



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

DEC 23 2004

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

Dr. Bernd E. Niekisch
RUAG Ammorech GmbH
Kronacher StraBe 63
90765 Fuerth / Germany

Ref No.: 04-0273

Dear Dr. Niekisch:

This responds to your November 29, 2004 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if USG-05, a United States variation found in the International Air Transport Association (IATA) Dangerous Goods Regulations, requires "cartridges, small arms" manufactured outside of the United States to have an approval even if they are excepted from the approval process by § 173.56(h). You indicate that your materials are classed as "cartridges for weapons, inert projectile or cartridges, small arms, UN0012, 1.4S" and "cartridges for weapons, blank or cartridges, small arms, blank, UN0014, 1.4S."

The IATA regulations do not have official standing under the HMR. The regulations recognized by the HMR and authorized in § 171.11 of the HMR as an alternative to compliance with the HMR are the International Civil Aviation Organization (ICAO) Technical Instructions for the Transport of Dangerous Goods. The IATA Dangerous Goods Regulations are very similar to the ICAO Technical Instructions. For example, the United States variation that you reference, is located in the "List of State Variations" found in 2.9.2 of the IATA Dangerous Goods Regulations; it is also found under "US – United States" variations in Attachment 3, Chapter 1 of the ICAO Technical Instructions.

The 2005 / 2006 edition of the ICAO Technical Instructions and the 2005 edition of the IATA Dangerous Goods Regulations provide additional clarification regarding the approval of materials falling under § 173.56(h). The clarified regulations state that "cartridges, small arms" of the kind listed in § 173.56(h) do not require prior approval or an EX-number. This additional information does not constitute a change; it is a clarification of USG-05 intended to notify the international community that § 173.56(h) of the HMR applies to domestically or internationally manufactured "cartridges, small arms" that transit the United States.

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

Sincerely,

John A. Gale
Chief, Standards Development



Materials Standards

040273

FAX

Supko
§173.56
Explosive
04-0273

Date 11/29/2004
To **US Department of Transportation**
Research and Special Programs Administration
Dept. Exemptions & Approvals
Mrs. Carol Monroe
Transportation Specialist
400 Seventh Street
Washington, D.C. 20590, USA

Fax-Nr. 001 202-366-3308

From Dr. Bernd E. Niekisch
General Manager for Environmental & Safety / licence
administration (ST), Dangerous goods safety advisor
Departement Industrial Park Fürth- Stadeln
Pages 5

DOT – CLASSIFICATION OF EXPLOSIVES for RUAG Ammotec GmbH
Subject UN 0012 and UN 0014

Dear Mrs. Monroe,

Per § 173.56 (h) of the 49 CFR, we are hereby do not requesting acknowledgement from DOT for our:

PRODUCT DESIGNATION / PART NUMBER: CARTRIDGES FOR WEAPONS,
INERT PROJECTILE or
CARTRIDGES, SMALL ARMS

U.N. PROPER SHIPPING NAME AND NUMBER : UN 0012
U.N. CLASSIFICATION CODE: 1.4 S

and

PRODUCT DESIGNATION / PART NUMBER: CARTRIDGES FOR WEAPONS, BLANK
CARTRIDGES, SMALL ARMS; BLANK

U.N. PROPER SHIPPING NAME AND NUMBER : UN 0014
U.N. CLASSIFICATION CODE: 1.4 S

RUAG Ammotec GmbH

Kronacher Str. 63
90765 Fürth
Germany
www.ruag.com

Registered at: Fürth, Germany
HRB 9128 Amtsgericht Fürth
UIN: DE813559845
Tax No: 218/136/90060

Chairman of supervisory board:
Toni J. Wicki
Managing Directors:
Cyril Kubelka, chairman
Georges Hess, Christoph Gähwiler

Phone+ 49 911 7930-261
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Bernd.Niekisch@ruag.com

The problem is, which stands in the IATA-DGR under chapter "Limitations" USG 05 written:
"Except as otherwise provided in US: regulations 49 CFR 172.320, each package containing an explosive article or substance must be marked with the EX number assigned in the approval for each article, substance or device to be contained in the package."

In § 172.320 (e) you find: The requirements of this section do not apply to the following Class 1 materials:(3) Those which meet the requirements of § 173.56 (h) of this subchapter and therefore are not subject to the approval process of § 173.56 of this subchapter.

In § 173.56 (h) you find:

The requirements of this section do not apply to cartridges, small arms which are:

- (1) Not a forbidden explosive under § 173.54 of this subchapter
- (2) Ammunition for rifle, pistol or shotgun
- (3) Ammunition with inert projectile or blank ammunition; and
- (4) Ammunition not exceeding 50 caliber for rifle or pistol cartridges or 8 gauge for shotgun shells

Cartridges, small arms, which meet the criteria of this paragraph (h) can be assigned by a classification code by 1.4S by the manufacturer.

The employers of the dangerous goods handling on the airports, have a large problem to find to above regulations. Therefore we ask for a CERTIFICATE that we do not need an EX-Number for UN 0012 and UN 0014, 1.4 S.

Please find in the appendix:

- USG 05 of IATA-DGR edition 2004
- § 172.20 of 49 CFR, revised as of October 1, 2001
- § 173.56 (h) 49 CFR, revised as of October 1, 2001

We are going to ship these parts most to the:
RUAG Ammotec USA Inc. (Dynamit Nobel RWS Inc.)
81 Ruckman Road
CLOSTER, New Jersey 07624 USA
Phone: 201-767-1995, FAX: 201-767-1589

Please send the CERTIFICATE to
Dr. Bernd E. Niekisch
RUAG Ammotec GmbH
Kronacher Straße 63
90765 Fuerth / Germany
Phone: 011 49 911 7930-261
Fax: 011 49 911 7930-428

Thank you very much for your efforts.

Yours sincerely,

by order of RUAG Ammotec GmbH



Dr. Bernd E. Niekisch