



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

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

SEP 22 1995

Ref. No. 06-0029

Mr. Stephen Jetter  
Fortco Plastics, Inc.  
500 Industrial Park Road  
Portland, IN 47371

Dear Mr. Jetter:

This is in response to your letter requesting clarification of the stacking requirements under the Hazardous Materials Regulations (HMR; 49CFR, Parts 171-180). Specifically, you ask whether either stack test method in § 178.606 may be used to comply with Variation 5 in § 178.601(g)(5).

The answer is no. The option for using either the stack test method in § 178.606(c)(1) or (c)(2)(ii) applies to periodic retesting only. For design qualification testing, you must use the stacking test prescribed in § 178.601(c)(1). If you wish to use an alternative test method for compliance with Variation 5, you may apply for an approval in accordance with Subpart H of Part 107.

I hope this information helpful. Please contact this office should you have additional questions.

Sincerely,

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



060029

178.601(g)(5)



500 INDUSTRIAL PARK ROAD, PORTLAND, INDIANA 47371

Mc Intyre  
\$178.601 (9)(5)  
Testing  
06-0029

## MANUFACTURERS OF BLOW MOLDED CONTAINERS