



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

1200 New Jersey Ave., S.E.
Washington, DC 20590

NOV 16 2011

Ms. Lonnie Burks
Quality Assurance Specialist
Ammunition Surveillance (QASAS)
Sunny Point Military Ocean Terminal - DSN 488
Southport, NC 28461

Ref. No.: 11-0011

Dear Ms. Burks:

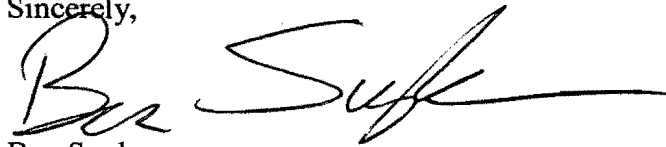
This responds to your e-mail request for clarification of the segregation requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification of the segregation provisions in §§177.848 and 176.144, and the International Maritime Dangerous Goods (IMDG) Code segregation requirements, as they apply to 900 hundred containers that contain explosives with various combinations of compatibility groups C, D, and E, which are placarded with compatibility group "E." The contents of the containers are all Class 1 (explosive) "articles," not substances; however, there is a conflict in that you are being told to change the placards to compatibility group letter "D." Your questions are paraphrased and answered as follows:

- Q1. Is there a relevant difference between the "or" as used in §177.848(g)(3)(ii) for highway segregation, and the "and" as used in §176.144, note 6, for vessel segregation by compatibility group letters?
- A1. The answer is no. In §176.144, note "6" the word "and" and in §177.848(g)(3)(ii), the word "or" connects a series of "compatibility" group letters to require explosive articles in compatibility groups C, D, and E to be treated as compatibility group E.
- Q2. Do the placards marked with the "E" compatibility group letter need to be changed to "D," if the explosives are "articles" and not "substances"?
- A2. The answer is no. The applicable compatibility group letter must be displayed on the placards for Class 1 (explosive) materials shipped by aircraft or vessel. In accordance with §172.504(g)(1), explosive "articles" of compatibility groups C, D, or E may be placarded displaying compatibility group "E." In the "Compatibility Table for Class 1 (Explosive) Materials in §177.848(g)," the number "2" applies to highway segregation of explosives, and means any combination of explosives from compatibility groups C, D, or E is assigned to compatibility group "E."

- Q3. Should any combination of compatibility groups C, D, or E be shown on the containers, in this case be assigned compatibility group "E".
- A3. The answer is yes. For transportation by vessel and aircraft, the applicable compatibility group letter must be displayed on the placards. In this case, explosive "articles" of compatibility groups C, D, or E must be placarded displaying compatibility group letter "E." When more than one compatibility group placard is required for Class 1 (explosive) materials, only one placard is required to be displayed as provided in paragraphs (g)(1) thru (g)(4) of §172.504.
- Q4. Is different placarding required for highway and vessel?
- A4. The answer is no. Placards are based on the hazard class of a material and under the HMR must be as specified in the placarding tables in §172.504(e). For vessel shipments, placards authorized in accordance with the IMDG Code are acceptable. For highway and vessel, any combination of articles in compatibility groups C, D, and/or E must be treated as compatibility group "E" (See §171.22 and 172.504(g)).

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,



Ben Supko
Acting Chief, Standards Development Branch
Standards and Rulemaking Division

Engram
§177.848
§176.144

Drakeford, Carolyn (PHMSA)

Segregation
11-0011

From: INFOCNTR (PHMSA)
Sent: Thursday, January 13, 2011 10:57 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Request for written interpretation (UNCLASSIFIED)

Hi Carolyn,

We received this request for a letter of interpretation at the Info Center. The caller previously spoke with Neal Suchak, but wants a formal, written response.

Thanks,

Victoria Lehman
Hazmat Information Center (HMIC)
Pipeline & Hazardous Materials Safety Administration 1200 New Jersey Avenue, SE, E21-119
Washington, D.C. 20590 <http://phmsa.dot.gov/hazmat/info-center>
(202) 366-1035

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

From: Burks, Lonnie Mr CIV USA SDDC [<mailto:lonnie.burks@us.army.mil>]
Sent: Wednesday, January 12, 2011 1:30 PM
To: INFOCNTR (PHMSA)
Subject: Request for written interpretation (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Good day,

I called the information center at (202)366-4488, and received the answer to me question, but I was told I had to send an email to get a written response that I can forward the answer to appropriate parties.

I am a Quality Assurance Specialist (Ammunition Surveillance) (QASAS) at Military Ocean Terminal Sunny Point (MOTSU) in Southport, NC. We have one of our PREPO mission ships coming in soon and Army PREPO has interpreted a portion of the 49 CFR that mirrors the IMDG in a way that we have conflict with and will cost extra money and add many extra man-hours of work.

We have about 900 containers coming off the ship that contain various combinations of compatibility groups C, D, and E which are placarded with "E". They want to change all of those "E" placards to "D". Info as follows:

49 CFR 177.848 (g)(3)(ii), for highway, states " "2" means any combination of explosives from compatibility groups C, D, or E is assigned to compatibility group E "

-this states C, D, (or) E

49 CFR table 176.144 note 6, for vessel, states " Any combination of articles in compatibility groups C, D, and E must be treated as compatibility group E. Any combination of substances in compatibility groups C and D must be treated as the most appropriate compatibility group show in Table 2 of 173.50"

-this states C, D, (and) E

- the contents of the containers in question are all "Articles", not "Substances".
- the IMDG states the same thing

Questions that need clarified:

- Is there a relevant difference between the (and) and the (or) in this case?
- Do the placards marked with the "E" compatibility group need to be changed to "D" since we are only dealing with "articles"?
- Should any combination of compatibility groups C, D and/or E on the containers in this case be assigned "E"?
- In this case, is different placarding required for highway and vessel?

Thank you in advance for your assistance in this matter. Please email or call me for any further explanation or if you have other questions.

Have a good day.

V/r,
Lonnie

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