



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

JAN 18 2005

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

Mr. Joseph P. Dugan
Safety & Occupational Health Specialist
Military Surface Deployment and Distribution Command
661 Sheppard Place
Fort Eustis, VA 23604-1644

Reference No.: 04-0258

Dear Mr. Dugan:

This responds to your letter requesting clarification of the requirements for segregation of explosives under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether transportation of Division 1.4S detonators in a dromedary box on a motor vehicle that is also transporting a trailer loaded with Division 1.1, 1.2, and 1.3 materials satisfies the segregation requirements for motor carrier transportation.

The answer is no. Section 177.835(g) prohibits the transportation of detonators on the same motor vehicle with any Division 1.1, 1.2, or 1.3 material (except other detonators, detonator assemblies, or boosters with detonators), detonating cord Division 1.4 material, or Division 1.5 material unless the conditions specified in § 177.835(g)(1), (2), or (3) are met. A "motor vehicle" is defined as any number of transport vehicles powered by the same motor or engine (except vehicles that travel by rail or trolley). A "transport vehicle" is a cargo-carrying vehicle, such as an automobile, van, tractor, truck, or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (such as a trailer or dromedary box) is a separate transport vehicle.

You suggest that the term "motor vehicle" as used in § 177.835(g) should be interpreted to mean "transport vehicle" to permit Division 1.4S detonators to be transported on the same motor vehicle with Division 1.1, 1.2, and 1.3 material. We do not agree. The clear intent of § 177.835(g) is to prohibit such transportation except under the conditions specified. You may petition for a regulatory change under the procedures established in 49 CFR 106.95 applicable to petitions for rulemaking.

I hope this satisfies your request.

Sincerely,

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



040258

177.835 (g)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
MILITARY SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND
OPERATIONS CENTER
861 SHEPPARD PLACE
FORT EUSTIS, VA 23604-1644

Safety Division

November 8, 2004

Mr. Edward T. Mazzullo
Director, DHM-10
Office of Hazardous Materials Standards
Research and Special Programs Administration
U.S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20590

Betts
§ 177.835 (g)
Explosive
04-0258

Dear Sir:

In accordance with the provisions of Title 49, Code of Federal Regulations (CFR), Section 105.20, the Department of Defense hereby requests interpretation of hazardous materials regulations as outlined below. The following file number has been assigned:

File Number: 213-04 (1108)

Re: Request Official Interpretation of standards 49 CFR 177.835(g)

Proponent: Department of Defense

Request interpretation of Para 177.835(g) as it pertains to Hazard Class/Div 1.4S detonators, detonator assemblies, and boosters with detonators. The Class 1 Compatibility Table in Para 177.848 denotes footnote 4 under the group "S" column. In explaining footnote 4, para 177.848(g)(3)(iv) directs you back to 177.835(g), which states that detonators may not be transported on the same motor vehicle with any Division 1.1, 1.2, or 1.3 material (except other detonators etc). DOD believes that the term "motor vehicle" above should actually be "transport vehicle". This would allow having 1.4S detonators in a dromedary box attached to a tractor which was also pulling a trailer (the second transport vehicle) loaded with other 1.1, 1.2, 1.3 materials.

A further question we have is why should this restriction affect 1.4S detonators, detonator assemblies, and boosters with detonators in the first place. The hazardous nature of 1.4S material, by definition, is very minimal. Other hazardous material regulations such as International Maritime Dangerous Goods Code or AFMAN 24-204(I), Preparing Hazardous Materials for Military Air Shipments, do not make a distinction, for compatibility purposes, between 1.4S detonators, detonator assemblies, and boosters with detonators and any other kinds of 1.4S, such as small arms ammunition. Could the verbiage in Para 177.835(g) be a carryover from the days when most detonators were 1.1B items? We see no reason for requiring a separate motor vehicle (or even a separate transport vehicle for that matter) simply to carry 1.4S detonators, detonator assemblies, or boosters with detonators; while at the same time 1.4S small arms ammunition can be loaded together with most 1.1, 1.2, 1.3 material. We believe 1.4S detonators, detonator assemblies, and boosters with detonators should be treated as they are in these other regulations; the same as any other 1.4S item.

This request is submitted by Mr. Joseph P. Dugan, phone (757) 878-8294, e/mail dugani@sddc.army.mil, Safety Staff, Military Surface Deployment and Distribution Command, 661 Sheppard Place, Fort Eustis, VA 23604-1644.

Sincerely,

Mark P. Wyrosdick

Mark P. Wyrosdick
Lieutenant Colonel, US Air Force
Chief of Safety