



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

NOV -1 2005

Mr. Jay Bell
VP Sales and Marketing
MAST Technology, Inc
PO Box 1026
Blue Springs, MO 64013

Ref. No: 05-0221

Dear Mr. Bell:

This responds to your letter of August 30, 2005, and subsequent telephone conversation with a member of my staff requesting clarification of the packaging requirements for explosives contained in § 173.62 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

In your letter you provided photos for our review. Specifically, you asked whether your shipment of Cartridges, small arms, 1.4S, UN0012, II, which contain 400 rounds per inner box and 800 rounds per outer box of 7.62 mm(M118) ammunition, conforms to the requirements contained in the Table of Packing Methods in § 173.62(b) of the HMR.

The answer is yes. Section 173.60 of the HMR states that, except as provided in § 173.7, when the table in § 172.101 specifies that an explosive must be packaged in accordance with this section, only packagings that conform to the provisions of paragraphs (b) and (c) or § 173.7(e) and the applicable requirements in §§ 173.60 and 173.61 may be used unless otherwise approved by the Associate Administrator. In addition § 173.60 states that, unless otherwise provided in this section and in § 173.7(a), packaging used for Class 1 (explosives) materials must meet Packing Group II requirements. Each packaging used for an explosive must be capable of meeting the test requirements of Subpart M of Part 178 of the HMR, at the specified level of performance, and the applicable general packaging requirements of paragraph (b). Under § 173.60(b)(5), if an article is fitted with its own means of ignition or initiation, it must be effectively protected from accidental actuation during normal conditions of transportation.

It is the opinion of this office that your articles are designed to meet the criteria in § 173.60(b)(5) and therefore may be transported in accordance with Packaging Instruction 130 in § 173.62 of the HMR. Cartridges, small arms, 1.4S, UN0012, II, may be transported without inner or intermediate packagings. The packaging configuration described in your letter may be used to transport Cartridges, small arms, 1.4S, UN0012, II.

Furthermore, Cartridges, small arms, that have been classed as Division 1.4S explosives may be reclassified, offered for transportation, and transported as "Consumer Commodity" ORM-D



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173.62

material when packaged in accordance with § 173.63 (b)(2). The HMR make no distinction for U.S. military shipments of ammunition sold to the Defense Department under the exception in § 173.63; the exception is based on the type and caliber of ammunition, not use. Note that this exception is limited to ammunition for rifle, pistol, or shotgun; ammunition with inert projectiles or blank ammunition; ammunition having no tear gas, incendiary, or detonating explosive projectiles; ammunition not exceeding 12.7 mm for rifle or pistol cartridges or 8 gauge for shot shells; and cartridges, power devices which are used to project fastening devices.

Reclassification of Cartridges for weapons, or Cartridges, small arms, as ORM-D is only authorized for domestic transportation. Domestic transportation is defined as transportation between places within the United States; shipments to Puerto Rico are domestic shipments.

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

Sincerely,


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



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August 30, 2005

DOT

Subject: Request for Interpretation/Clarification

Dear DOT:

Peterford
\$173.62
Packagings of Explosives
05-0221

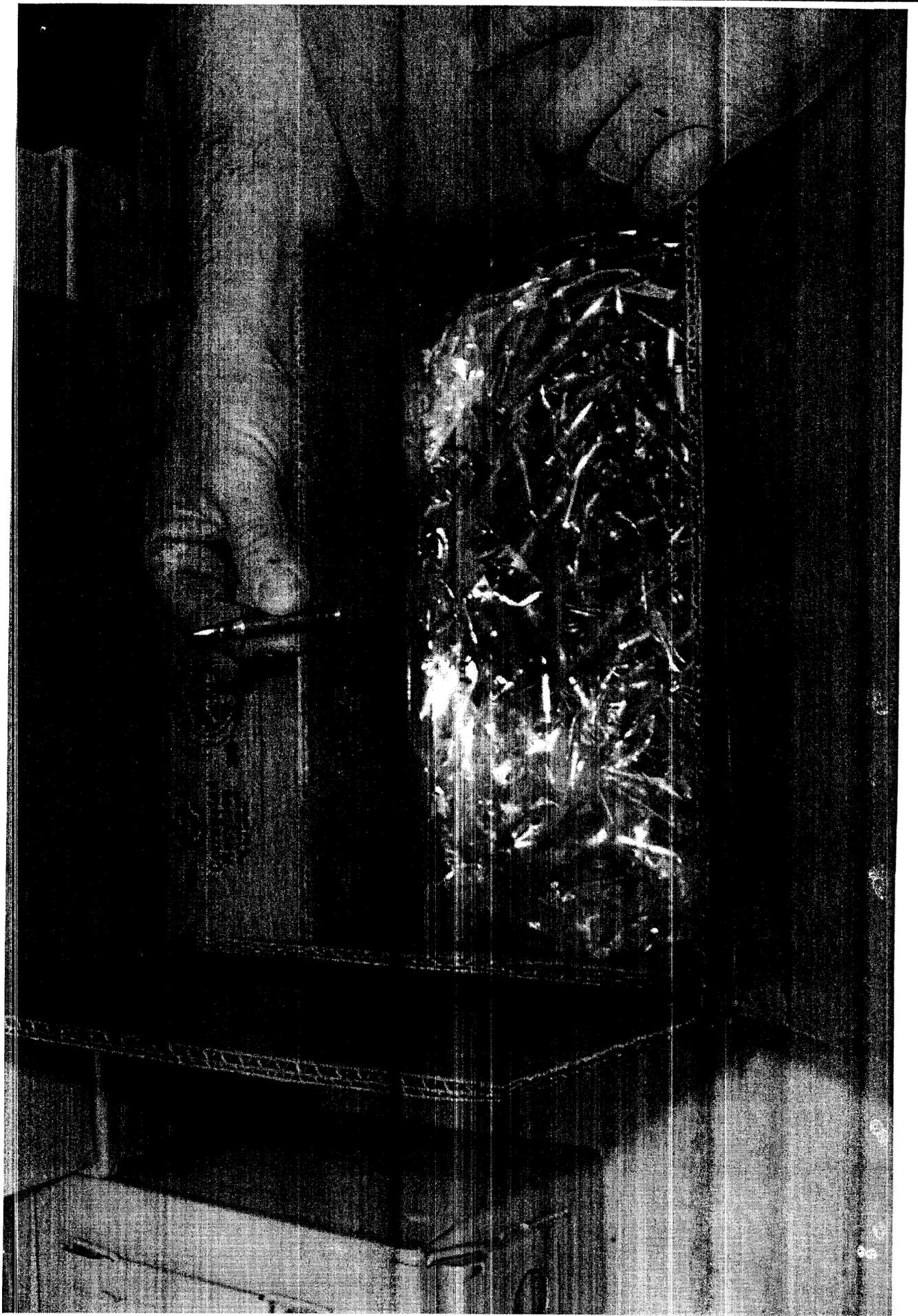
I sold 50,400 rounds to DOE. It was dropped shipped from the manufacturer Alliant Tech Systems (ATK) from Lake City Army Ammunition Plant in Independence, MO. The item is 7.62mm (M118) ammunition and it was pack as it is in the pictures. There appear to be 400 rounds per inner box and 800 per outer box. There is no separation between the rounds. It is 1.4S, UN00012, PGII. I am pretty sure that ATK would not risk their business on this items and I believe they have shipped a considerable amount of ammunition in this fashion.

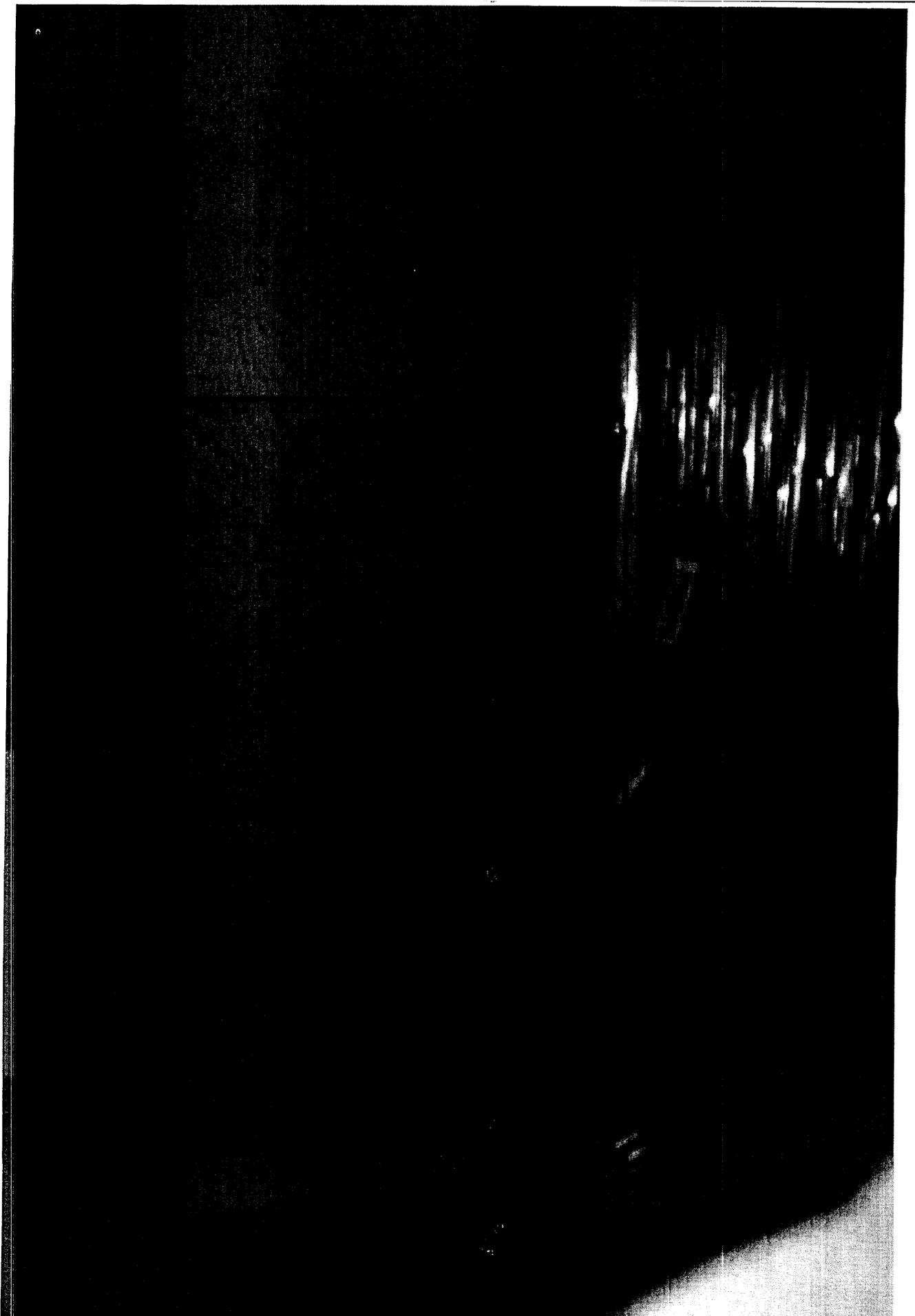
DOE has rejected the materials for quality reasons and will not ship back because they say it does not meet DOT regulations. Please see attached email forwarded and cut and paste information. ATK has passed the buck to me. Can you help me make a determination? We are a small business caught in the middle of two giants. I do not have a copy of the actual Bill of Lading, since we did not ship.

Best Regards,

Jay Bell
VP Sales and Marketing
MAST Technology, Inc.







MP 316
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