



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

AUG 12 2011

Mr. A. Garn Butcher
Explosives Safety Specialist
Safety Management Services Inc.
1847 West, 9000 South, Suite 201
West Jordan, UT 84088

Reference No.: 11-0122

Dear Mr. Butcher:

This responds to your May 25, 2011 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to UN 3366, "Trinitrotoluene (TNT), wetted, *with not less than 10 percent water by mass,*" and UN 1356, "Trinitrotoluene wetted *or* TNT, wetted, *with not less than 30 percent water by mass.*" Specifically, you ask whether these materials are Division 4.1 (Flammable solid) materials, and can be transported without an EX number. You also request clarification of the packaging authorized by the HMR for these materials.

Under § 173.22, it is the shipper's responsibility to class and describe a hazardous material. This Office does not normally perform this function. However, you are correct in your understanding that these materials are both Division 4.1 materials, and do not require an EX number. In accordance with § 173.124(a)(1)(ii), materials properly classed as desensitized mixtures of explosive materials and specifically listed in the Hazardous Materials Table (§ 172.101), in this case UN 3366, "Trinitrotoluene (TNT), wetted, *with not less than 10 percent water by mass,*" and UN 1356, "Trinitrotoluene wetted *or* TNT, wetted, *with not less than 30 percent water by mass,*" may be transported as Division 4.1 materials and do not require an EX number. Please note that some of the special provisions assigned to each of these materials are in error in the HMR. Special Provision 23 should apply to UN 3366, not UN 1356. In addition, as specified in the HMT for both of these materials, please refer to § 173.211 for approved non-bulk packaging.

I hope this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

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

Drakeford, Carolyn (PHMSA)

Andrews
§ 172.101

From: Betts, Charles (PHMSA)
Sent: Thursday, May 26, 2011 4:50 PM
To: Drakeford, Carolyn (PHMSA)
Cc: Andrews, Steven (PHMSA); Foster, Glenn (PHMSA)
Subject: FW: Flammable solid TNT

Proper Shipping Name
11-0122

Please log in this new request for interpretation and assign to Mr. Steven Andrews.

Thanks,
Charles

From: Watson, Spencer (PHMSA)
Sent: Thursday, May 26, 2011 3:55 PM
To: Betts, Charles (PHMSA); Pfund, Duane (PHMSA); Boyle, Rick (PHMSA); Ke, Charles (PHMSA); Vos, Brian (PHMSA); Nicklous, Joseph (PHMSA); Singh, Harpreet (PHMSA)
Cc: Butcher, Garn
Subject: FW: Flammable solid TNT

Charles-

Garn's question I believe should be addressed officially by Standards. Now, there are two 172.101 table entries for TNT, wetted with 30% water (1356) and 10 % water (UN3366), both as 4.1. One takes SP 162 and the other takes SP 23. I think there's a mix-up in those two SP entries though. I think the 10% wetted TNT should take the SP 23 and the 30% should take SP 162, which would agree with the UN Model regulations that there's an imposed 500 gram maximum for 10 percent water wet TNT. In either case, however, I believe they don't need an approval to ship first.

Spence Watson
USDOT/PHMSA- PHH21
1200 New Jersey Ave S.E.
Washington, DC 20590
(202)366-8830 - Phone
(240) 285-3503 - Mobil

From: Garn Butcher [<mailto:gbutcher@sms-ink.com>]
Sent: Wednesday, May 25, 2011 5:27 PM
To: Watson, Spencer (PHMSA)
Subject: Flammable solid TNT

Spencer:

Hope the meetings with the labs is going well. If you get a chance, I have a question on TNT. I have a client who said that he was told by a burn facility that TNT wetted at 10% with water and packaged in 5-gallon containers is a 4.1 Flammable solid, and can be sent without an EX number.

Is this correct?

Does the manufacturer still have to apply for a shipping authorization through a testing lab to ship in this configuration as a 4.1?

(My research says UN3366 is 10% wet, shipped 4.1, pg 1, and UN1356 is 30% wet also shipped 4.1, pg 1, but neither as I can determine specify any container size other than non-bulk. IF this is true, then can he ship in 55 gallon drums, wet as 4.1 without any tests?)

Thanks

Garn.

A. Garn Butcher

Explosive Safety Specialist

Safety Management Services, Inc.

1847 West, 9000 South, Suite 201

West Jordan, Utah 84088

Phone (801) 567-0456

Fax (801) 567-0457

gbutcher@sms-ink.com

SMS