



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

MAR 16 2005

Mr. Michael Penna
AMTEC Corporation
4230 Capital Circle
Janesville, WI 53546

Reference No. 05-0038

Dear Mr. Penna:

This is in response to your February 3, 2005 letter, and March 10, 2005 telephone conversation with a member of my staff concerning the use of EX numbers for parts, sub-assemblies, and assemblies containing Class 1 material that are transported to a commercial facility for demilitarization under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). We have paraphrased and responded to the two examples you provided.

Example 1. May finished residual parts or subassemblies manufactured by another subcontractor and assigned a Department of Transportation EX number be shipped to a commercial facility for demilitarization under a Department of Defense (DOD) prime contract or subcontract?

Answer 1. The answer is yes, as stated in § 173.7(a), provided the finished residual parts and subassemblies are not modified in any way and are packaged as specified in the HMR.

Example 2. May AMTEC Corporation manufacture residual end-item subassemblies and assemblies, assign each of these items an EX number from the Joint Hazard Classification System (JHCS) database managed by the U.S. Army, and then under a DOD prime contract or subcontract ship these items to a commercial facility for demilitarization?

Answer 2. The answer is yes, provided the DOD accepts responsibility for each of the EX number assignments by granting its permission for their use. See § 173.56(b)(2).

Sincerely,

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



050038

173.56



World Class Assembled Components

Edmonson
§ 173.56
EXPLOSIVES
05-0038

AMTEC Corporation

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February 3, 2005
Serial Number 0502002

U.S. Department of Transportation
Research and Special Programs Administration
400 Seventh St. S.W.
Washington, D.C. 20590

Attention: Mr. Edward T. Mazzullo
Director
Office of Hazardous Materials Safety

Dear Mr. Mazzullo:

AMTEC Corporation is a Small Business, whose principal business is manufacturing and testing precision mechanical / electro-mechanical assemblies for ordnance items such as fuzing, firing devices, and 40mm ammunition under Department of Defense (DoD) prime contracts and subcontracts. A standard requirement of our DoD prime contracts and subcontracts is the demilitarization of various parts, subassemblies and assemblies at contract completion, which is often accomplished outside AMTEC Corporation at a commercial facility.

To accomplish the demilitarization effort at a commercial facility, the following is our understanding of the transportation requirements with regard to EX Numbers:

- a. For residual parts or subassemblies produced by another subcontractor, it is our understanding that AMTEC Corporation, as the shipper and NOT the producer, may use the existing Department of Transportation EX Number assigned to the actual producer's product, to ship the parts or subassemblies to a commercial facility for demilitarization under a DoD prime contract or subcontract.
- b. For residual end-item subassemblies and assemblies actually produced by AMTEC Corporation, it is our understanding that AMTEC Corporation, as both the producer and shipper, may use the existing EX Number obtained from the Joint Hazardous Classification System (JHCS) Database to ship the subassemblies and assemblies to a commercial facility for demilitarization under a DoD prime contract or subcontract.

Please confirm whether or not our above understanding is correct so that we can ensure before shipment of any products for demilitarization that we will be in compliance with applicable regulations.

Thank you in advance for your help.

If you have any questions or need additional information, please contact the undersigned or Mr. Dave Lindemann at 608-752-2699 or by Email at mpenna@amteccorp.net or dlindemann@amteccorp.net.

Sincerely,

Michael Penna
General Manager
AMTEC Corporation

Cf	R. Lansing	D. Gerred	M. Penna	R. Frazier	S. Herbst
	D. Montgomery	E. Racine	B. Noll	D. Porter	D. Lindemann File

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