



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

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

NOV 12 2003

Mr. E. A. Altemos  
HMT Associates, L.L.C.  
603 King Street, Suite 300  
Alexandria, VA 22314

Ref. No. 03-0245

Dear Mr. Altemos:

This is in response to your letter dated October 3, 2003 and subsequent telephone conversation with Ben Supko concerning the requirements for desensitized explosives under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the Hazardous Materials Table (HMT; § 172.101) entry "Trinitrophenol, wetted *with not less than 30 percent water, by mass*" (UN1344) applies to trinitrophenol and water mixed with additional hazardous or nonhazardous materials.

The answer is no. After speaking with Dr. Charles Ke, Office of Hazardous Materials Technology, we have confirmed that the proper shipping name "Trinitrophenol, wetted" applies to trinitrophenol mixed with not less than 30 percent water, by mass and no other materials hazardous or otherwise. If you intend to ship trinitrophenol and water mixed with additional materials then you must receive authorization by the Associate Administrator via an exemption or approval.

I hope this satisfies your request.

Sincerely,

Susan Gorsky  
Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards



030245

172.101

HMT ASSOCIATES, L.L.C.

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Supko  
§ 172.101  
Proper Shipping Name  
03-0243  
E.A. ALTEMOS  
PATRICIA A. QUINN

WRITER'S DIRECT DIAL NUMBER

(703) 549-0727, Ext. 11

October 3, 2003

Mr. Edward T. Mazzullo  
Director, Office of Hazardous  
Materials Standards (DHM-10)  
Research and Special Programs  
Administration  
Department of Transportation  
Washington, D.C. 20590-0001

Dear Mr. Mazzullo:

This is to request guidance concerning the intent of the Hazardous Materials Regulations ("the HMR", 49 CFR Parts 171-180) with respect to the selection of proper shipping names and associated transport requirements for desensitized explosives of Division 4.1.

In general, desensitized explosives of Division 4.1 are forbidden for transport unless they are either specifically authorized by name in the Hazardous Materials Table ("the HMT", § 172.101) or have been assigned a shipping name and hazard class by the Associate Administrator under the provisions of an exemption or an approval (see § 173.124(a)(1)(ii)). With regard to those desensitized explosives listed by name in the HMT, please advise whether an entry that specifies a minimum amount of water is intended to cover desensitized explosives formulations that contain that minimum amount of water but also other materials - either hazardous or non-hazardous. For example, is it intended that the HMT entry "Trinitrophenol, wetted *with not less than 30 percent water, by mass*" (UN 1344) apply only to mixtures containing trinitrophenol and not less than 30 percent water with no other material, or is it intended that as long as at least 30 percent water is present other materials (hazardous or non-hazardous) may be included in the formulation and the material shipped under the listed entry without the need for an exemption or approval?

HMT ASSOCIATES, L.L.C.

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If it is intended that listed entries authorize the transport of formulations containing materials in addition to the minimum amount of water specified, and these additional materials may be hazardous materials, other questions arise in a case where the formulation meets the definition of another hazard class. First, in such a case should the formulation continue to be described by the listed entry (e.g., "Trinitrophenol, wetted, 4.1, UN 1344, PG I") with subsidiary risk labels applied in accordance with § 172.402(a)(2) as appropriate to identify any subsidiary risks, or is it intended that an alternate proper shipping name be selected taking account of all hazards exhibited by the formulation? If the latter is the case, it is assumed that use of an alternate proper shipping name would require Associate Administrator authorization by exemption or approval, but your confirmation of this understanding is requested. Moreover, in such a case would any proper shipping name selected necessarily be one associated with the hazard division 4.1 and Packing Group I, or, depending on the properties of the mixture and concentration of the explosives component (which in some cases may be very low), might a different hazard class and/or packing group be considered more appropriate?

Your guidance regarding the intent of the HMR in relation to the above issues is most appreciated. Please do not hesitate to contact me if you have questions concerning this request, or if you require additional information.

Sincerely,



E. A. Altemos

cc: Dr. Charles Ke (DHM-21)