



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

JUN 21 2012

Mr. Patrick Watson, CHMM  
ATK Corporate Transportation Compliance  
7480 Flying Cloud Drive  
Minneapolis, MN 55344-3720

Ref. No.: 12-00041

Dear Mr. Watson:

This is in response to your January 30, 2012 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) with respect to the transportation of small arms ammunition and primers that have been classified as Division 1.4S, as provided in § 173.56(h). Specifically, you ask if sales samples of Division 1.4S small arms ammunition and primers may be transported as Materials of Trade (MOTs) per § 173.6 after December 31, 2013, when the Consumer Commodity, ORM-D designation will no longer be in effect.

As you state in your email, on January 19, 2011, PHMSA published a final rule (HM-215K; 76 FR 3308), which amended the HMR to maintain alignment with international standards. These amendments included the elimination of the ORM-D classification. Currently, the MOTs exception specified in § 173.6 has not been revised to extend relief to limited quantity shipments. It is your understanding that, due to the elimination of the ORM-D classification, Division 1.4S small arms ammunition and primers that have been classified as limited quantities in accordance with § 173.63(b) are not eligible for the MOTs exception. Your understanding is correct, as the MOTs exception has not been revised to extend relief to limited quantity shipments of Division 1.4S small arms ammunition and primers.

We appreciate your bringing this issue to our attention. It should be noted that on May 25, 2012, PHMSA issued a notice of proposed rulemaking (NPRM) that responds to administrative appeals and solicits public comment on proposals generated as a result of certain amendments adopted in HM-215K, including a proposal to extend the MOTs

exception to limited quantity shipments. You may view and comment on this NPRM at: <https://federalregister.gov/a/2012-12523>. However, should the revisions in the NPRM not be adopted, you may apply for a Special Permit in accordance with § 107.105.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Benedict", written in a cursive style.

Robert Benedict  
Chief, Standards Development  
Standards and Rulemaking Division

**Drakeford, Carolyn (PHMSA)**

§173.6  
§173.56(h)  
§173.63  
MOT  
12-0041

**From:** INFOCNTR (PHMSA)  
**Sent:** Monday, January 30, 2012 1:38 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Request for Letter of Interpretation

Hi Carolyn,

We received the following request for a letter of interpretation.

Thanks,  
Victoria

Victoria Lehman  
Hazmat Information Center (HMIC)  
<http://phmsa.dot.gov/hazmat/info-center>  
(202) 366-1035

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**From:** Watson, Patrick [<mailto:Patrick.Watson@ATK.COM>]  
**Sent:** Monday, January 30, 2012 10:25 AM  
**To:** INFOCNTR (PHMSA)  
**Subject:** Request for Letter of Interpretation

To Whom it May Concern:

We are requesting a Letter of Interpretation.

Federal Cartridge Company, a subsidiary of Alliant Techsystems Operations LLC (ATK), is a manufacturer of small arms ammunition and primers (self classified as 1.4S according to 173.56(h)). Currently, our sales force transports samples of these small arms ammunition and primers (packaged ORM-D) in accordance with 49CFR 173.6 as a "Material of Trade". With the forthcoming expiration of ORM-D and the adoption of the Limited Quantity provisions for small arms ammunition/primers associated with HM-215K, it is our impression that we will no longer be able to transport these same materials classed as Limited Quantities (in accordance with 173.63(b)) as a Material of Trade.

Will we be able to continue transporting samples of small arms ammunition and primers packaged as per Limited Quantity requirements (173.63(b)) as a Material of Trade, or would this action require the granting of a Special Permit?

Thank you,

**Patrick Watson, CHMM**  
ATK Corporate Transportation Compliance  
7480 Flying Cloud Drive, Minneapolis, MN 55344-3720  
Office: 952.351.7608      Mobile: 952.847.0574  
The Corporate Office is closed on Fridays