



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

NOV 30 2005

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

Mr. David W. Herbage
Marketing Manager
Kilgore Flares Company, LLC
155 Kilgore Drive
Toone, TN 38381

Ref. No.: 05-0232

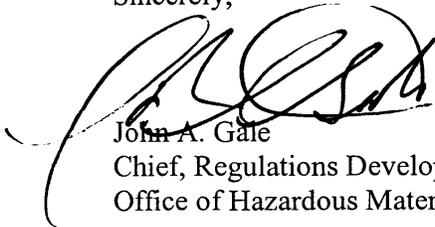
Dear Mr. Herbage:

This is in response to your September 20, 2005 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if cartridges, small arms manufactured and classed by your company under the provisions of § 173.56(h), may be classed as Cartridges, small arms, 1.4S, UN 0012 for domestic and international transportation.

The answer is yes. Cartridges, small arms meeting all the criteria of § 173.56(h) may be assigned a classification code of 1.4S by the manufacturer, for both domestic and international transportation without obtaining an approval from the Office of Hazardous Materials Special Permits and Approvals. You should know however that a country may choose not accept a classification assigned by another country or the manufacturer. In such cases, a country may require further examination and testing of Class 1 materials such as Cartridges, small arms, or a written concurrence from the Competent Authority. The Pipeline and Hazardous Materials Safety Administration will provide such concurrence upon request of the shipper, if needed.

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

Sincerely,



John A. Gale
Chief, Regulations Development
Office of Hazardous Materials Standards



050232

173.56(h)
172.101



A Member of Chemring Group PLC

Kilgore Flares Company, LLC

155 Kilgore Drive Tel 731 658-5231
Toone, Tennessee 38381 Fax 731 658-4173

Mr. Ed Mazzullo
US Department of Transportation
PHMSA/PHH-10
400 7th Street SW
Washington, DC 20590

Dear Sir,

Kilgore Flares Co., LLC and its Kilgore Ammunition Products (KAP) business unit is requesting a ruling on whether or not various KAP manufactured small caliber ammunition not exceeding 50 caliber (rifle and pistol calibers) or 8 gauge (shotgun calibers) is qualified to be shipped internationally under the provision of 49 CFR 173.56 (h) and 49 CFR 172.101 Hazardous Material Table (HM-215 g) dated January 1, 2005.

173.56 (h) Defined

As you are aware, 49 CFR 173.56 (h) specifically states that the requirements of 173.56 do not apply to cartridges, small arms which are:

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

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

172.101 Defined

As you are aware, 49 CFR 172.101 Hazardous Material Table (HM-215 g) – Effective Date January 1, 2005 lists Cartridges for weapons, inert projectile or]cartridge, small arms, 1.4S as having an ID Number (identification number) of UN 0012.

Background

KAP currently manufactures small caliber rifle and pistol ammunition not exceeding 50 caliber and shotgun shells not exceeding 8 gauge all using frangible (inert) projectiles that are qualified to be transported under the provision of 173.56 (h). KAP assigns a 1.4S classification ourselves. We then package, mark and label accordingly including the addition of the specified UN 0012 ID Number. This has been our practice to date but to date all shipments have been to destinations within the United States of America.

Leary
§ 173.56 (h)
§ 172.101
Explosive 05-0232
September 20, 2005

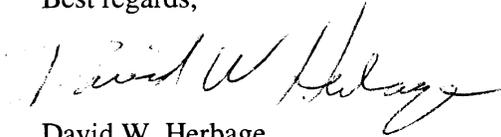
KAP desires to sell and ship small caliber ammunition to foreign destinations (with appropriate export licenses) and needs to verify that the 1.4S classification and the ID Number UN 0012 are appropriate for export shipments.

Requested Ruling

Kilgore Flares Co., LLC including its KAP business unit requests that your office offer a ruling on whether or not ammunition not exceeding 50 caliber and shotgun shells not exceeding 8 gauge are authorized to be transported internationally under the provisions of 49 CFR 173.56 (h) and 49 CFR 172.101 Hazardous Material Table (HM-215 g) as Cartridges, small arms 1.4S; UN 0012.

If you have any questions regarding the above request, please contact me.

Best regards,



David W. Herbage

Marketing Manager, Ammo
dherbage@kilgoreflares.com
Phone: 731-228-5371
Mobile: 731-609-6366
Fax: 731-658-4173

Kilgore Flares Company, LLC.
Kilgore Ammunition Products
155 Kilgore Drive
Toone, TN 38381