



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

AUG 14 2006

Mr. Darren Shequen
Division Manager
Safety & Environmental Affairs
Cooper Power Systems, Inc.
P. O. Box 1640
Waukesha, WI 53187-1640

Reference No.: 06-0167

Dear Mr. Shequen:

This responds to your letter concerning the packaging exception for cartridges, power devices in § 173.63(b) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You ask if your company's product may be reclassified and packaged as ORM-D in accordance with § 173.63(b).

The answer is no. Cooper Power Systems recently obtained an approval for the device. The approval describes the device as "Cartridges, power device, UN 0323, 1.4S." The exception in § 173.63(b) applies specifically to cartridges, power devices (which are used to project fastening devices). It is the opinion of this office that the primary function of your product is as a safety device, not as a fastening device. Therefore, it is not eligible for the reclassification and packaging exception in § 173.63(b).

I trust this satisfies your request.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



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173.63(b)

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§173.63(b)
ORM-D
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June 23, 2006

Mr. Edward Mazzullo
Director of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
400 7th Street, SW
Washington, DC 20590

Re: Fastening Device Classified as 1.4S, ORM-D

Dear Mr. Mazzullo:

We request an interpretation on the classification of our product known as the "*Cooper Arrester with AV517Y Isolator*." PHMSA recently issued Cooper Power Systems an Approval that classified this particular arrester as a Cartridge, power device, UN0323, which is a 1.4S explosive. Attached is a copy of the Approval. While we agree with PHMSA's classification, we also believe our arrester is eligible for the ORM-D classification referenced in 49 CFR 173.63(b) for the reasons explained below.

Arresters

High voltage surge arresters like the *Cooper Arrester with AV517Y Isolator* are used throughout the power industry to protect utilities' electrical distribution systems from the damaging effects of lightning. The *Cooper Arrester with AV517Y Isolator* contains a very small amount (118 mg) of black powder in an isolating device (the AV517Y Isolator) that operates only during the product's end of life event – that is, a short circuit resulting in conduction of system fault current. The isolator consists of two threaded studs connected by a copper sleeve and encased in plastic. The copper sleeve contains the black powder. When the arrester senses fault current from the power system, it activates the isolator and the black powder separates the two threaded studs, one of which is fastened to ground with a lead.

ORM-D Classification for Fastening Devices

The U.S. hazardous materials regulations (HMR) authorizes "cartridges, power devices which are used to project fastening devices" to be reclassified as ORM-D materials. See 49 CFR 173.63(b). The *Cooper Arrester with AV517Y Isolator* is in fact a fastening device when it is activated and therefore we believe it should be eligible for reclassification as an ORM-D material under the U.S. HMR.

We recognize the ORM-D classification under 49 CFR 173.63(b) is generally used for fastening devices like a nail gun, which also contain a small amount of explosive material. This makes it easier for contractors to ship and transport their materials of trade to work sites. However, there is no reference in 49 CFR 173.63(b) that limits "fastening devices" to products such as nail guns and there is no definition in the U.S. HMR for "fastening device."

The *Cooper Arrester with AV517Y Isolator*, like a nail gun, operates as a fastening device when it is activated. And, like nail guns, the *Cooper Arrester with AV517Y Isolator* needs to be transported and shipped to thousands of remote work sites throughout the U.S. by our customers in the utility industry.

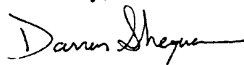
Summary and Request for Interpretation

The *Cooper Arrester with AV517Y Isolator* has been classified by PHMSA as a Cartridge, power device, UN0323, which is a 1.4S explosive. It utilizes a very small amount (118 mg) of black powder that operates when it senses fault current from a power system. When activated, the isolator and the black powder separate two threaded studs, one of which is *fastened* to ground with a lead. We are of the opinion that the *Cooper Arrester with AV517Y Isolator* is eligible for the ORM-D classification referenced in 49 CFR 173.63(b) as a fastening device and request concurrence from PHMSA on this classification.

* * * * *

Thank you for your assistance with regard to this matter. If you have any questions please contact me by phone at (262) 896-2421; by email dshequen@cooperpower.com or by mail at Cooper Power Systems, PO Box 1640, Waukesha, WI 53187 Attn: Darren Shequen.

Sincerely,



Darren Shequen
Division Manager Safety and Environmental Affairs
Cooper Power Systems Inc.

Enclosures