



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

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

AUG 30 2004

Mr. Pat Weber
Dyno Nobel, Inc.
2650 Decker Lake Blvd., Suite 300
Salt Lake City, UT 84119

Reference No.: 04-0180

Dear Mr. Weber:

This responds to your e-mail requesting clarification of the shipping paper requirements for Class 1 materials under the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). Your questions are paraphrased and answered as follows:

Q1. Does the net explosive mass meet the quantity/unit of measure requirement of 49 CFR 172.202(a)(5)?

A1. Yes. The total quantity for a Class 1 material, as required by § 172.202(a)(5), is the net explosive mass.

Q2. If the net explosive mass is in addition to the total quantity, does it need to be in the same unit of measure? Example: Detonator assemblies may have a gross mass of 35 pounds, yet the net explosive mass may be only 80 grams.

A2. As stated above, the HMR require only the net explosive mass in the shipping description. If you chose to include both the gross mass and the net explosive mass in the shipping description, consistency in the units and standard of measure is preferred for clarity, but not required by the HMR.

In a recent letter of interpretation (copy enclosed), we stated that for an explosive that is an article, such as cartridges, small arms, the net mass of the article must be used to satisfy the requirement in § 172.202(a)(5)(i). We have proposed to change 49 CFR 172.202(a)(5) to clarify this. (See Docket HM-215G; 69 FR 34741.) Internationally, there is some concern that, at least for large explosive articles, the net explosive mass should be limited to the explosive component of the article. Until this issue is resolved through a change to the UN Recommendations, you may want to include both quantities in your descriptions of explosive articles.



040180

172.202(a)(5)

Q3. If there are multiple explosive products in a shipment—

a) May an aggregate net explosive mass quantity be placed in one location on the shipping paper to cover all Class 1 entries, or


b) May aggregate net explosive mass quantities be placed in respective locations for all "like products" (e.g. all Boosters), or

c) Must a net explosive mass quantity be shown for each Class 1 entry on the shipping paper? Example: A shipment might contain both Explosives, blasting, type E, and Boosters, each described by its own proper shipping name. In addition, there might be different Type E explosives or different Boosters shipped with their own identifiers and different package net explosives masses.

A3. The answer is "c". Each shipping description on a shipping paper requires the total quantity of the hazardous material covered by that description.

I trust this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,



for Edward T. Mazzullo
Director, Office of Hazardous Materials Standards

Enclosure

Cobin

Corbin, Gigi (DHM12)

From: Mazzullo, Ed
Sent: Thursday, August 05, 2004 12:04 PM
To: Corbin, Gigi (DHM12)
Cc: Richard, Bob; Kelley, Shane
Subject: FW: Net Explosive Weight Requirement for Shipping Papers

§172.202(a)(5)
Shipping Papers
04-0180

Please handle response and coordinate with me and Bob R.

Ed

-----Original Message-----

From: pat.weber@am.dynonobel.com [mailto:pat.weber@am.dynonobel.com]
Sent: Thursday, August 05, 2004 10:57 AM
To: Mazzullo, Ed <RSPA>
Subject: Net Explosive Weight Requirement for Shipping Papers

Used incorrect address in first try.

----- Forwarded by Pat Weber/DNA/AM/DynoInd on 08/05/2004 08:56 AM -----

Pat Weber

edward.mazzullo@rsspa.dot.gov@DynoIndExtAM
08/05/2004 07:56
Jones/DNA/AM/DynoInd@DynoInd, Brian Sayer/DNA/AM/DynoInd@DynoInd,
AM

To:
cc: Lynne
robert.lynch@rspa.dot.gov@DynoIndExtAM
Subject: Net Explosive Weight Requirement

for Shipping Papers

Effective October 1, 2004 a requirement goes into effect to place the New Explosive Weight (NEW) on shipping papers for Class 1 materials. This was brought to our attention during an inspection by Bob Lynch. I asked him whether this was a stand alone provision, or if it took the place of the quantity and unit of measure, since the language in the new regulation is not exactly clear. He stated that he would look into it and find an answer.

Unfortunately the time is running short and all organizations that use computer systems to generate shipping papers are under a very tight deadline. Computer reprogramming does not move that quickly and I need an answer very soon.

1. Can the new requirement for NEW meet quantity/unit of measure? 2. If the NEW is an addition, does it need to be in the same unit of measure? Example: Detonator assemblies have a gross package weight that we currently identify in pounds, yet the unit of measure for the NEW might be in grams. The gross case may weight 35 pounds, but the NEW may be 0.18 pounds. We would want to identify it as 80 grams to insure accuracy in the field by keeping a counting system as simple as possible. 3. If there are multiple explosive products in the shipment can the NEW be placed:

- a. on the shipping papers once for all products;
- b. placed in a respective location for all "like products" (e.g. all Boosters); or,
- c. must it be line item per line item?

Example: A shipment might contain both Explosive, blasting type E and Boosters. Each will have a unique line item because they will have different Proper Shipping Names. In addition there might be different Type E explosives or different Boosters shipped with their own identifiers and different case NEW's.

I couldn't find anyone in the explosive industry that caught this new provision and I than Bob for bringing it to our attention. In the Federal Register I could not find that it was identified in the explanation in the notices and it passed over us.

I would appreciate a quick answer so that we will be in compliance by the first of October.