



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

FEB 12 2007

Daniel J. Young
President
EHS Associates, Inc.
3301 Bentwillow Drive
Fuquay-Varina, NC 27526

Ref No.: 07-0030

Dear Mr. Young:


This is in response to your letter dated January 29, 2007, requesting clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to materials classified as "UN0323, Cartridges, power device, 1.4S, PG II." Specifically, you ask if the cartridges may be reclassified and offered for transportation as "Cartridges, power devices, ORM-D."

Under the entry for "Cartridges, power device, UN0323" in the Hazardous Material Table (HMT; § 172.101) Column 8A indicates that the exceptions provided in § 173.63 may be used, as applicable. In accordance with § 173.63(b), materials assigned to UN0323 that are used to project fastening devices, classed as Division 1.4S explosives, and packaged in accordance with § 173.63(b)(2) may be reclassified, offered for transportation, and transported as "Cartridges, power devices, ORM-D." Therefore, in accordance with the information you provided, the cartridges you describe in your letter may be reclassified as ORM-D and transported under the proper shipping name "Cartridges, power devices."

Note that reclassification of Cartridges, power device from a 1.4S material to an ORM-D is only authorized for domestic transportation. Domestic transportation means transportation between places within the United States other than through a foreign country.

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



070030

173.63(b)

Supko
EHS ASSOCIATES, INC. §173.56

3301 Bentwillow Drive, Fuquay-Varina, NC 27526 (919) 552-6978 §173.63(b)

Applicability
07-0030

January 29, 2007

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
400 7th Street S.W.
Washington, DC 20590

Dear Mr. Mazzullo:

I represent a client who currently ships small gunpowder charges by air as "Cartridges, power device, 1.4S, UN 0323." The gunpowder charges have been classified by your agency as Division 1.4S, UN 0323, in accordance with requirements in 49 CFR 173.56

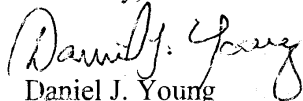
These cartridges contain a maximum of 0.420 grams of gunpowder in plastic casings and are used by power company personnel in power tools that fasten a metal wedge onto power lines for tapping the lines. The primer is fully encapsulated inside the plastic casing making it impossible to fire accidentally. The tool is actuated by firing the powder-loaded shell within the tool in order to reduce the time and effort required to tap a power line. The wedge or tap would be classified as a fastening device because it fastens a conductor to the power line. The cartridges used within the tools are similar to those sold to consumers for actuating nail guns and other fastening devices.

My client would like to reclassify the cartridges as ORM-D materials for shipment by air in accordance with the provisions in 49 CFR 173.63(b). They would also ensure that the cartridges are marked with the "ORM-D-Air" mark, the "Cartridges, power device" shipping name, and the EX-number. For transportation by aircraft, the cartridges will be packed in accordance with the requirements in 49 CFR 173.63(b)(2) and 173.27.

Although I believe that these cartridges meet the criteria for reclassification in 49 CFR 173.63(b) because they are used to project fastening devices, I would like you to provide me with written verification that these cartridges may be reclassified and transported as ORM-D consumer commodities under the hazardous materials regulations.

Please contact me at (919) 552-6878 if you need further information about this request. Thank you for your assistance with this question.

Sincerely,


Daniel J. Young
President