



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

**JUN 29 2018**

James Shelton  
Product Reliability / Network Administrator  
Harrison Jet Guns II LP  
6915 Hudson Village Creek Road  
Kennedale, TX 76060

Reference No. 17-0130

Dear Mr. Shelton:

This letter is in response to your November 29, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to explosive approval numbers (EX-Numbers). Specifically, you ask whether an explosive may continue to be shipped under a current EX-Number when a change is made in the formulation, design, or process so as to not alter any of the properties of the explosive, (e.g. a change that reduces the explosive content contained in a charge) if both: (1) a “not a new explosive letter” is issued by an explosives lab; and (2) an associated tracking number has been obtained from the U.S. Department of Transportation (DOT).

The answer is yes. Except as provided in §§ 173.64 and 173.65, no person may offer a new explosive for transportation unless that person has specified to the examining agency the ranges of composition of ingredients and compounds, showing the intended manufacturing tolerances in the composition of substances or design of articles which will be allowed in that material or device, and unless it has been examined, classed, and approved. For the purposes of the HMR, a “new explosive” means an explosive produced by a person who has previously produced an explosive but has made a change in the formulation, design, or process so as to alter any of the properties of the explosive. However, an explosive will not be considered a “new explosive” if an agency listed in § 173.56(b) has determined, and confirmed in writing to the Associate Administrator, that there are no significant differences in hazard characteristics from the explosive previously approved. Therefore, submission of the “not a new explosive letter” to PHMSA and receiving the associated tracking number provided by the DOT satisfies the written confirmation requirement prescribed in § 173.56(a)(2).

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

Stevens  
Explosives  
17-0130

**January, Ikeya CTR (PHMSA)**

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**From:** DerKinderen, Dirk (PHMSA)  
**Sent:** Wednesday, November 29, 2017 12:15 PM  
**To:** Nickels, Matthew (PHMSA); Hazmat Interps  
**Cc:** Kelley, Shane (PHMSA)  
**Subject:** Re: Letter of Interpretation

Please assign asap and include a note for the assigned specialist to work with Bill Fink and/or Jackie Herrera.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

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**From:** Nickels, Matthew (PHMSA)  
**Sent:** Wednesday, November 29, 2017 11:30 AM  
**To:** Hazmat Interps  
**Cc:** Kelley, Shane (PHMSA); DerKinderen, Dirk (PHMSA)  
**Subject:** FW: Letter of Interpretation

Hey Alice and Ikeya, please log and process as a new Interp request (James Shelton issue at the bottom of email chain).  
Thanks, Matt

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**Matthew B. Nickels**  
*Senior Regulations Officer (E24-420)*  
office: 202.366.0464 | work cell: 202.597.4187

**From:** Fink, William (PHMSA)  
**Sent:** Wednesday, November 29, 2017 11:15 AM  
**To:** Kelley, Shane (PHMSA) <shane.kelley@dot.gov>; Nickels, Matthew (PHMSA) <Matthew.Nickels@dot.gov>  
**Cc:** Herrera, Jacqueline (PHMSA) <Jacqueline.Herrera@dot.gov>  
**Subject:** FW: Letter of Interpretation

Shane, Matt,

Letter of interp please for Mr. Shelton.

TY  
Bill Fink

**From:** Bartrum, Zeudi CTR (PHMSA) **On Behalf Of** EXPLO (PHMSA)  
**Sent:** Wednesday, November 29, 2017 11:09 AM  
**To:** Fink, William (PHMSA) <William.Fink@dot.gov>  
**Subject:** FW: Letter of Interpretation

Bill,

Please see Mr. Shelton's email below. I mentioned the interpretation letter as you stated, but I guess there was confusion on his end.

Zeudi

**From:** James Shelton [<mailto:James.Shelton@higmfg.com>]  
**Sent:** Wednesday, November 29, 2017 10:47 AM  
**To:** EXPLO (PHMSA) <[EXPLO@dot.gov](mailto:EXPLO@dot.gov)>  
**Subject:** Letter of Interpretation

Dear Sir / Madam

I've submitted two applications (tracking numbers 2017100201 and 2017114294) these are considered "Not a new explosive". The applications involve two separate testing labs and both have said once a tracking number is obtained I can legal ship charges with the explosive. Due to recent events, the availability of explosive has been severely curtailed. We been given opportunity to obtain supplies used in other processes that changes from the standard 1% to 1 – 6% which will reduce the explosive content in all charges when used. I just wanted to get confirmation on being able to ship using the higher binder content explosive before the current EX-Number is revised.

I'm requesting a letter of interpretation that we are allowed to ship under current assigned EX-Numbers until as such time as our applications have be processed and approved.

Thanks



James Shelton

Product Reliability / Network Administrator

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