



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, D.C. 20590

AUG 02 2016

Mr. Francis J. Mendez
P.O. Box 6362
San Juan, PR 00914

Reference No. 16-0067

Dear Mr. Mendez:

This letter is in response to your March 2, 2016, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the shipment of "UN0044, Primers, cap type, by air." Specifically, you ask if it is legal and in compliance with the HMR for a person traveling aboard a passenger aircraft to transport in checked baggage primers that are still packed in the original factory packaging, or if they must be shipped by cargo aircraft. You cite memos from the Federal Aviation Administration (FAA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA) that prohibit the transportation of primers in checked baggage. You further add that the listing for "UN0044, Primers, cap type, 1.4S" in the § 172.102 Hazardous Materials Table allows primers to be shipped as hazardous materials aboard passenger aircraft up to 25 kg.

As outlined in the two memos you cited in your letter, § 175.10 prohibits primers that meet the definition of a 1.4S material from shipment in checked baggage on passenger aircraft. The primers you describe would be permitted for shipment aboard a passenger or cargo aircraft, with limitations, when offered to a common carrier in accordance with the HMR.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standard and Rulemaking Division

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Andrews
§172.101
HMT
16-0067

March 2, 2016

Dr. Magdy El-Sibaie
USDOT US Dept of Transportation
Associate Administrator for Hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration (PHMSA)
East Building, PHH-30
1200 New Jersey Ave, S.E.
Washington, D.C: 20590

DOT/RSPA/OHMS
UNIT
16 APR -5 PM 3:30

Dear Mr. El-Sibaie –

I am writing to request your assistance with some questions I have researched but cannot find *clear* answers to. I am hoping you or someone in your staff can help me with answers to my questions, relating to CFR 172.101, and “primers, cap type) as applicable to transporting in passenger aircraft, and or cargo aircraft. Specifically, I want to know if I can bring small arms primers (cap-type), packed in their original, factory packaging, in my checked luggage, or send in cargo aircraft.

I have read CFR 172.101 and the Hazard Materials Tables (page 262) and I understand that the type of primers used in small pistol reloading fall under the following description and category:

Hazard Description:	Primers, cap type
Hazard Class/Division:	1.4S
ID No.:	UN0044
Label Codes:	None
Packing Ex.:	None
Quantity Limitation,	
Passenger Aircraft:	25kg
Commercial Aircraft:	100kg

In my research I found a communication from the TSA (dated Feb. 12, 2010) by a Mr. Chad Bash, Assistant, General Manager, for Communications and Resolution, Office of Security Operations, TSAHSA which was addressed to C. Tulpa at the Wild Outdoor Adventures Television which (although dated) included the following paragraph:

“Primers must be protected from accidental initiation and must also be the type permitted by the Department of Transportation Hazardous Materials Regulations. You will have to determine the hazard class of the 209 Primers. Dependent on the hazard class, the primers may or may not be placed in checked baggage. To assist you in that determination, we suggest that you contact the Pipeline and Hazardous Materials Safety Administration (PHMSA) at 1-800-467-4922. Although TSA does not have a limit to the number of allowable primers, air carriers may have their own requirements regarding the amount of primers that can be transported in checked baggage.” (Note: In this paragraph they are referring to 209 primers, which are “Shotshell” primers).

Page 2 of 2.
March 2, 2016
Dr. Magdy El-Sibaie

However, I have also found some general information from the FAA that would seem to contradict that statement:

https://www.faa.gov/about/initiatives/hazmat_safety/more_info/?hazmat=4

"Small arms ammunition includes cartridges up to 19.1 mm (.75 caliber) and shotgun shells. It does not include black powder, smokeless powder, primers, percussion caps, or homemade powder and ball loads for muzzle loading."

I also found the following:

<http://phmsa.dot.gov/safetravel/ammunition>

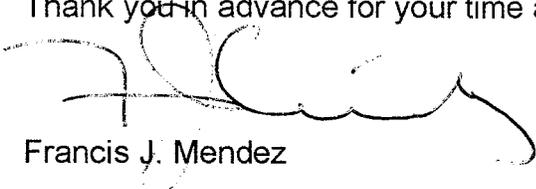
"May I carry ammunition components? You may carry separate non-hazardous components of ammunition such as empty cartridge cases or inert bullets. Separate hazardous components such as black powder, smokeless powder, percussion caps, primers, wrapped charges used in muzzle-loading applications, or similar items are prohibited."

In further reading of CFR 172.101 (page 163) and from what I can gather from the document, the description for small arms ammunition (Cartridges for weapons, or cartridges for small arms), with Hazard Class/Division 1.4S (ID No: UN0012), an item which one can carry up to 11 lbs. in "checked luggage" on passenger aircraft, that said item's Hazard Class/Division of 1.4S, and Quantity Limitations of 25kg seem to be the same as for the "Primers, cap type".

That being the case, it would seem to me that there is a possibility that based on the CFR and the "primers, cap type" table description, that one could legally and in accordance to applicable regulations, include in one's checked luggage "primers, cap type" that meets the 1.4S class and ID No UN0044.

I would appreciate if you could clarify if a person traveling from a city in the continental US to the island of PR (or vice versa) can legally and in compliance with applicable regulations governing traveling with "Primers, cap type" as those described above, can bring small arms primers (cap-type), packed in their original factory packaging, in the persons checked luggage, or send them using a cargo aircraft courier type company.

Thank you in advance for your time and clarification of this issue.


Francis J. Mendez