



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

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

APR 01 2010

Ms. Shelly Espinoza
Titan Specialties, Ltd.
143 HCR 4361
Milford, Texas 76670

Ref. No. 08-0192

Dear Ms. Espinoza:

This responds to your e-mail request for clarification of the segregation requirements for explosives under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a typographical error exists in the introductory text of § 177.835(g) with regard to the transportation of Division 1.4 explosive materials, other than Division 1.4 detonating cord, on the same transport vehicle as detonators (except other detonators, detonator assemblies or boosters with detonators). It is your understanding that because there is no comma between the words “detonating cord” and “Division 1.4 material” in both sentences of the introductory text where they appear, it inadvertently prohibits the transportation of Division 1.4 material, other than Division 1.4 detonating cord, on the same transport vehicle as detonators under the conditions specified in the remainder of the paragraph. I apologize for the delay in responding and any inconvenience it may have caused.

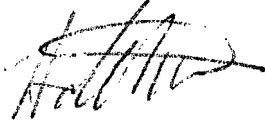
Your understanding is not correct. Section 177.835(g) establishes requirements for loading various types of explosive materials on the same transport vehicle. In accordance with this section, detonator assemblies or boosters may not be transported on the same motor vehicle as explosive material assigned to Division 1.1., 1.2, or 1.3; detonating cord that is assigned to Division 1.4; or explosive material assigned to Division 1.5. Division 1.4 materials (other than Division 1.4 detonating cord) may be transported on the same vehicle as detonator assemblies or boosters provided they are authorized for such transportation in the compatibility table for Class 1 materials in § 177.848(f).

Section 177.835(g) authorizes detonators to be transported on the same motor vehicle as explosive material assigned to Division 1.1., 1.2, or 1.3; detonating cord that is assigned to Division 1.4; or explosive material assigned to Division 1.5 under the conditions specified in paragraphs (g)(1) thru (g)(3). Division 1.4 materials (other than Division 1.4 detonating cord)

may be transported on the same motor vehicle as detonators without meeting the conditions specified in paragraphs (g)(1) thru (g)(3) of § 177.835(g) provided they are authorized for such transportation in the compatibility table for Class 1 materials in § 177.848(f).

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell". The signature is stylized and somewhat cursive, with a prominent horizontal stroke across the middle.

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

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Wednesday, July 23, 2008 3:59 PM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Information Center Comments/Questions

Edmonson
§ 177.835(g)
Loading & Unloading
08-0192

Carolyn,
Here is another request for a written letter of Interpretation.
Thanks,
Rob

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

From: sespinoza@titanspecialties.com [mailto:sespinoza@titanspecialties.com]
Sent: Wednesday, July 23, 2008 3:33 PM
To: INFOCNTR <PHMSA>
Subject: Information Center Comments/Questions

Below is the result of your feedback form. It was submitted by Shelley Espinoza (sespinoza@titanspecialties.com) on Wednesday, July 23, 2008 at 15:33:20.

Email: sespinoza@titanspecialties.com
Name: Shelley Espinoza
Category: Highway (Sections 177.800 - 177.870)
Organization: Titan Specialties, Ltd.
Street: 143 HCR 4361
City: Milford
State: Texas
Zip Code: 76670
Phone: 817.205.1183
Fax: 806.661.3819

Comments: The first and second sentences of 49 CFR 177.835(g) state that no "detonating cord Division 1.4 material" may be transported on the same motor vehicle with detonators, detonator assemblies or boosters with detonator unless the conditions in this section are met. No provision is made in this section for the transportation of detonators, detonator assemblies or boosters with detonator with Division 1.4 materials that are not detonating cord. Since this section permits detonators, detonator assemblies and boosters with detonator to be transported on the same vehicle as Division 1.1, 1.2, 1.3 and 1.5 materials under the specified conditions, it seems unlikely that it is DOT's intent to restrict Division 1.4 materials from also being transported with these products. Is a comma missing from each of the first two sentences between the words "detonating cord" and "Division 1.4"? The comma would change the meaning of the sentences to allow the transportation of detonators, detonator assemblies and boosters with detonator on the same motor vehicle with ". . . detonating cord, Division 1.4 material or Division 1.5 material . . ." under the conditions specified in the section.

In a conversation with a person staffing the Hazardous Materials Information Center on July 17, 2008 concerning this subject it was communicated that the missing comma in each sentence is a typographical error that has not yet been corrected. Written verification of the true intent of this section regarding the transportation of Division 1.4 material, other than detonating cord, on the same vehicle as detonators, detonator assemblies or boosters with detonator is appreciated.