



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

FEB 12 2004

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

Mr. Christopher J. Widman
ATK Explosive Transportation Specialist
ATK Alliant Techsystems
Twin Cities Arsenal
Arden Hills, MN 55112

Ref No.: 04-0004

Dear Mr. Widman:

This is in response to your letter dated January 7, 2004, requesting clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to shipments of Cartridges for weapons, or Cartridges, small arms, 1.4S, UN0012, II, that have been reclassified and offered for transportation as Cartridges, small arms, ORM-D.

The HMT entries for "Cartridges for weapons," or "Cartridges, small arms" both reference § 173.63 in column 8A for exceptions. Cartridges for weapons, or Cartridges, small arms, that have been classed as Division 1.4S explosives may be reclassified, offered for transportation, and transported as "Consumer Commodity" ORM-D material when packaged in accordance with § 173.63 (b)(2). In addition, the HMR makes no distinction for U.S. military shipments of ammunition sold to the Defense Department under the exception in § 173.63; the exception is based on the type and caliber of ammunition, not use. Note that this exception is limited to ammunition for rifle, pistol, or shotgun; ammunition with inert projectiles or blank ammunition; ammunition having no tear gas, incendiary, or detonating explosive projectiles; ammunition not exceeding 12.7 mm for rifle or pistol cartridges or 8 gauge for shotshells; and cartridges, power devices which are used to project fastening devices.

Reclassification of Cartridges for weapons, or Cartridges, small arms, as ORM-D is only authorized for domestic transportation. Domestic transportation is defined as transportation between places within the United States; shipments to Puerto Rico are domestic shipments

I hope this information is helpful. Please contact us if you require additional assistance

Sincerely,

Susan Gorsky
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



040004

173.63

7 January 2004



04-0004

Twin Cities Arsenal
Arden Hills MN 55112
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Mr. Ed Mazzullo
US Department of Transportation
Office of Hazardous Materials Standards
DHM-10
400 Seventh Street SW
Washington DC 20590-0001

Dear Mr. Mazzullo

AlliantTechsystems (ATK) is requesting a formal ruling on whether or not ammunition manufactured for the military, .50 Caliber or less, may be re-classed as Other Regulated Material-Domestic (ORM-D) from **Cartridges for weapons, or Cartridges, small arms, UN0012, 1.4S**. ATK wishes to obtain a formal ruling on whether or not *military* ammunition is authorized to transport as ORM-D when the ammunition meets all relative 49 CFR regulations.

ATK manufactures both sporting goods ammunition and military ammunition. Much of the ammunition is similar in design and energetic makeup. The only difference being that the sporting ammunition is not sold directly to the military. As such, ATK transports within the United States as ORM-D. I request to verify if similar ammunition manufactured solely for the military might also be transported as ORM-D. ATK needs your offices expertise to determine if ammunition qualified as ORM-D in design but shipped only to the military is qualified to transport as ORM-D.

The 49CFR regulations that ATK feels may be of assistance in reviewing are:

- § 172.101 Cartridges for weapons, or Cartridges small arms, UN0012
- § 172.101 Cartridges, small arms, ORM-D
- § 173.56(h) Cartridges, small arms meeting the criteria of §173.56(h) may be assigned a classification code of 1.4S by the manufacturer.
- § 173.59 Description of terms for explosives, **Definition of Cartridges, small arms**
- § 173.144 ORM Definitions

Current Method of Transport of Ammunition Sold Only to the Military

As stated earlier, ATK transports our sporting ammunition within the USA as ORM-D. When transporting similar and in some cases identical ammunition to the military, we do not allow this military ammunition to be transported as ORM-D. All military ammunition is transported as such:

We first determine if the ammunition to be shipped meets the criteria of 173.56(h). If such is the case, we pack, mark, and label IAW the provisions of Cartridge for weapons, or Cartridges small arms, 1.4S, UN0012. Basically, we feel we are within our legal right to classify the ammunition ourselves if we determine that the ammunition meets 173.56(h). ATK manufactures a significant amount of military ammunition that meets §173.56(h). 49 CFR §173.56(h) states that the provisions of § 173.56 (New Explosives) do not apply to cartridges, small arms when:

- (1) The ammunition is not a forbidden explosive
- (2) Ammunition for rifle, pistol, or shotgun
- (3) Ammunition with inert projectile and blank ammunition
- (4) Ammunition not exceeding 50 caliber for rifle or pistol cartridges or 8 gauge for shotgun shells.

Grey Area of Interpretation

For ATK's sporting ammunition, the regulations seem quite clear as to our right to transport within the USA as ORM-D. ATK requests you review the definition of Cartridges, small arms as stated in §173.59. ATK is unable to solidly determine if this definition applies to cartridges sporting only, or both sporting military are authorized as ORM-D.

Definition Cartridges, small arms -- Ammunition consisting of a cartridge case fitted with a center or rim fire primer and containing both a propelling charge and solid projectile(s). They are designed to be fired in weapons of caliber not larger than 19.1MM. Shotgun cartridges of any caliber are included in this description. The term excludes: Cartridges small arms, blank, and some military small arms cartridges listed under *Cartridges for weapons, inert projectile*.

Ammunition Driving This Request

ATK is currently manufacturing ammunition of 50 caliber. This .50 Cal ammunition contains a propelling charge and primer. It has a projectile but the projectile is totally inert. The ammunition is to be transported to various military and non-military installations. All tests associated with this ammunition are being conducted for or on behalf of the US Government.

Summary

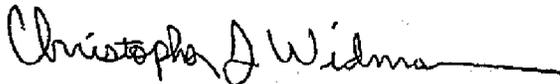
ATK manufactures a significant variety of small caliber ammunition. A portion of our ammunition is manufactured for sporting applications only. Sporting ammunition is routinely transported as ORM-D. Another significant portion is manufactured strictly for the military. Although identical in design and energetic content, ATK wishes to obtain a ruling on whether or not small caliber ammunition being shipped to the military may be reclassified as ORM-D from Cartridges for weapons inert projectile, Cartridges, small arms, UN0012.

Requested Ruling Date

ATK requests that your office make a ruling prior to the week of 1/26/04. We'll accept a verbal as usual, but a written ruling would be desired.

If you have any questions regarding the above request, please contact the undersigned at (651) 639-3334. Fax (651) 639-3341.

Sincerely,



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