



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

MAR 24 2015

Ms. Cynthia Hilton
Executive Vice President
Institute of Makers of Explosives
1120 Nineteenth St. NW Suite 310
Washington, DC 20036

Reference No. 15-0023

Dear Ms. Hilton:

This is in response to your January 29, 2015 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to packaging instruction US 1 in the Table of Packing Methods in § 173.62. You ask if the text "*is not subject to damage by contact*" is intended to prohibit any contact with other perforating guns or articles in the load, or is only intended to prohibit contact that under conditions normally incident to transportation that could cause damage.

Packaging instruction US 1 only prohibits contact with other perforating guns or articles in the load that could cause damage. Mere contact between perforating guns is not a violation of US 1 (1)(d)(i) unless the contact allows for movement between the contacting guns that could cause damage by contact. Therefore, perforating guns that are touching, but that are appropriately secured for conditions normally incident to transportation, would be compliant with the requirements of US 1 (1)(d)(i).

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Duane Pfund
International Standards Coordinator
Standards and Rulemaking Division

The safety and security institute of the commercial explosives industry since 1913

January 29, 2015

Dr. Magdy El-Sibaie
Associate Administrator for Hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590

Request for Letter of Interpretation

Dear Dr. El-Sibaie,

I am writing on behalf of members of the Institute of Makers of Explosives¹ (IME) to request further clarification of Packaging instruction US 1 in the Table of Packing Methods in § 176.63 which states,

“A motor vehicle transporting a gun must have specially built racks or carrying cases designed and constructed so that the gun is securely held in place during transportation and is not subject to damage by contact, one to the other or any other article or material carried in the vehicle”. (Emphasis added.)

Packaging instruction US 1 provides instruction for the packing and transport of jet perforating guns by truck and vessel.² In 2010, PHMSA issued an interpretation³ of Packaging instruction US 1 clarifying that,

US 1 (l)(d)(i) means that the guns must be secured in place in specially built racks or carrying cases in a manner to prevent the guns from any contact (including touching) with other guns, as well as with other articles or materials, being transported in the vehicle that will cause damage to the perforating guns.

Noting this interpretation, IME requests an interpretation that specifically addresses whether the regulatory phrase “*is not subject to damage by contact*” is intended to prohibit any contact with other perforating guns or articles in the load, or if the regulation only prohibits contact that under conditions normally incident to transportation that could cause damage.

Our members report continuing to receive citations for violations of US1 because perforating guns are simply in “contact.” Although the letter of interpretation from PHMSA on this matter affirms that only contact that will “cause damage” is a regulatory

¹ IME is a nonprofit association founded in 1913 to provide accurate information and comprehensive recommendations concerning the safety and security of commercial explosive materials. IME does not sponsor trade shows or other marketing events.

² 49 CFR 173.62.

³ Interpretation 10-0109.

violation, misinterpretation within the enforcement community continues. We believe this occurs due to the phrase “any contact (including touching) with other guns” from the 2010 interpretation. It appears that inspectors do not link this ban to the qualifier “that will cause damage.”

We also recognize that inspectors may not be trained to know the forces that these guns are subject to in drilling operations prior to initiation. Thus, inspectors, with no knowledge about what force is necessary to cause damage, take the conservative approach that damage could result from “any contact”. Yet, the safest way to move these guns is to tie them as tightly as possible one to another. This is industry best practice and we are unaware of any incidents involving these guns from this type of secured transport.

We would appreciate another letter of interpretation to clarify that “contact/touching” is not the issue, “damage” due to unsecured or improperly secured guns is. I have attached some pictures of guns properly secured, but they are touching. Damage from touching, when guns are properly secured, will not occur.

Thank you for your attention to this request.

Respectfully,

Cynthia Hilton

Cynthia Hil
Executive V
chilton@im



Figure 1 - Jet Perforating Guns with Straps to secure them and prevent damage on an offshore pallet. Note the guns are touching without causing damage.



Figure 2 - - Jet Perforating Guns with Straps to secure them and prevent damage on an offshore basket. Note the guns are touching without causing damage.



Figure 3 - - Jet Perforating Guns with straps to secure them and prevent damage on a trailer. Note the guns are touching without causing damage.

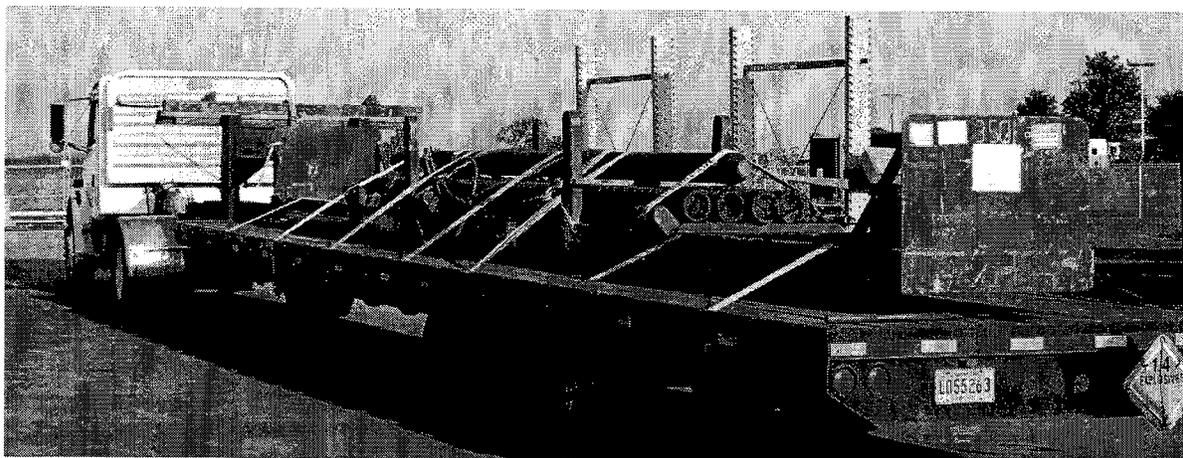


Figure 4 - Jet Perforating Guns with Straps to secure them and prevent damage on an offshore pallet. Offshore pallet is being prepared for road transport to the port.