



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

1200 New Jersey Ave., S.E.
Washington, DC 20590

JAN 9 2009

Mr. Gregory D. Kehril
World Wide Transportation Manager
Remington Arms Company, Inc.
870 Remington Drive
P.O. Box 700
Madison, NC 27025

Ref. No.: 08-0287

Dear Mr. Kehril:

This responds to your December 2, 2008, letter requesting clarification on the § 175.75 quantity limitations in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and United States (U.S.) Variation 13 in the International Civil Aviation Organization (ICAO) Technical Instructions regarding small arms cartridges shipped as Consumer Commodity, ORM-D materials. Specifically, you ask for verification that these ORM-D materials are not subject to the quantity limitations of § 175.75 in the HMR or U.S. Variation 13 in the ICAO Technical Instructions.

The answer is yes. Small arms cartridges shipped as ORM-D materials, as defined in § 173.144, are not subject to the quantity limitations in § 175.75 in the HMR or U.S. Variation 13 in the ICAO Technical Instructions.

I hope this answers your inquiry.

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards

Remington®

Boothe
§ 175.75
§ 173.144
Air
08-0287

December 2, 2008

Ms. Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration (PHMSA)
Attn. PHH-12
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Subject: 49 CFR 175.75 -- US Variance 13 (ICAO)

Dear Ms. Mitchell,

We are experiencing problems with the airlines servicing the international market, as to their interpretation of United States variation US 13 appearing in the Technical Instructions of the International Civil Aviation Organization (ICAO).

Specifically, the problem is the loading restrictions placed on the number of packages containing hazardous materials permitted aboard passenger and cargo aircraft only, as stipulated in US 13. The airlines fail to recognize that "Other Regulated Materials" are excepted from the limits imposed by this variance.

Remington Arms is a shipper of cartridges, small arms, 1.4S, UN 0012 that meet the requirements of §§ 172.316, 173.63 and 173.144. As such, this material is permitted to be reclassified and transported under the ORM-D hazard class. Our contention is that shipments of cartridges, small arms are not subject to the quantity limitations of variance US 13 as paragraph (d) excepts "Other Regulated Materials".

In reviewing D.O.T. interpretation #05-0106, we note that you issued a ruling stating that ORM materials, as defined in § 173.144, are permitted to be carried aboard aircraft without regard to the quantity limitations specified in § 175.75. We have informed the airlines as to the exception contained in § 175.75 and furnished them with a copy of your interpretation #05-0106. However, they will not accept these as proof that cartridges, small arms, classed as "Other Regulated Materials" are not subject to the any quantity limitations.

December 2, 2008
Ms. Hattie L. Mitchell
Page 2

For us to fix this problem they have requested that we obtain a statement from the D.O.T. attesting to the fact that cartridges, small arms, classed as an ORM-D material, are not subject to the quantity limitations specified in US 13 and therefore no quantity restrictions apply.

We shall appreciate your issuing such a statement. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Kehrl', with a long horizontal flourish extending to the right.

Greg Kehrl
Worldwide Transportation Manager