



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

SEP 22 2014

Ms. Joan Hall  
Classification Specialist  
United States Postal Service  
475 L'Enfant Plaza Rm. 4666  
Washington DC 20260

Ref. No. 14-0073

Dear Ms. Hall:

This responds to your April 2, 2014 e-mail regarding the approval of lighter design under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a previously-approved lighter design must be reexamined and reapproved if the testing agency's competent authority approval has expired prior to subsequent shipments. In addition, you express concern that letter of interpretation Ref. No. 12-0006, dated March 22, 2012 creates a conflict with the regulations.

Letter of interpretation Ref. No. 12-0006 is still accurate. As prescribed in § 173.21(i), except for a design sample, the transportation in commerce of a lighter design containing a Division 2.1 flammable gas that has not been examined and successfully tested by an authorized person (i.e. lighter testing agency) in accordance with § 173.308(a) is forbidden. As prescribed in § 173.308(b)(1), a lighter design is considered as not having been examined and successfully tested if it differs from the original design in any manner that may affect the escape (leakage) of gas. Provided the previously-approved lighter design meets this criterion, the HMR do not mandate the expiration of its approval. For your information, the expiration of approval you refer to in your letter applies to the authorized testing agency as a condition of its competent authority approval and authorizes the testing agency to examine, test, and classify lighter designs for a period of five years. Therefore, lighter design classifications made by the testing agency prior to the expiration of the testing agency's approval can continue to be transported.

I trust this information is helpful. Please contact us if you require further assistance.

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

Stevens  
3 173-308 (b)(5)

**Drakeford, Carolyn (PHMSA)**

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**From:** Lehman, Victoria CTR (PHMSA)  
**Sent:** Wednesday, April 02, 2014 4:52 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: letter of interpretation

Lighters  
14-0073

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks,  
Victoria

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**From:** Hall, Joan A - Washington, DC [<mailto:joan.a.hall@usps.gov>]  
**Sent:** Wednesday, April 02, 2014 4:41 PM  
**To:** INFOCNTR (PHMSA)  
**Subject:** letter of interpretation

I am requesting a formal letter of interpretation for a letter of interpretation Ref. No. 12-006 pertaining to the recertification of lighter design.

In Ref. No. 12-006 state that HMR 49 CFR 171-180 if previously approve lighters design must be re-examined every 5 yrs., if there is no changes made to the design that affects it gas leakage capability. The response from DOT is NO, however according an approve testing agency administrator the authorization good for 5 years. The issue Ref. No-12-006 is in conflicts with the approval by the Associate Administrator which creates a dilemma for the mailer and the carrier because the authorization has expired but DOT issue a letter of interpretation that state it is not necessary to recertify if the design has not change.

## **Drakeford, Carolyn (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Wednesday, April 02, 2014 5:06 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: letter of interpretation

Hi Carolyn,

Please add the following address to Ms. Hall's interp request. Also, she is referencing her letter 4/2/14 HMIC conversation with Raleigh (and Victoria) and letter of interpretation 12-0006 in the incoming request.

Thanks,  
Victoria

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**From:** Hall, Joan A - Washington, DC [<mailto:joan.a.hall@usps.gov>]  
**Sent:** Wednesday, April 02, 2014 4:59 PM  
**To:** INFOCNTR (PHMSA)  
**Subject:** RE: letter of interpretation

Joan hall  
Classification Specialist  
475 L'Enfant Plaza Rm. 4666  
Washington DC 20260

212 330- 5332 NY location/Washington number is 202 268 6010

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**From:** [INFOCNTR.INFOCNTR@dot.gov](mailto:INFOCNTR.INFOCNTR@dot.gov) [<mailto:INFOCNTR.INFOCNTR@dot.gov>]  
**Sent:** Wednesday, April 02, 2014 4:50 PM  
**To:** Hall, Joan A - Washington, DC  
**Subject:** RE: letter of interpretation

Dear Joan Hall,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180). **In order for us to facilitate your request, please respond to this e-mail with your return mailing address and a daytime telephone number.**

Typically, written letters of interpretation are responded to at a minimum of approximately 8 weeks from when they are received by the Office of Hazardous Materials Standards. However, delivery time of a written interpretation can vary markedly based on topic complexity and the backlog of letters to be completed.

Sincerely,

Victoria, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <http://phmsa.dot.gov/hazmat/regs/interps>

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**From:** Hall, Joan A - Washington, DC [<mailto:joan.a.hall@usps.gov>]  
**Sent:** Wednesday, April 02, 2014 4:41 PM

**To:** INFOCNTR (PHMSA)

**Subject:** letter of interpretation

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