



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

OCT 5 2006

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

Mr. Frits Wybenga
Technical Director
Dangerous Goods Advisory Council
Suite 740
1100 H Street, NW
Washington, DC 20005

Ref. No.: 06-0124

Dear Mr. Wybenga:

This is in response to your May 12, 2006 letter concerning the definition of "non-bulk packaging" as defined in § 171.8 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask this office to reconsider the interpretation in our May 23, 2005 letter to Wyle Laboratories regarding the definition of a "non-bulk packaging."

Non-bulk packaging means a packaging that has a maximum net mass of 400 kg (882 pounds) or less and a maximum capacity of 450 L (119 gallons) or less as a receptacle for a solid. It remains our opinion that the packaging Mr. Thomas R. Hamilton described is not a non-bulk packaging because it has a maximum capacity greater than 450 L (119 gallons). Outer Packagings, which contain solids (e.g., fireworks, articles, or other receptacles containing fireworks), must be measured in terms of their capacity as well as their net mass. The packaging described by Wyle Laboratories in its original letter would meet the definition of a "Large Packaging" and, based on its volumetric capacity, would be a bulk packaging. To make the definitions easier to understand, under Docket HM-231, published September 1, 2006 (71 FR 52017) we have proposed to revise the current definitions for "Bulk packaging," "Large packaging," and "Non-bulk packaging."

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Susan Gorsky
Regulations Officer
Office of Hazardous Materials Standards



060124

171.8
173.24

Drakeford, Carolyn <PHMSA>

From: Mazzullo, Ed <PHMSA>
Sent: Friday, May 12, 2006 8:25 AM
To: Drakeford, Carolyn <PHMSA>
Cc: Gale, John <PHMSA>; Gorsky, Susan <PHMSA>; Pollack, Arthur <PHMSA>
Subject: FW: Response on letter

Pollack
§171.8 & 173.24
Definitions/Packages Packaging Requirements
06-0124

This was probably sent to PHH-30 or 40 for handling, but it does involve an interpretation. Please see if you can track down a copy of the original incoming (I don't recall seeing a cc) and assign it for handling. Thanks.

From: f.wybenga@comcast.net [mailto:f.wybenga@comcast.net]
Sent: Tuesday, May 09, 2006 2:05 PM
To: Mazzullo, Ed <PHMSA>
Subject: Response on letter

Hi Ed - The attached letter was sent in last summer but was never responded to. While the company appreciates the relief gotten by way of an approval authorizing 250kg fireworks in a large packaging, a 4G packaging is a more desirable approach. The large packaging approach has cost them an additional \$500K for shipments for this July 4 with no appreciable increase in safety.

The 450 liters in the nonbulk definition was never intended to apply to articles. The packaging they have used is authorized under 173.24(c)(2). International shippers importing into the US can use this package now under our regulations. While I understand you may address this in an upcoming rulemaking, they need an interpretation now.

Anything you can do to expedite would be appreciated. There is no need to pursue the exemption request (which is incomplete anyway) since an approval covers them at the moment. The petition for rulemaking is valid. - Frits

5/12/2006