



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

JUL 27 2007

Mr. Christopher J. Widman  
ATK Alliant Techsystems  
5050 Lincoln Drive  
Edina, MN 55436-1097

Ref. No. 07-0044

Dear Mr. Widman:

This is in response to your February 12, 2007 letter and your February 20, 2007 follow-up letter requesting clarification of the requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) related to the classification of "Cartridges, power device, 1.4S, UN0323."

Your questions are paraphrased and answered as follows:

Q1. Is a manufacturer of a "Cartridges, power device" (used to project fastening devices) allowed to classify the device as meeting the definition of a Division 1.4S explosive without examination and DOT approval?

A1. No. A manufacturer is not allowed to classify a "Cartridges, power device (used to project fastening devices)" as meeting the definition of a Division 1.4S explosive without prior examination, classification, and approval in accordance with § 173.56. The examination (performed by a person or agency approved by DOT) and recommended classification assignment of a new explosive must be performed in accordance with the tests and criteria prescribed in §§ 173.52, 173.57, and 173.58. The person requesting approval of a new explosive must submit a request, including a copy of the report of the examination and assignment of a recommended classification (i.e., shipping description, division, and compatibility group) to the Associate Administrator, PHMSA. If the approval request meets the criteria in the HMR, the Associate Administrator will issue a written approval assigning an EX number to the new explosive.

Q2. Does the language in § 173.63(b), "cartridges, small arms, and cartridges power devices (which are used to project fastening devices) which have been classed as a Division 1.4S explosive," refer to devices that have been examined and approved by DOT?

A2. The "cartridges, power devices" in the referenced paragraph refers to those cartridges that have been examined and approved under the HMR (see A1). You should



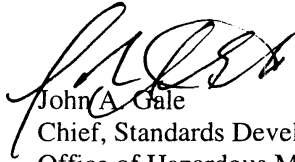
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173.63 (b)  
173.62

be aware that only “cartridges, power devices (which are used to project fastening devices)” qualify for reclassification as “ORM-D.”

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

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale". The signature is stylized and cursive, with the first name "John" being the most prominent.

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

12 February 2007



5050 Lincoln Drive  
Edina MN 55436-1097  
Telephone (952) 351.5506  
Fax: (952) 351.3028

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\$173.63 (b)  
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Packaging Exceptions  
07-004

Mr. Ed Mazzullo  
US Department of Transportation  
Office of Hazardous Materials Standards  
DHM-10  
400 Seventh Street SW  
Washington DC 20590-0001

Dear Mr. Mazzullo

Alliant Techsystems Inc. (ATK) is requesting a final ruling regarding a manufacturer /shipper's responsibility for transporting devices describes as:

Proper Ship Name: Cartridges, power device  
UN Serial Number: UN0325  
Hazard Category: 1.4S

Specifically, is the manufacturers of cartridges power devices (which are used to project fastening devices) authorized to self hazard classify the item, or is the manufacturer of the device required to obtain a US DOT Competent Authority.

Some in industry believe that a manufacturer is within their legal right to self hazard classify Cartridges power device, UN0325, 14S to items they believe appropriately fit this description without examination and approval by the DOT.

Some believe that the manufacturer is not authorized to self classify items fitting this description of UN0325, and must obtain a US DOT Competent Authority prior to authorizing transport

Is a manufacturer of cartridges power devices (which are used to project fastening devices) and believed to meet the United Nations description of Cartridges power device, UN0325, 14S

- 1) Required to obtain a Competent Authority from the DOT Approvals Branch prior to shipment?
- 2) Authorized to classify these devices without a DOT Competent Authority?

We are also submitting an excerpt from 49 CFR § 173.68 (b) which states in part.

**§ 173.63 Packaging exceptions (b)**

**(b) Cartridges, small arms, and cartridges power devices.**

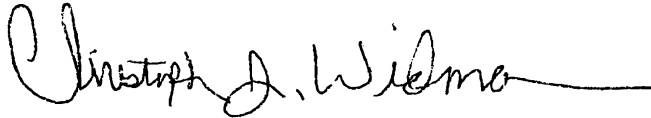
(1) Cartridges, small arms, and cartridges power devices (which are used to project fastening devices) which have been classed as a Division 1.4S explosive may be re-classed, offered for transportation, and transported as ORM-D material when packaged in accordance with paragraph (b)(2) of this section.

3) Does the part of 173.63 (b) that states "**which have been classed as a Division 1.4S**" refer to a device that has been examined and approved by the DOT, or classified by the manufacturer?

Thank you for assisting in defining the intent of the regulations for transporting items classed as UN0325.

If you have any questions regarding the above request, please contact me at Telephone Number (952) 351.5506. My Fax Number is (952) 351-3028.

Sincerely,



Christopher J Widman  
Corporate DOT Haz Mat Transportation Specialist  
[Christopher.Widman@ATK.COM](mailto:Christopher.Widman@ATK.COM)

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 07-0044

20 February 2007



5050 Lincoln Drive  
 Edina MN 55436-1097  
 Telephone (952) 351.5506  
 Fax: (952) 351.3028

Mr. Ed Mazzullo  
 US Department of Transportation  
 Office of Hazardous Materials Standards  
 DHM-10  
 400 Seventh Street SW  
 Washington DC 20590-0001

Dear Mr. Mazzullo

Alliant Techsystems Inc. (ATK) is requesting to amend our letter of 12 February 2007. In my original letter (2/12/07), I referenced an incorrect United Nations Serial Number (UN0325). This letter identifies the correct UN Serial Number (UN0323) that ATK is seeking a final ruling. I apologize for any inconveniences this incorrect UN Number may have caused your office.

#### Request for Ruling

ATK is requesting a final ruling regarding a manufacturer /shipper's responsibility for transporting devices describes as:

Proper Ship Name: Cartridges, power device  
 UN Serial Number: UN0323  
 Hazard Category: 1.4S

Are manufacturers of devices that meet the definition of cartridges power devices (which are used to project fastening devices), UN0323 authorized to self hazard classify as such?

Or, are the manufacturers of devices they believe are appropriately described as UN0323 required to obtain a US DOT Competent Authority prior to authorizing shipment?

Some in industry believe that a manufacturer is within their legal right to self hazard classify Cartridges power device, UN0323, 14S to items that are assessed as appropriately fitting the description of UN0323 without examination and approval by the DOT.

Some believe that the manufacturer is not authorized to self classify items assessed as UN0323, and must obtain a US DOT Competent Authority prior to authorizing transport.

We are also submitting an excerpt from 49 CFR § 173.68 (b) which states in part.

**§ 173.63 Packaging exceptions (b)**

**(b) Cartridges, small arms, and cartridges power devices.**

(1) Cartridges, small arms, and cartridges power devices (which are used to project fastening devices) which have been classed as a Division 1.4S explosive may be re-classed, offered for transportation, and transported as ORM-D material when packaged in accordance with paragraph (b)(2) of this section.

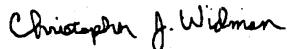
Does the part of §173.63 (b) that states "***which have been classed as a Division 1.4S***" refer to a device that has been examined and approved by the DOT?

Or classified by the manufacturer?

Thank you for assisting in defining the intent of the regulations for transporting items classed as UN0323.

If you have any questions regarding the above request, please contact me at Telephone Number (952) 351.5506. My Fax Number is (952) 351-3028.

Sincerely,



Christopher J Widman  
Corporate DOT Haz Mat Transportation Specialist  
[Christopher.Widman@ATK.COM](mailto:Christopher.Widman@ATK.COM)

8 March 2007



5050 Lincoln Drive  
Edina MN 55436-1097  
Telephone (952) 351.5506  
Fax: (952) 351.3028

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*§ 173.63 (b)*  
*§ 173.62*  
*§ 173.56*  
*Packagings*  
*Exceptions*  
*07-0044*

Mr. Spencer Watson  
US Department of Transportation  
Office of Sciences  
DHM-21  
400 Seventh Street SW  
Washington DC 20590-0001

Dear Mr. Watson

Alliant Techsystems Inc. (ATK) is requesting your office to consider this letter an addendum to the ATK letter dated 20 February 2007 which asked for a ruling on whether or not a manufacturer of devices believed to appropriately fit the proper ship name of cartridges power device, UN0323 may be classified by the manufacturer.

On 8 March 2007, you contacted me by telephone and requested that we verify if the cartridges power devices (frequently called powerloads in industry) we manufacture may serve dual purpose.

You asked, "Can the powerloads you manufacture be used in both a standard small caliber pistol/rifle and a gun used to project fastening devices?"

The answer is yes. All powerloads manufactured by ATK may be used in small caliber rifles or pistols and guns used to project fastening devices. ATK powerloads are in fact dual purpose.

ATK realizes the following statement may not be applicable to the question of self classification. However, ATK is discussing the cost impacts of renaming of our products from Cartridges Power device to Cartridges small arms UN0012. Although still tabulating, we estimate that the cost to remark and label all containers in inventory to be in the thousands. We are also investigating other cost impacts.

Please contact me if you have any additional questions

Regards,

*Christopher J. Widman*

Christopher J Widman  
ATK Haz Mat Transportation Specialist  
Tele 952.351.5506  
[Christopher.Widman@ATK.COM](mailto:Christopher.Widman@ATK.COM)