



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

JUL 16 2015

Mr. James P. Baustert Jr.
Textron Systems, Weapon & Sensor Systems
201 Lowell St (EHS)
Wilmington, MA 01887

Ref. No. 14-0237

Dear Mr. Baustert:

This responds to your December 4, 2014 email request for clarification and your follow up email on January 8, 2015, on an explosives approval under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if revisions/changes to a product designation/part number requires a new explosives Classification of Explosives (COE) approval letter under § 173.56.

In your letter, you state that you occasionally need to modify and make minor changes to the device which does not change the function or safety of the item, (e.g., changing a part number and adding a "W" to the documentation to indicate changes to military Cluster Bomb Units). This revised part number will only be applied to two test munitions to designate them as specific test munitions for water targets. You ask if you may use your existing COE approval letter to cover this part number change.

The answer is no. You may not use your existing COE approval letter to add the revised part number. You must apply for a new updated COE approval letter that includes the information on the newly revised/changed part number in accordance with § 107.709. After review and approval, PHMSA will issue you a revised/updated COE approval letter that includes the original part number and the revised/change to the part number. To help facilitate faster processing, you may apply online for the revised COE approval letter at <http://phmsa.dot.gov/regulations/how-to-apply-for-an-explosive> or email an application to explo@dot.gov. If your changes will not affect the formulation, design, or process in a way that would alter the properties of the explosive, you may include a certification statement to that effect in your application.

I hope this answers your inquiry. If you need additional assistance, please contact this Office at (202) 366-8553.

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk De Kinderen". The signature is fluid and cursive, with a large initial "D" and "K".

Dirk De Kinderen
Acting Chief, Standards Development Branch
Standards and Rulemaking Division

Goodall, Shante CTR (PHMSA)

Boothe
171.1
General Requirement
14-0237

From: Ciccarone, Michael CTR (PHMSA)
Sent: Friday, December 05, 2014 10:22 AM
To: Hazmat Interps
Subject: FW: Formal letter interpretation request

Importance: High

Shante/Alice,

Please submit this for a formal letter of interpretation. Mr. Baustert spoke to Shelby Geller in the HMIC.

Thanks,

Mike

From: Baustert, James [<mailto:JBAUSTER@textronsystems.com>]
Sent: Thursday, December 04, 2014 5:00 PM
To: INFOCNTR (PHMSA)
Cc: Burke, Don; Kershaw, James; Muzrall, Daniel
Subject: Formal letter interpretation request
Importance: High

Request for formal letter of interpretation:

Textron Systems (formally known as Textron Defense Systems) has a current Classification of Explosives letter with a Reference Number EX2008010114 (First Revision) tracking No: 2009-12395 with an expiration date of 04-30-2015. The Product Designation/Part Number is: SFW CBU-105B/B (P/N 8562831-29), SFW CBU-105D/B (P/N 8562831-37).

These numbers represent military Cluster Bomb Units in two major configurations. In an effort to improve our systems we occasionally need to tweak the software and make a minor interior hardware change which does not change the function or the safety of the item. Our configuration management requires us to document all changes in our drawings and sometimes requires additional information added to our part numbers in the form of -W, e.g. 8562831-39-W to ensure we can track our designs.

In this case the part number 8562831-39-W will only be applied to two test munitions to designate them as specific test munitions for water targets. All the munitions we manufacture are packaged using strict military specifications and require specific approved containers. Additionally, they are transported by government approved contractors who regularly ship US munitions for the military. We have literally shipped thousands of munitions using part number 8562831-37 to the US Government, Foreign Military Sales and Commercial Sales throughout the world.

Our question is when we make these minor changes, are we required to obtain additional documentation (i.e. update our COE letter to reflect this test (-W designation used for tracking purposes only) for the one time use shipment of these two items or can we use our existing letter as it covers our main product line we are producing?

Thank you for your assistance in this important matter.

Jim Baustert

James P Baustert Jr.

Principal Systems Safety Engineer

Textron Systems

Weapon & Sensor Systems

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