



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

March 13, 2025

Drew Watts
Regulatory Compliance Specialist
Council on Safe Transportation of Hazardous Articles
101 Ridge Street, Suite I
Glens Falls, NY 12801

Reference No. 24-0047

Dear Mr. Watts:

This letter is in response to your June 5, 2024 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the exceptions for “UN0012, Cartridges for weapons, inert projectile or Cartridges, small arms, 1.4S,” “UN0014, Cartridges for weapons, blank or Cartridges, small arms, blank or Cartridges for tools, blank, 1.4S,” and “UN0055, Cases, cartridge, empty with primer, 1.4S” in accordance with 49 CFR §§ 173.63(b) and 175.75(c). Specifically, you ask whether a package can be fully prepared for transport by air in accordance with the International Civil Aviation Organization Technical Instructions for the Transport of Dangerous Goods by Air (ICAO Technical Instructions) and also be affixed with the 49 CFR §§ 172.315(a) or (b) limited quantity mark, and, if so, whether such a package would be eligible for the 25kg inaccessible cargo compartment limit exception in 49 CFR § 175.75(c).

We have paraphrased and answered your questions as follows:

- Q1. Can a package containing less than 25kg of UN0012, UN0014, and UN0055—offered as a fully regulated shipment for international air transportation (*e.g.*, packaged, marked, labeled, and documented) in accordance with the ICAO Technical Instructions—also be affixed with the limited quantity mark with or without the symbol “Y,” specifying air transport, in accordance with 49 CFR § 173.63(b)(1)(i)?
- A1. Yes. A package containing less than 25kg of UN0012, UN0014, and UN0055—offered as a fully regulated shipment for international air transportation (*e.g.*, packaged, marked, labeled, and documented) in accordance with the ICAO Technical Instructions—can also be affixed with the limited quantity mark with or without the symbol “Y,” specifying air transport, in accordance with 49 CFR § 173.63(b)(1)(i). However, using the limited

quantity mark with the “Y” may frustrate the shipment for air transportation for the following reasons.

As PHMSA explained in the January 17, 2013 final rule that added the 49 CFR § 173.63(b)(1)(i) marking requirement, the ICAO Dangerous Goods Panel Working Group of the Whole (DGP-WG/12) has not authorized these 1.4S articles as limited quantities.¹ The DGP-WG/12 has noted, however, that packages bearing the limited quantity marking of other modes can still be accepted for air transport provided all additional requirements of the ICAO Technical Instructions are met. As PHMSA and the Federal Aviation Administration (FAA) also noted in the January 17, 2013 final rule—albeit in the context of a proposal to remove the air limited quantity marking authorization in 49 CFR § 173.63(b)(1)(i) that was not adopted—retaining the option to display the air limited quantity marking by all modes may result in confusion and potentially frustrate shipments of packages with the air limited quantity marking for air transportation.

In other words, while the HMR authorizes the use of either limited quantity marking, since the ICAO Technical Instructions do not authorize these materials to be shipped as limited quantities by air, it is advisable to only affix the limited quantity mark without the “Y” to the package when a shipment is prepared in accordance with the ICAO Technical Instructions for air transport. This will help to reduce potential frustration and confusion with air operators and freight forwarders. Please also be advised that an air operator may have additional restrictions based on its FAA-accepted operator procedures and information.

- Q2. Is such a package eligible for the 49 CFR § 175.75(c) exception to the 25kg inaccessible cargo compartment limit?
- A2. Yes. A package prepared in accordance with 49 CFR § 173.63(b) is eligible for the exception in 49 CFR § 175.75(c).

We 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
Standards and Rulemaking Division

¹ Hazardous Materials: Harmonization with International Standards (RRR) (HM-215L; 78 FR 988)

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: COSTHA Letter of Interpretation Request on Acceptance of UN0012, UN0014, UN0055
Date: Thursday, June 13, 2024 1:09:22 PM
Attachments: [image001.png](#)
[COSTHA Requesting a LOI on Acceptance of UN0012, UN0014, UN0055.pdf](#)

Hi Alice,

Please see the attached interpretation request.

Let me know if you need anything.

Regards,

-Breanna

From: James A Watts <drew@costha.com>
Sent: Wednesday, June 5, 2024 3:49 PM
To: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>
Cc: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>; Tom Ferguson <Tom@costha.com>; Chris Yakush <Chris@costha.com>; L'Gena Shaffer <Lgena@costha.com>; Anne Barry <anne@costha.com>; Laurie West <laurie@costha.com>
Subject: COSTHA Letter of Interpretation Request on Acceptance of UN0012, UN0014, UN0055

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Shane Kelley,

Attached please find IVODGA/COSTHA's request for a letter of interpretation on the loading limitations of UN0012, UN0014, and UN0055 in accordance with § [175.75\(c\)](#) and § [173.63\(b\)](#).

Please feel free to contact me if you should have any questions or need any additional information.

We appreciate your consideration.

Respectfully,

Drew Watts
Regulatory Compliance Specialist
COSTHA
Office: 518/761-0668 Ext. 217

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June 5, 2024

Mr. Shane Kelley

Director, Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration

Attn: PHH-10

U.S. Department of Transportation
East Building, 1200 New Jersey Ave., SE
Washington, D.C. 20590-0001

Submitted: Via Email

cc: infocntr@dot.gov

Dear Mr. Kelley,

COSTHA is requesting a formal letter of interpretation regarding the loading limitations of UN0012, UN0014, and UN0055 in accordance with § 175.75(c) and § 173.63(b). Specifically, we would like to confirm that if a shipper prepares a consignment of any of these UN numbers in accordance with § 175.75(c) and § 173.63(b) but further prepares the package per the ICAO Technical Instructions as a fully regulated shipment, the package remains acceptable for transport on passenger aircraft AND excepted from the 25 kg limit per inaccessible cargo compartments on passenger aircraft as detailed in § 175.75(c).

COSTHA is a not-for-profit organization representing manufacturers, shippers, distributors, carriers, freight forwarders, trainers, packaging manufacturers and other associated with the hazardous materials transportation industry. In addition to promoting regulatory compliance and safety in hazardous materials transportation, COSTHA assists its members and the public in evaluating the practicality and efficacy of laws, rules and regulations for the safe transportation and distribution of hazardous materials.

Overview of Applicable Regulatory References

Within the Hazardous Materials Regulations (HMR), § 175.75(c) states that:

*“(c) For each package containing a hazardous material acceptable for carriage aboard passenger-carrying aircraft, no more than 25 kg (55 pounds) net weight of hazardous material may be loaded in an inaccessible manner. In addition to the 25 kg limitation, an additional 75 kg (165 pounds) net weight of Division 2.2 (non-flammable compressed gas) may be loaded in an inaccessible manner. **The requirements of***

Council on Safe Transportation of Hazardous Articles

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this paragraph (c) do not apply to Class 9, articles of Identification Numbers UN0012, UN0014, or UN0055 also meeting the requirements of § 173.63(b) of this subchapter, articles of Identification Numbers UN3528 or UN3529, and Limited or Excepted Quantity material.”

COSTHA is seeking further clarification for consignments of UN0012, UN0014, UN0055 being transported on passenger aircraft and is focusing on the exception that is bolded above. Within this exception, it references § 173.63(b) which contains the guidelines for limited quantities of Cartridges, small arms, Cartridges, power device, Cartridges for tools, blank, and Cases, cartridge, empty with primer. The first key aspect within § 173.63(b) that is applicable to COSTHA's request is subparagraph § 173.63(b)(1)(i) which states:

“(1)

(i) Cartridges, small arms, Cartridges, power device (used to project fastening devices), Cartridges for tools, blank, and Cases, cartridge, empty with primer that have been classed as Division 1.4S explosive may be offered for transportation and transported as limited quantities when packaged in accordance with paragraph (b)(2) of this section. Packages containing such articles may be marked with either the marking prescribed in § 172.315(a) or (b) of this subchapter and offered for transportation and transported by any mode. For transportation by aircraft, the package must conform to the applicable requirements of § 173.27 of this part. In addition, packages containing such articles offered for transportation by aircraft must be marked with the proper shipping name as prescribed in the § 172.101 Hazardous Materials Table of this subchapter. Packages containing such articles are not subject to the shipping paper requirements of subpart C of part 172 of this subchapter unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or is offered for transportation and transported by aircraft or vessel. Additionally, packages containing such articles are excepted from the requirements of subparts E (Labeling) and F (Placarding) of part 172 of this subchapter.”

The bolded text within this subparagraph notifies the shipper that if the packing requirements of § 173.63(b)(2) are followed, the package can be transported as a limited quantity, to include affixing either the limited quantity mark with or without the letter “Y” on the package, and can be transported by any mode. COSTHA is specifically requesting clarification regarding the acceptance and transportation of UN0012, UN0014, and UN0055 by passenger aircraft. Because the bolded text located above within § 173.63(b)(1)(i) also directs us to follow § 173.63(b)(2), it is essential to reproduce the requirements of this subparagraph as well.

§ 173.63(b)(2) states:

“(2) Packaging for Cartridges, small arms, Cartridges for tools, blank, Cases, cartridge empty with primer, and eligible Cartridges, power device as limited quantity must be as follows:

- (i) Ammunition must be packed in inside boxes, or in partitions that fit snugly in the outside packaging, or in metal clips;***
- (ii) Primers must be protected from accidental initiation;***
- (iii) Inside boxes, partitions or metal clips must be packed in securely-closed***

strong outside packagings;

- (iv) Maximum gross weight is limited to 30 kg (66 pounds) per package; and***
(v) Cartridges for tools, blank, Cartridges, power devices which are used to project fastening devices, Cases, cartridge, empty with primer, and 22 caliber rim-fire cartridges may be packaged loose in strong outside packagings.”

However, the ICAO Technical Instructions prohibit the preparation and transport of UN0012, UN0014 and UN0055 as limited quantity shipments, and instead require the materials be packed in accordance with Packing Instruction 130 for UN0012 and UN0014, and Packing Instruction 136 for UN0055. These Packing Instructions require the package to meet Packing Group II performance standards and the net quantity per package for transportation by passenger and cargo aircraft is limited to 25 kg for UN0012, UN0014, and UN0055. It is important to note that these packaging requirements are **more restrictive** than the requirements of § 173.63(b)(2), which only require the use of “strong-outside packagings”.

COSTHA notes the text within USG-13 is based on the quantity limitations and cargo locations of § 175.75 and the applicable portion of this variation for transporting these UN Numbers by passenger aircraft are Subparagraph (d)(1). The requirements within Subparagraph (d)(1) of USG-13 are equivalent to those stated in § 175.75(c) and read as follows:

“d) Except for limited or excepted quantity materials, substances of Class 9, articles of UN 0012, UN 0014 or UN 0055 meeting the requirements of 49 CFR 173.63 (b), articles of UN 3528 or UN 3529, aircraft batteries transported as items of replacement (49 CFR 175.8), and those articles and substances considered to be dangerous goods under these Technical Instructions but which are not subject to 49 CFR Parts 170-180, the following limitations apply:

1) No more than 25 kg net weight of dangerous goods, and in addition thereto, 75 kg net weight of non-flammable gas, that are permitted to be carried aboard a passenger aircraft may be loaded aboard an aircraft in an inaccessible manner.”

Summarization of COSTHA’s Letter of Interpretation Request

COSTHA understands these three main points:

1. COSTHA is aware of the exception for UN0012, UN0014, and UN0055 within § 175.75(c) if the consignment is prepared in accordance with the requirements of § 173.63(b).
2. COSTHA is aware that a consignment of UN0012, UN0014, and UN0055 is forbidden to be transported as a limited quantity by aircraft according to the ICAO Technical Instructions.
3. COSTHA is aware that consignments of UN0012, UN0014, and UN0055 need to be prepared in accordance with either Packing Instruction 130 or Packing Instruction 136 and would therefore be prepared as a fully regulated shipment.

COSTHA is requesting clarification on the following questions through the form of a letter of interpretation:


1. If a shipper prepares a package containing up to 25 kg of UN0012, UN0014, and UN0055 as a fully regulated shipment in accordance with the ICAO Technical

Instruction sections discussed above and the package is fully marked, labeled, and documented as appropriate and offered for transport by air, but also prepares the consignment in accordance with § 175.75(c) and § 173.63(b) and has either the limited quantity mark with or without the letter "Y" affixed on the package in accordance with § 173.63(b)(1)(i), would the package be acceptable for transport on passenger aircraft?

2. Would this package be eligible for the exception to the 25 kg inaccessible cargo compartment limit outlined in § 175.75(c)?

COSTHA appreciates your review of this interpretation request. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Drew Watts", with a stylized flourish at the end.

Drew Watts
Regulatory Compliance Specialist
COSTHA