



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

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

APR 11 2003

Mr. Robert A. Maberry III  
Yellow Freight System  
P.O. Box 7270  
Overland Park, KS 66207

Ref No.: 03-0076

Dear Mr. Maberry:

This is in response to your letter dated February 26, 2003, regarding marking and labeling requirements and exceptions for Cartridges, small arms and Smokeless power under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you asked does the HMR allow a shipper to offer Cartridges, small arms, UN0012, that have been reclassified and offered for transportation as Cartridges, small arms, ORM-D, to display dual markings? Your questions are paraphrased and answered as follows:

Q1. Does the HMR allow a shipment of Cartridges, small arms, UN0012, II, reclassified as Cartridges, small arms, ORM-D, to display dual markings?

A1. The answer is yes. These packages may contain multiple (international and domestic U.S.) markings and labels. For international transport, each package of cartridges would be marked "Cartridges, small arms, UN0012, II", and labeled "1.4S", and for domestic U.S. transport, each package would be marked "Cartridges, small arms, ORM-D." As prescribed in § 173.63 (b), small arms cartridges which have been classed as a Division 1.4S explosive may be reclassified, offered for transportation, and transported as ORM-D material when packaged in accordance with § 173.63 (b) (2).

Q2. In accordance with §173.171 of the HMR, can shipments of "Power smokeless, 1.3, UN0161, I", reclassified in Division 4.1 (Smokeless power for small arms, 4.1, NA3178, I), display dual markings?

A2. The answer is yes. See answer A1.

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

Sincerely,

Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards



030076

172-301



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February 26, 2003

Office of Hazardous Materials Standards  
Research and Special Programs Administration  
400 7<sup>th</sup> Street SW  
Washington, DC 20590-0001

*Reiterford*  
*§ 172.301*  
*Marking*  
*03-0096*

Dear Sir or Madam:

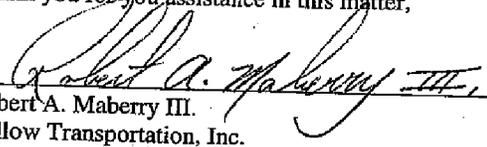
I am requesting a letter of clarification regarding the dual "Marking" and "Labeling" of cartridges, small arms, UN0012 and Cartridges, small arms, ORM-D. I have reviewed several letters of clarification on the D.O.T. web site including your July 24, 2002 letter to Gary W. Kock PDF reference No. 02-0157. I remain unclear as to the meaning of the verbiage "In addition, the HMR do not prohibit multiple markings and labels on packages when required by authorized regulatory agencies".

My question is simply this: Does the HMR allow a shipper of Cartridges, small arms, UN0012 that has been reclassified and offered for transportation as Cartridges, small arms, ORM-D, for domestic transportation only and has not been in international transportation previously, to display dual markings? Specifically, can the packaging be marked on one side "Cartridges, small arms, ORM-D" and marked and labeled on the opposite side of the same packaging "Cartridges, small arms, UN0012, displaying the orange, square on point Explosives 1.4s label"?

Law enforcement and regulatory officials seem to be having compliance issues with this, because many shippers use the CFR 49,172.200 (b)(3) shipping paper exception. The regulatory officials are then confronted with a shipping paper that shows no entry of a regulated hazardous material nor emergency phone number, that applies to a packaging that is marked with the D.O.T. proper shipping name, identification number (UN0012) and displays a 1.4s orange hazardous materials label as well as a ORM-D marking.

If this "Dual" marking and "labeling" is allowed by the HMR, does it then apply to such exceptions as CFR 49, 173.171? Would it then be in compliance for "Smokeless Powder 1.3 explosives" meeting the 173.171 conditions to be allowed to display the 1.3c explosives label and markings: Powder, Smokeless UN0161 on one side of the packaging and Smokeless powder, NA3178 and a D.O.T. 4.1 Flammable Solid label on the other side of the same packaging?

Thank you for your assistance in this matter,

  
Robert A. Maberry III.  
Yellow Transportation, Inc.