin
Frank's Gun & Pawn
Post Office Box 2053
Asheboro, North Carolina 27203

Ref. No. 00-0155

Dear Mr. Chamberlin:

This is in response to your letter dated May 12, 2000, requesting clarification of the requirements concerning smokeless powder for small arms in § 173.171, under the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). Your questions are paraphrased and answered as follows:

Q1. Can "Smokeless powder for small arms, 4.1, NA 3178, PG I" be shipped in combination packagings with inner packagings not exceeding 16 pounds net mass?

A1. The answer is yes. Smokeless powder is approved by the Department of Transportation (DOT) in a specific inner container (typically a static-resistant plastic bottle with a metal or plastic screw cap), having a specific liquid capacity (typically 1 pint, 1 quart, 1 gallon, etc.) and a specified net weight of smokeless powder in each container (typically 1 pound, 4 or 5 pounds, up to but not exceeding 8 pounds for the largest size container. The approval also specifies the number of different size containers (typically from 1 to 16) that may be contained in any one outer packaging (typically a specification 4G, Packing Group 1 (PG 1) fiberboard box). Section 173.171 (d) authorizes inside packages that have been examined and approved by the Associate Administrator for Hazardous Materials Safety 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. 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). 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 different types of smokeless powder (i.e., extruded powder, ball powder, etc.) be shipped in the same packagings?



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- A2. The answer is yes. If your smokeless powder (i.e., extruded powder, ball powder etc.) were classed in Division 1.3 before being reclassified in Division 4.1, there are no restrictions in loading, transporting or storing these materials together. Under § 173.171 (d), sporting store distributors have an option to take one or more brands and types of smokeless powder in the same DOT approved inner containers that they were received in and combine them in a NEW specification 4G PG I fiberboard box, which must be purchased for this purpose. Sporting store distributors CANNOT re-use a specification 4G box from any of the manufacturers to put together a mixed brand shipment see § 173.28 (b)(3). In addition, the inner DOT approved packaging must be packaged to prevent movement with (dunnage, cushioning, dividers, etc.) and must NEVER be changed or replaced. Finally, no more than 16 pounds net weight of smokeless powder may be included in each outer fiberboard box. For example, one could ship one 8 - pound container of one brand and up to eight 1 - pound containers of other brands in the same box; or one 4 - pound container of one brand, one 8 - pound container of a second brand and up to four 1 - pound containers of the same or different brands.
- Q3. Is smokeless powder required to be shipped in case lots only with each case of powder in a different box?
- A3. The answer is no. As stated earlier, 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.e., the total quantity of smokeless powder may not exceed 45.4 kg (100 pounds) net mass in: (1) One rail car, motor vehicle, or cargo only aircraft; or (2) One freight container on a vessel, not to exceed four freight containers per vessel.

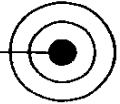
I hope this information is helpful. Should you have any questions, please contact Mr. Charles Betts of my staff on 1-800-HMR49-22.

Sincerely,



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

Frank's Gun & Pawn



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May 12, 2000

Edward Mazzullo
Director, Office of the Hazardous Materials Standards
US DOT/RSPA (DHM 10)
400 7th St. SW
Washington DC 20590-0001

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Dear Mr. Mazzullo,

I am a gun dealer in Asheboro, NC and I have a big problem. I order small arms smokeless powder quite often and I run into problems at least twice a year.

1. One distributor of powder says you can't put but 16 lb. in a box. I explain that you can put 16 lb. in each "inner" box but you can put fifty pounds in one large box as long as there is not over 16 pounds in each of the inner boxes. They don't believe it so I have to find another seller.
2. A different distributor says you can't put different kinds of powder in the same box: i.e. extruded powder, ball powder, etc. I again explain that you can put the different kinds of powder in the same box but again, it has to be in different "inner boxes".
3. Another distributor say it has to be shipped in case lots only with each case of powder in a different box. Example: every case has to be shipped separately. This causes a haz-mat shipping charge on each box.

Sir, I have won very few arguments and I am getting tired of the fight. Could you please send me a letter on your stationary addressing each of the above issues. Please make it so plain even a imbecile can understand it. Please write it so a five year old could understand so I can have a letter to fax them proving they are interpreting the regulations wrong.

Sincerely,

Frank C Chamberlin
Frank Chamberlin