



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

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

MAR 23 2012

Mr. Oliver D. Adams
Hodges, Doughty & Carson, PLLC
P.O. Box 869
617 W. Main Street
Knoxville, Tennessee

Ref. No.: 12-0052

Dear Mr. Adams:

This responds to your February 8, 2012 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the packaging exceptions for cartridges, small arms. Specifically, you ask if the only option § 173.63(b)(2) permits is for small arms ammunition/cartridges to be fit snugly into an inner box and then placed securely into an outside box. Additionally, you provide a spreadsheet with a list of numerous packaging scenarios for small arms ammunition and ask whether they comply with § 173.63(b)(2).

As specified in § 173.63(b)(2), there are multiple packaging options for the cartridges, small arms and cartridges, power devices as a limited quantity or other regulated material (ORM-D). As specified in paragraph (b)(2)(i), ammunition must be packed: (1) in inside boxes, (2) in partitions which fit snugly in the outside packaging, or (3) in metal clips. Depending on which of the three options was chosen, the inside boxes, the partitions, or the metal clips must be further packed in securely-closed strong outside packagings, as specified in paragraph (b)(2)(iii). Therefore, provided that you comply with all other relevant provisions in § 173.63(b)(2), your packaging would be acceptable for the transportation of a limited quantity of cartridges, small arms, and cartridges, power devices. In addition, provided your numerous packaging scenarios for small arms ammunition utilize a permitted packaging configuration, they also would be acceptable to transport limited quantities of the above hazardous materials per the HMR.

I hope this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Nickels
§ 173.63 (b)(2)
§ 171.8

From: INFOCNTR (PHMSA)
Sent: Thursday, February 09, 2012 12:42 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Shippers-General Requirements and Packaging Section 173.63 ORM-D question
Attachments: Copy of Packaging Scenarios.xlsx

Packaging Exceptions
12-0052

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

From: Oliver D. Adams [<mailto:OAdams@hdclaw.com>]
Sent: Wednesday, February 08, 2012 3:38 PM
To: PHMSA HM InfoCenter
Subject: Shippers-General Requirements and Packaging Section 173.63 ORM-D question

Dear Hazardous Materials Information Center,

I would like to request your guidance/interpretation with respect to Section 173.63(b)(2), the ORM-D exception to shipping "cartridges, small arms." Specifically, I am trying to ensure that packaging meets with the requirements of Subsection (b)(2)(i) and (iii). In order to better understand what the regulations meant by ammunition must be packed in "inside boxes" and then the "inside boxes" must be packed in securely-closed strong "outside packagings," I reviewed the definitions contained in Section 171.8, and the other sections containing definitions. I was able to find a definition for the term "outside packaging" in Section 171.8, which says that "package or outside package means a packaging plus its contents." Does Section 173.63(b)(2) require that ammunition/cartridges, small arms be fit snugly into a box (the inside box) and this box is then placed securely into another box (the outside box)? Essentially, I am finding it difficult to put the words from the regulations into action on the packaging. I am attaching to this e-mail a spreadsheet that has a description of the type of packaging I think comes within the regulations, some of which have links to pictures of the same, if you would evaluate each of the scenarios and indicate whether each scenario complies with the requirements of Section 173.63(b)(2), or how it fails to do so, I would appreciate it. I just want to make sure this is right.

Your guidance is very much appreciated,

Thank you,

-Oliver D. Adams
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