



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

FEB 26 2009

Mr. Clifford E. Croft
Director, Regulatory Compliance
Kajuligan Corporation
316 Crescent Place
Geneva, IL 60134

Reference No. 08-0002

Dear Mr. Croft:

This responds to your letter, postmarked December 14, 2007, concerning requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to small quantity shipments. Specifically, you ask about requirements applicable to packages prepared in accordance with § 173.4 and overpacked in a fiberboard box. Your questions are paraphrased and answered as follows:

- Q1. If packages conforming to the requirements in § 173.4 are overpacked in a fiberboard box, must the overpack successfully pass the package testing requirements specified in § 173.4(a)(6)?
- A1. No. The package testing requirements apply to the packaging configurations specified in § 173.4.
- Q2. If packages conforming to the requirements in § 173.4 are overpacked in a fiberboard box, must the overpack be marked "This package conforms to 49 CFR 173.4"? If not, must the overpack be marked "OVERPACK"?
- A2. The marking specified in § 173.4 is the shipper's statement certifying that a package conforms to the requirements set forth in that section. No certification mark is required for the overpack. Further, packages prepared in accordance with § 173.4 are excepted from all other HMR requirements. Thus, the marking requirements in § 173.25 applicable to overpacks do not apply to overpacks containing packages prepared in accordance with § 173.4.

Q3. May the overpack exceed the 29 kg gross weight limit specified in § 173.4(a)(8)?

A3. Yes. The weight limitation applies to individual packages prepared in accordance with § 173.4.

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Mitchell", with a long horizontal flourish extending to the right.

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



Mr. Edward T. Mazzullo
PHMSA
Attn: PHC-10
400 Seventh Street, SW
Washington, DC 20590-0001

Edmonson
§ 173.4
Small Quantity
Exceptions
08-0002

Dear Mr. Mazzullo,

I am requesting clarification on an issue of overpacking hazardous materials prepared under the small quantities exception §173.4. It is my understanding that by meeting the criteria of §173.4 I am not subject to any other requirements of this subchapter.

Q1. If a company tests packages of small quantities as required under §173.4(i) and then overpacks these packages into a larger fiberboard box, does the overpack need to be marked "This Package Conforms to 49CFR §173.4"?

Q2. If the overpack needs marked in accordance with §173.4, does it also need marked "Overpack"?

Q3. If the overpack needs marked in accordance with §173.4, does the overpack also need the package test required under §173.4(i)?

Q4. If the package does not need marked as "Overpack", can the overpack exceed the 64 pound gross weight limit?

Thank you for your assistance.

Sincerely,

Clifford E. Croft
Director of Regulatory Compliance
Kajuligan Corp.