



RSAA-1994-12752-3 184137
DEPARTMENT OF DEFENSE EXPLOSIVES SAFETY BOARD
2461 EISENHOWER AVENUE
ALEXANDRIA, VIRGINIA 22331-0600



08 AUG 1994

DDESB-KT

MEMORANDUM THRU COMMANDER, MILITARY TRAFFIC MANAGEMENT COMMAND,
ATTENTION: MTOP-OPS

FOR U.S. DEPARTMENT OF TRANSPORTATION, OFFICE OF HAZARDOUS
MATERIALS TRANSPORTATION, ATTENTION: STANDARDS BRANCH

SUBJECT: Petition for Rulemaking

Reference: (a) 49 Code of Federal Regulations (CFR) Parts 100
to 177, "Transportation," (latest edition)
(b) 32 CFR, "National Defense," (latest edition)

The following proposed change to the referenced document
49 CFR 173.56 "New explosives - definition and procedures for
classification and approval" (reference a) is submitted in
accordance with 49 CFR 106.31 "Petitions for rulemaking."

Propose adding a subparagraph (k) to 49 CFR 173.56 to read
as follows:

"(k) Transportation of unapproved explosives to the
demilitarization site. Notwithstanding the requirements of para-
graph (b) of this section, the owner of an explosive that has not
been examined or approved may transport that explosive to a
location for the sole purpose of demilitarization if:

(1) It is not a primary (a 1.1A initiating)
explosive or a forbidden explosive according to this subchapter;

(2) It is described as a Division 1.1 explosive
(substance or article) and is packed, marked, labeled, described
on shipping papers and is otherwise offered for transportation in
conformance with the requirements of this subchapter applicable
to Division 1.1;

(3) It is transported in a motor vehicle operated
by or for the owner of the explosive; and

(4) It is accompanied by a person, in addition to
the operator of the motor vehicle, who is qualified by training
and experience to handle the explosive."

The Department of Defense Explosives Safety Board (DDESB) submits this proposal to the Department of Transportation (DOT) as a result of the DDESB function given by 32 CFR 186.4(b) to recommend DoD-wide safety standards designed to prevent or eliminate hazardous conditions associated with ammunition and explosives.

This proposal is prepared in a format similar to 49 CFR 173.56(e) "Transportation of unapproved explosives for developmental testing" because of the similarities in concept and risk. Demilitarization of explosives often involves disassembling or otherwise changing the configuration from what was originally approved by the Department of Transportation. This change will allow the final shipment to the demilitarization site under controlled conditions.

The DDESB point of contact for this issue is Dr. Jerry M. Ward, (703) 325-8624.


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