



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

DEC 23 2014

Ms. Dawn Perry
Mitsubishi Motors North America
100 N. Mitsubishi Motorway
Normal, Illinois 61761

Ref. No. 14-0189

Dear Ms. Perry:

This is a response to your September 22, 2014 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) with regard to security plans. Specifically, you request clarification whether a security plan is required for Class 3, Packing Group (PG) III materials based on § 172.800(b)(7).

The general applicability for security plans is specified in § 172.800(b). In accordance with this paragraph, Class 3, PG III (flammable liquid) material is not subject to the security plan requirements. Paragraph (b)(7) of § 172.800 applies to desensitized explosives classed as either Class 3 material or Division 4.1 (flammable solid) material. Desensitized explosives are assigned to PG I, which does not apply to your material and question.

I hope this information is helpful. If you have any more questions, please do not hesitate to contact this office.

Sincerely,

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

Suchak
§ 172.800(b)(6)(7)
Placarding
14-0189

Dodd, Alice (PHMSA)

From: Ciccarone, Michael CTR (PHMSA)
Sent: Monday, October 06, 2014 4:59 PM
To: Hazmat Interps
Subject: FW: Request for Letter of Interpretation regarding 49 CFR 172.800 (b) (6) & (7)

Shante and Alice,

Please submit this for a formal letter of interpretation. Ms. Perry spoke to Adam Lucas and Shelby Geller in the HMIC.

Thanks,

Mike

From: Dawn Perry [mailto:Dawn.Perry@mma-bn.com]
Sent: Monday, October 06, 2014 4:18 PM
To: PHMSA HM InfoCenter
Cc: Roger Hellman; Brian Richard; Rick Price
Subject: Request for Letter of Interpretation regarding 49 CFR 172.800 (b) (6) & (7)

On October 2, 2014, I sent the following request to phmsa.hm-infocenter@dot.gov:

In regards to the applicability of Hazardous Materials Security plans, we would like clarification on the following citation:

49 CFR 172.800 (b)

(6) A large bulk quantity of a Class 3 material meeting the criteria for Packing Group I or II

(7) A quantity of desensitized explosives meeting the definition of Division 4.1 or Class 3 material requiring placarding in accordance with Subpart F of this part.

Does (7) indicate that placarded volumes of **Class 3 PG III** materials require a security plan?

On October 2, 2014, at 4:45, Shelby from the USDOT office, called regarding this subject and left a message with a phone number to contact the USDOT Help Line Office.

On October 6, 2014, at 3:00 pm, I spoke with Adam from the USDOT office. He conferred with the USDOT Staff, and verbally informed me that the intent of 49 CFR 172.800 (b) (7) is to include desensitized explosives that are ALSO Class 3 materials. He indicated that Class 3 PGIII materials would not be applicable to the section and requirements of a Haz Mat Security plan, unless they were ALSO desensitized explosives.

I would like to formally request a Letter of Interpretation on this matter for our files.

Thank you for your assistance,

Dawn Perry, P.E.
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