



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

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

November 5, 2004

Mr. Mark Lendvay
Assistant Federal Security
Director, Inspections - MKE
Aviation Security Division
Transportation Security Administration
5007 South Howell Avenue, Suite 200
Milwaukee, WI 53207

Ref. No. 03-0314

Dear Mr. Lendvay:

This is in response to your letter asking if a firearm magazine containing small-arms ammunition for personal use meets the requirement of a packaging, excluding carry-on baggage, for transportation by aircraft under § 175.10(a)(5) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). We apologize for the delay in responding to your letter and any inconvenience this may have caused. We have paraphrased your questions and answered them in the order provided.

- Q1. Section 175.10(a)(5) states small-arms ammunition transported by aircraft for personal use carried by a crew member or passenger in his baggage, excluding carry-on baggage, may be securely packed in fiber, wood, or metal boxes, or other packagings specifically designed to carry small amounts of ammunition. Is a gun magazine, clip, or speed loader that contains small-arms ammunition considered an "other packaging" under this provision?
- A1. The exception in § 175.10(a)(5) does not specifically include firearm magazines, clips, or speed loaders. Generally, firearm magazines, clips, or speed loaders are not fully enclosed and do not satisfy the packaging requirements of § 175.10(a)(5). However, if one of these devices provides a complete and secure enclosure of the ammunition, e.g., with a metal, plastic, or cardboard "oversleeve" designed to fit the magazine, clip, or speed loader, it would satisfy the requirements of § 175.10(a)(5).

Section 171.11 authorizes the use of the International Civil Aviation Organization's Technical Instructions for the Safe Transportation of Dangerous Goods by Air (ICAO Technical Instructions) as an alternative to the requirements prescribed in the HMR for air shipments, with certain exceptions. The ICAO Technical Instructions restrict the amount per package and type of small arms cartridges that may be transported aboard aircraft. Small arms cartridges, in Division 1.4S, may be carried in checked baggage only in quantities not exceeding 5 kg (11 pounds) per person with the approval of the aircraft operator. See Part 8, paragraph 1.1.2. of the ICAO Technical Instructions.



030314

175.10(a)(5)

- Q2. If a passenger presents to the aircraft carrier his or her checked baggage with a declared and unloaded firearm, with associated small-arms ammunition contained inside either a firearm magazine, clip, or speed loader, does it meet the exception in § 175.10(a)(5) for transportation in air commerce?
- A2. Provided the passenger is not a law enforcement officer subject to the provisions of § 154.219 for transporting accessible weapons, the answer is the same as in Answer A1.
- Q3. If a metal magazine, clip, or speed loader containing small-arms ammunition does not meet the regulatory requirements in § 175.10(a)(5), please provide examples of other packagings that will meet this requirement.
- A3. Same answer as in Answer A1.

I hope this satisfies your request.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell".

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards



Transportation
Security
Administration

Aviation Security Division

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Edmonson
§ 175.10 (a)(5)
Air Exceptions
03-0314

December 5, 2003

RE: Formal Interpretation Request (Part 175.10 (a)(5))

Department of Transportation
Attn: Director – Office of Hazardous Materials
Standards
Research and Special Programs Administration
400 7th Street, S.W.
Washington, DC 20590

Dear Director:

In accordance with Code of Federal Regulations (CFR) Part 175.10 (a)(5), a crewmember or passenger traveling in air commerce is permitted to transport small-arms ammunition for personal use in his baggage (excluding carry-on baggage) if securely packed in fiber, wood or metal boxes, or other *packagings specifically designed to carry small amounts of ammunition*.

Q1: For the purposes of meeting the intent and spirit of the above regulatory requirement, is a gun magazine, clip or a speed loader that contains small-arms ammunition considered “other packagings” specifically designed to carry small amounts of ammunition in air commerce?

Q2: If a passenger presents his or her checked baggage with a declared and unloaded firearm, with associated small-arms ammunition contained inside either a gun magazine, clip or speed loader does it meet the above exception for transportation in air commerce?

Q3: If a gun magazine, clip or speed loader containing small-arms ammunition does not meet the regulatory requirements above, please provide **examples** of “other packagings” specifically designed to carry small amounts of ammunition?

We appreciate your assistance and expedient interpretations to the above three questions presented.

Happy holidays to you and your astute staff at RSPA.

Sincerely,

Mark L. Lendvay
Assistant Federal Security
Director, Inspections - MKE

Cc: Mark Synder, TSA, North Central Area
AFSD- Screening – MKE
TSA-MKE Office File