



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

APR 13 2017

James G. Rairigh  
Vice President  
W. T. Bell International, Inc.  
8811 Emmott, #1900  
Houston, TX 77040

Reference No. 16-0205

Dear Mr. Rairigh:

This letter is in response to your December 22, 2016, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to packaging requirements for explosives. You provide a scenario where an approval, EX 2013040288, classifies certain radial shaped charges as UN0440 when packaged in accordance with the approval. Packing instruction 137 is assigned to UN0440 in § 173.62, and it requires an orientation mark for conical shaped charges. Specifically, you seek confirmation of your understanding that the packaging description in EX 2013040288 takes precedence over the requirements in § 173.62.

The answer is yes. The competent authority approval issued by the Associate Administrator for Hazardous Materials Safety is the definitive statement of proper shipping name, identification number, and classification code for explosives. The approval document may also contain additional stipulations, including packaging requirements. Any packaging information contained in the approval document takes precedence over the requirements contained in the Table of Packing Methods in § 173.62. Therefore, radial shaped charges transported under EX 2013040288 must be packaged in accordance with the methods specified in this approval and are not subject to packing instruction 137 in § 173.62.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

**Goodall, Shante CTR (PHMSA)**

*Lehman*  
*173.62*  
*Specific Packaging Requirements*  
*16-0205*

**From:** INFOCNTR (PHMSA)  
**Sent:** Tuesday, December 27, 2016 3:01 PM  
**To:** Hazmat Interps  
**Subject:** FW: Interpretation Request  
**Attachments:** Enclosures.pdf; Letter to PHMSA 12-22-16.pdf

Hi Shante/Alice,

Please submit this as a letter of interpretation. Please let me know if you have any questions.

Thanks,  
Eamonn

**From:** Tina Yates [mailto:tina.wtbii@hughes.net]  
**Sent:** Thursday, December 22, 2016 7:50 PM  
**To:** PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>  
**Cc:** JRairigh@aol.com  
**Subject:** Interpretation Request

Dear Sir or Madam,

Attached please find our Request for interpretation as well as supporting documents.

Thank you in advance for your help,

Tina W. Yates / Materials & Compliance Manager  
[Tina@wtbell.com](mailto:Tina@wtbell.com) / (936) 344-2225 / (936) 355-9825

W. T. Bell International, Inc.  
[www.wtbell.com](http://www.wtbell.com)





U.S. Department  
of Transportation

East Building, PHH-32  
1200 New Jersey Avenue, Southeast  
Washington, D.C. 20590

Pipeline and Hazardous  
Materials Safety Administration

The US Department of Transportation  
Competent Authority for the United States

### CLASSIFICATION OF EXPLOSIVES

Based upon a request by W.T. Bell International, Inc., 2534B FM 1375 East, Huntsville, TX 77340, United States the following items are classed in accordance with Section 173.56, Title 49, Code of Federal Regulations (49 CFR). A copy of your application, all supporting documentation and a copy of this approval must be retained and made available to DOT upon request.

#### U.N. PROPER SHIPPING NAME AND NUMBER:

Charges, shaped, without detonator, UN0440

#### U.N. CLASSIFICATION CODE: 1.4D

#### REFERENCE NUMBER

EX2013040288

#### PRODUCT DESIGNATION/PART NUMBER

D/N: 301-IP-DOT, P/N's: 1580T101PA, 1680S001,  
1680T001PA, 1813S001, 1900S001, 2063S001,  
2063T001PA, 2125S001, 2125T001PA, 2250S001,  
2250T001PA, 2500S101, 2500T101PA and  
2750S101

NOTES: This classification is only valid for shape charges with net explosive weight not more than 38 grams, when packaged as follows: Inner Packaging - Bags, plastic hermetically sealed, each containing a single unit pre-wrapped in anti-static polyethylene foam and bubble wrap. Outer Packaging - UN 4G fiberboard box with double corrugated fiberboard padding liner (thickness not less than 1/4 inch each) and double corrugated fiberboard pads (thickness not less than 2 inches each) at both ends, each containing a single inner packaging.

DATED: 06/18/2013

*Harpreet K. Singh*

For Dr. Magdy El-Sibaie  
Associate Administrator for Hazardous Materials Safety

Tracking No: 2013040459

Page 1 of 1



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

APR 12 2005

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

Mr. Paul Shelton  
Hazmat Seminars  
Post Office Box 6122  
Oak Ridge, Tennessee 37831

Ref No.: 05-0033

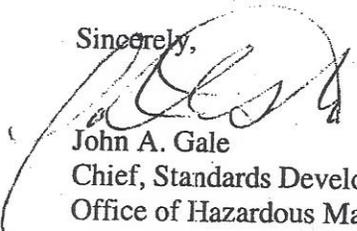
Dear Mr. Shelton:

This responds to your January 26, 2005 letter requesting clarification of the packaging requirements for explosives contained in § 173.62 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if shippers are free to utilize any option provided in the referenced packing instruction for an explosive, assuming there is no packaging specified in the approval letter, even when that option differs from the configuration in which classification testing was conducted.

The competent authority approval issued by the Associate Administrator for Hazardous Materials Safety is the definitive statement of proper shipping name, identification number, and classification code for new explosives. The approval document may also contain additional stipulations, including packaging requirements. Any packaging information contained in the approval document takes precedence over the requirements contained in the Table of Packing Methods in § 173.62. If the approval does not contain specific packaging requirements, the explosive must be packaged as prescribed in the Table of Packaging Methods found in § 173.62. In these instances, you may utilize any packaging configuration authorized by the packing instruction for the explosive.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards



050033

173.62

HAZMAT SEMINARS  
POST OFFICE BOX 6122  
OAK RIDGE, TENNESSEE 37831

CERTIFIED MAIL NO. 8708 3240  
RETURN RECEIPT REQUESTED

January 26, 2005

Chief, Interpretations  
Research and Special Programs Administration  
U. S. Department of Transportation  
400 Seventh Street, SW  
Washington, DC 20590

Re: 49 CFR 173 Subpart C:  
Packaging of Explosives

I am an instructor in hazardous materials transportation regulations, including the DOT Regulations applicable to the classification, packaging, and transportation of explosives. An issue has arisen in several classes concerning the flexibility provided by the Table of Packing Methods in §173.62.

It is clear that the new explosive classification document issued by the Associate Administrator is the definitive statement of proper shipping name, identification number, and classification code. It is also routine for the Associate Administrator to include additional requirements or limitations in the document, frequently stipulating packaging which must be utilized for commercial transport. Where such stipulations differ from provisions in the Table of Packing Methods in §173.62, it is understood that the classification document takes precedence over the Table.

The question concerns those situations in which the new explosive classification document is silent on packaging requirements, and the identification number is used to reference a packing instruction in §173.62. In such situations, are shippers free to utilize any option provided in the referenced packing instruction, even when that option differs from the configuration in which classification testing was conducted?

It would appear from the plain language of the Regulations that, absent a prescription or limitation in the classification document, unrestricted use of the Table of Packing Methods is allowed. If this is not correct, please advise of the correct interpretation.

Thank you for your assistance.

*Paul Shelton*  
Paul Shelton  
HAZMAT SEMINARS

TELEPHONE: (865) 693-2837 • FAX: (865) 470-4444

Supko

§173.62

Packaging of  
Explosives

05-0033

DOT/RSPA/  
05 FEB -7 PM

05 FEB -7 PM 4:48

DOT/RSPA/CHMS  
1/27

# W. T. Bell International

*an explosives specialty group*

8811 EMMOTT, SUITE 1900  
HOUSTON, TX 77040  
(713) 306-1262  
[JRairigh@aol.com](mailto:JRairigh@aol.com)

U.S. DOT  
PHMSA Office of Hazardous Materials Standards  
Attn: PHH-10  
East Building  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

22 December 2016

Mr. Jim Rairigh  
Vice President  
W.T. Bell International, Inc.  
8811 Emmott, #1900  
Houston, TX 77040

Dear Sir or Madam:

One of our shaped charge products, UN0440, was recently rejected by the carrier because it did not comply with 49 CFR §173.62, packaging instruction 137. The specific reason for rejecting our shipment was that our package contained a single shaped charge but did not have an orientation label ("THIS SIDE UP") as required by the packaging instruction. However, the package and its labeling fully complied with the approval letter's, EX2013040288, packaging note. Our understanding of the hazardous materials regulations is that the directions contained in the packaging note shall be used in preference to the general directions contained in the CFR's packaging instruction, see PHMSA ref. no. 050033.

The subject shaped charge is a radial shaped charge known in the field as a "pipe cutter." As such the shaped charge effect covers a full 360 degrees. Because of this geometry there is no orientation in which all of the jet will act in a downward direction. The orientation requirement of packaging instruction 137 is therefore ineffectual for radial shaped charges. The orientation requirement is only effectual for conical and linear shaped charges, both of which act only in one direction.

Were we correct in offering our product for transport without the orientation label affixed to the package?

For future shipments, should our package have an orientation label affixed to it?

Sincerely,

*James G. Rairigh*

Jim Rairigh  
Vice President

Enclosures (2)



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

APR 13 2017

James G. Rairigh  
Vice President  
W. T. Bell International, Inc.  
8811 Emmott, #1900  
Houston, TX 77040

Reference No. 16-0205

Dear Mr. Rairigh:

This letter is in response to your December 22, 2016, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to packaging requirements for explosives. You provide a scenario where an approval, EX 2013040288, classifies certain radial shaped charges as UN0440 when packaged in accordance with the approval. Packing instruction 137 is assigned to UN0440 in § 173.62, and it requires an orientation mark for conical shaped charges. Specifically, you seek confirmation of your understanding that the packaging description in EX 2013040288 takes precedence over the requirements in § 173.62.

The answer is yes. The competent authority approval issued by the Associate Administrator for Hazardous Materials Safety is the definitive statement of proper shipping name, identification number, and classification code for explosives. The approval document may also contain additional stipulations, including packaging requirements. Any packaging information contained in the approval document takes precedence over the requirements contained in the Table of Packing Methods in § 173.62. Therefore, radial shaped charges transported under EX 2013040288 must be packaged in accordance with the methods specified in this approval and are not subject to packing instruction 137 in § 173.62.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division