



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

OCT 9 2003

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

Mr. G. W. Kovarik
Transportation Manager
Olin Corporation
Winchester Ammunition Division
427 North Shamrock Street
Est Alton, IL 62024-1197

Ref No. 03-0197

Dear Mr. Kovarik:

This is in response to your July 31, 2003 letter, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the classification of explosives. Specifically you request a definition for a rifle, and if a machine gun or submachine gun is considered a rifle. You ask if small arms ammunition that can be used for rifles, machine guns or submachine guns can be classified as 1.4S explosives. Finally, you ask if the classification of small arms ammunition is dependent upon its ultimate use in rifles, machine guns or submachine guns.

The definition of a rifle, machine gun, or submachine gun is not found in the HMR. However, as found in conventional resources such as Webster's Dictionary, a rifle is defined as a shoulder weapon with a rifled bore; a machine gun is defined as a gun for sustained rapid fire that uses bullets; and a submachine gun is defined as a portable automatic firearm that uses pistol-type ammunition and is fired from the shoulder or hip.

The Research and Special Programs Administration regulates ammunition only, not weapons. Weapons are regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The classification of explosives under the HMR is not based upon the potential use of the explosives, but rather the definitions and criteria specified in § 173.50 of the HMR. Ammunition for a rifle or pistol that is less than 50 caliber may be classified by its manufacturer as 1.4S explosives provided all the requirements of § 173.56 have been met.

I hope this satisfies your inquiry.

Sincerely,


Susan Gorsky

Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



030197

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July 31, 2003

U.S. Department of Transportation
RSPA/Hazardous Material Safety
400 Seventh Street, SW
Washington, D.C. 20590-0001
Attn: Mr. Ed Mazzullo, Director
Office of Hazardous Material Standards

Dear Mr. Mazzullo:

Olin Corporation Winchester Division manufactures small arms ammunition. 49 CFR 173.56(h) states, "The requirements of this section do not apply to cartridges, small arms which are:

- (1) Not a forbidden explosive under section 173.54 of this 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 or 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."

Our question or request for clarification relates to the term rifle and what constitutes a rifle. Does a machine or sub-machine gun classify as a rifle? Each fires small arms ammunition? The majority of our ammunition is designed and used in pistol, rifle or shotguns. Classification code of 1.4S, for new ammunition, is assigned by Olin as the manufacturer per this paragraph. These same cartridges can be used in machine or sub-machine guns. Do we have to handle the classification of the cartridge differently if we know the intended use is for rifle and/or machine or sub-machine gun, instead of just rifle? We have experienced classification of cartridges, under this scenario, assigned as 1.4C. Also, the procedure, if Olin cannot use paragraph (h), is costly and time consuming for Olin and the USDOT.

We have been informed that foreign competitors bring the same products, for use in machine or sub-machine guns, into the U.S. under foreign competent authority with classification of 1.4S. These requests for classification are approved as 1.4S by the USDOT. This allows the foreign competitors a monetary advantage in commerce over Olin.

We do not feel public safety will be compromised with this clarification and request a favorable response to a review by your department. If you require additional information please advise at 618-258-2706 or fax 618-258-2232. Our mailing address is Olin Corporation Winchester Division, 427 North Shamrock St., East Alton, IL 62024.

Cordially,

G. W. Kovarik
Transportation Manager

Foster
§ 173.56
Explosive
03-0197