



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590

JUL 9 2008

Mr. Gregory D. Kehrli
Worldwide Transportation Manager
Remington Arms Company, Inc.
870 Remington Drive
Madison, NC 27025

Ref. No. 08-0166

Dear Mr. Kehrli:

This responds to your June 9, 2008 letter requesting clarification of the requirements for structural serviceability of containers and vehicles carrying Class 1 (explosive) materials on ships under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for clarification of the applicability of the requirements to Division 1.4S explosives under § 176.172 of the HMR.

It is your understanding that Division 1.4 explosives are not subject to the structural serviceability requirements under § 176.172(a)(2) based on the exception from the requirement to have a certification statement of structural serviceability accompany the shipment as provided in § 176.172(c). You indicate that your understanding is supported by language in the International Maritime Dangerous Goods Code (IMDG Code). 7.4.6.4.2 of the IMDG Code states that “freight containers and vehicles shall not be offered for the transport of goods of class 1 other than division 1.4 unless the container or the vehicle is structurally serviceable.”

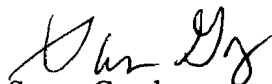
Your understanding is correct. It is the opinion of this Office that Division 1.4 explosives (including Division 1.4S explosives) are excepted from the structural serviceability requirements in accordance with § 176.172(c) of the HMR. According to § 176.172(c), “all shipments of Class 1 (explosive) materials *except those in Division 1.4 (explosive)* must be accompanied by a statement, which may appear on the shipping paper, certifying that the freight container or the vehicle is structurally serviceable as defined in paragraph (a)(2) of this section.”

The intent of § 176.172(c) is to except Division 1.4 explosives from the structural serviceability requirements in the same manner as the IMDG Code. The language as written is unclear and could be interpreted to only except Division 1.4 explosives from the requirement for a certification statement to accompany the shipment. However, the

certification statement is not required because the containers or vehicles containing Division 1.4 explosives are not required to meet the structural serviceability requirements of § 176.172(a)(2). We will clarify this language in an upcoming rulemaking.

I hope this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Gorsky", written in a cursive style.

Susan Gorsky
Acting Chief, Standards Development
Office of Hazardous Materials Standards

Remington®

Der Kinderen
§176.172
Vessel
08-0166

June 9, 2008

Mr. Shane Kelley
US Department of Transportation
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue SE
Washington, DC 20590-0001

Subject: Application of Container Serviceability Rule to Shipments of 1.4S

Dear Mr. Kelley:

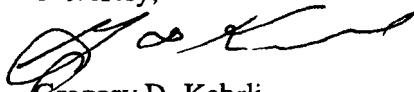
We are writing to request an interpretation of the rules regarding the application of the Container Structural Serviceability rule for international shipments of Class 1.4S materials.

Per the 2006 IMDG Code, Part 7 (7.4.6.4.2), Division 1.4 materials are exempted from structural serviceability rules. However, we have had numerous instances where cargo inspection bureaus, working on behalf of ocean carriers, have insisted that these rules do apply as specified in 49CFR part 176. In reviewing 176.172, 176.172 (c) specifically exempts Division 1.4 materials from the requirement that a statement must appear on the shipping paper certifying that the freight container is structurally serviceable. It would appear from our view that this statement leads us to believe that serviceability rules should not be applicable, coupled with the fact that this exception for Division 1.4 materials is clearly stated in the IMDG code.

In instances where containers have been rejected by the cargo inspection bureaus referencing the requirements of this rule, some of our shipments have missed their initial vessel sailing dates, and had to remain in the port area for an extended period to be trans-loaded into another container causing unnecessary delay to our customers.

Please review and advise the proper interpretation that should be applied to ocean shipments of Division 1.4 materials.

Sincerely,



Gregory D. Kehrli
Worldwide Transportation Manager