



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 28, 2021

Keith Baecht
Winchester Ammunition

Reference No. 21-0034

Dear Mr. Baecht:

This letter is in response to your March 24, 2021, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the classification of an explosive. Specifically, you indicate that you are taking the primer out of a centerfire rifle cartridge and that the product has:

- A projectile loaded in the end of the shell case;
- Powder inside the shell case; and
- An inert primer.

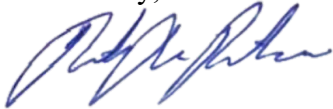
You ask how to classify this variation of an explosive that would otherwise be classified and described as “UN0012, Cartridges, small arms, 1.4S,” in accordance with § 173.56(h).

As required by § 173.56(a), the cartridge must be classified as a new explosive. In accordance with § 173.59, Cartridges, small arms means “[a]mmunition consisting of a cartridge case fitted with a center or rim fire primer and containing both a propelling charge and solid projectile(s). They are designed to be fired in weapons of caliber not larger than 19.1 mm. Shotgun cartridges of any caliber are included in this description. The term excludes: Cartridges, small arms, blank, and some military small arms cartridges listed under Cartridges for weapons, inert projectile.” Based on the description in your email, the product would not meet this definition and thus, is not eligible for self-classification in accordance with § 173.56(h).

Therefore, the product would need to be appropriately examined, classified, and approved in accordance with § 173.56(b) before being offered for transportation in commerce.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen". The signature is fluid and cursive, with a prominent initial "D".

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Geller

From: [Foster, Glenn \(PHMSA\)](#)
To: [Hillman, Kenetha CTR \(PHMSA\)](#)
Cc: [Dodd, Alice \(PHMSA\)](#)
Subject: FW: Classification
Date: Monday, March 29, 2021 9:11:47 AM

21-0034

Kenetha,

Please have the incoming checked in as a LOI and assigned to a Specialist.

Thanks,
Glenn

From: Kelley, Shane (PHMSA)
Sent: Monday, March 29, 2021 9:07 AM
To: Foster, Glenn (PHMSA) <Glenn.Foster@dot.gov>
Subject: Fwd: Classification

Please have the initial request processed as an interp. Thanks

From: Baecht, Keith G EALT <KGBaecht@olin.com>
Sent: Monday, March 29, 2021 9:00:05 AM
To: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>; Moore, Benjamin (PHMSA) <benjamin.moore@dot.gov>
Cc: Nicklous, Joseph (PHMSA) <joseph.nicklous@dot.gov>; Vos, Brian (PHMSA) <brian.vos@dot.gov>; Foster, Glenn (PHMSA) <Glenn.Foster@dot.gov>; Larson, Ryan (PHMSA) <ryan.larson@dot.gov>
Subject: RE: Classification

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Good morning Shane,

Please route this for clarification. So I can guide my folks on this situation, what could we be looking at for a response time on this situation?

Thanks much!

Keith

From: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>
Sent: Friday, March 26, 2021 4:25 PM
To: Baecht, Keith G EALT <KGBaecht@olin.com>; Moore, Benjamin (PHMSA) <benjamin.moore@dot.gov>

Cc: Nicklous, Joseph (PHMSA) <joseph.nicklous@dot.gov>; Vos, Brian (PHMSA) <brian.vos@dot.gov>; Foster, Glenn (PHMSA) <Glenn.Foster@dot.gov>; Larson, Ryan (PHMSA) <ryan.larson@dot.gov>
Subject: Re: Classification

<< THIS EMAIL ORIGINATED FROM OUTSIDE OF OLIN >>

Good afternoon Keith -

Thank you for reaching out!

We've circled with our experts and it is our opinion that if the primer is removed from the cartridge, the cartridge does not meet the definition in 173.59 of a small arms cartridge. As such, the cartridge is not eligible for self-classification under 173.56(h). If you'd like a formal opinion from our Office let me know and I can route this through our standard process for a letter of clarification.

Best

Shane

From: Baecht, Keith G EALT <KGBaecht@olin.com>
Sent: Wednesday, March 24, 2021 2:18:30 PM
To: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>; Moore, Benjamin (PHMSA) <benjamin.moore@dot.gov>
Subject: Classification

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Good Afternoon Guys,

We have a new product where we are taking the primer out of a centerfire rifle cartridge. The product still has a projectile loaded in the end of the shellcase and powder inside the shellcase but has an inert primer.

How would I classify this variation of Cartridges, Small Arms?

Thanks

Keith Baecht

Winchester Ammunition

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