



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

JUN 20 2016

Mr. Sean Lindley
Manager and Co-Owner
Texas Machine Gun & Ordnance
1610A Francis Street
Houston, TX 77004

Reference No. 16-0034

Dear Mr. Lindley:

This responds to your February 25, 2016 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state that your company is a Type 20, Manufacturer of High-Explosives, Federal Explosives License (FEL) holder. Specifically you request clarification of the applicability of the HMR to the transportation of explosives in the following situations: (1) for the exclusive purpose of conducting internal training; (2) for the private, recreational use by responsible persons on the FEL; and (3) for the transport of Blasting Caps and Fuse Assemblies, 1.4B, in a private motor vehicle operated on behalf of the company.

As specified in § 171.1, the HMR govern the transportation of hazardous materials in intrastate, interstate, and foreign commerce. The term "in commerce" means in furtherance of a commercial enterprise. Hazardous materials that are purchased and transported to support a commercial enterprise are subject to the HMR. The transportation of explosives for the purpose of conducting internal company training is subject to the HMR because this activity is in support of a commercial enterprise. The HMR also apply to the transport of Division 1.4B explosives in a private motor vehicle operated on behalf of the company. Hazardous materials that are sold for personal, non-commercial use and transported by such persons in their personal vehicles are not subject to the HMR.

I hope this information is helpful. Please feel free to contact this Office if we can be of further assistance.

Sincerely,

Duane A. Pfund

International Standards Coordinator
Standards and Rulemaking Division

Antonelli
171.1
Applicability
16 - 0034

Goodall, Shante CTR (PHMSA)

From: Geller, Shelby CTR (PHMSA)
Sent: Thursday, February 25, 2016 4:29 PM
To: Hazmat Interps
Subject: FW: Applicability of § 171.1(d)(6) to Specific Situations of Federal Explosives License Holder
Attachments: DOT 49 CFR Memo.pdf

Dear Shante and Alice,

Forwarded is a request for a formal letter of interpretation. Mr. Lindley spoke with Jordan.

Thanks,
Shelby

From: Sean Lindley [<mailto:sean.lindley@txmgo.com>]
Sent: Thursday, February 25, 2016 3:36 PM
To: PHMSA HM InfoCenter
Subject: Applicability of § 171.1(d)(6) to Specific Situations of Federal Explosives License Holder

Hello,
This an updated request for an interpretation on 49 CFR. I'd previously sent this in the morning, but after discussing it with one of your specialists on the phone, we identified other items I would like interpretation on.

Thank you,

Sean Lindley
Manager and Co-Owner
Texas Machine Gun & Ordnance
Type 10 FLL & Type 20 FFL
936-334-4748
sean.lindley@txmgo.com

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www.instagram.com/texasmachinegun/

Veteran Owned & Operated



TEXAS MACHINE GUN & ORDNANCE

1610A FRANCIS ST
HOUSTON, TX, 77004
936-334-4748

25 February 2015

MEMORANDUM FOR Office of Hazardous Materials Standards, Pipeline and Hazardous Materials Safety Administration (PHMSA), United States Department of Transportation, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001.

SUBJECT: Applicability of § 171.1(d)(6) to Specific Situations of Federal Explosives License Holder.



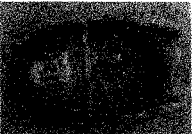

1. Lindley Industries LLC (Trade Name "TXMGO" and "Texas Machine Gun & Ordnance") is a Type 10, Manufacturer of Destructive Devices, Federal Firearms License (FFL); and a Type 20, Manufacturer of High-Explosives, Federal Explosives License holder (FEL). As part of TXMGO's licensed activities, we will be creating various Destructive Devices utilizing explosives acquired with the Company's FEL.
2. If TXMGO is transporting explosives for a commercial purpose, such as for sale, for-profit use, or other such revenue producing activities; clearly the regulations of 49 CFR attach to the operation.
3. However, TXMGO also plans to occasionally transport explosives for the explicit, and exclusive purpose of conducting internal company training on the safe use of explosives. Such movement of explosives would produce no revenue, and therefore presumably fall under the non-commercial exemptions afforded under § 171.1(d)(6).
4. We would like to request guidance and clarification on the applicability of § 171.1(d)(6) to the transportation of explosives in the following situations:
 - a. For the exclusive purpose of conducting internal company training..
 - b. For the private, recreational use of Responsible Persons on the FEL.
5. We also request guidance on transporting Blasting Caps and Fuse Assemblies which are categorized as 1.4B in a private vehicle being operated on behalf on the company. Examples of the items we are referring to are below.
6. I look forward to your response, and please address it, or any questions to me at 936-334-4748 or sean.lindley@txmgo.com.

SEAN M. LINDLEY
Member, Lindley Industries LLC




ENCL.

1. Screen shot of Fuse Assemblies referenced in paragraph 5
2. Screen shot of Blasting Caps referenced in paragraph 5

ENCL. 1

<p>Fuse Cap Assem- 2 Min - NO IGNITER Blasting Cap Assembly, with 3 foot fuse (1 Meter), 2 minute (minimum) burn time (WITHOUT IGNITER), This items ships as a DOT Class 1.4B Explosive via FedEx Ground or Con-Way Freight.</p>	
<p>Fuse Cap Assem- 3 Min - NO IGNITER Blasting Cap Assembly, with 4.5 foot fuse (1.5 Meter), 3 minute (minimum) burn time (WITHOUT IGNITER), This items ships as a DOT Class 1.4B Explosive via FedEx Ground or Con-Way Freight.</p>	
<p>Fuse Cap Assem- 4 Min - NO IGNITER Blasting Cap Assembly, with 6 foot fuse (2 Meter), 4 minute (minimum) burn time (WITHOUT IGNITER), This items ships as a DOT Class 1.4B Explosive via FedEx Ground or Con-Way Freight.</p>	
<p>Fuse Cap Assem - 2 Min - WITH IGNTR Blasting Cap Assembly, with 3 foot (1 Meter) fuse AND IGNITER, 2 minute (minimum) burn time. This items ships as a DOT Class 1.4B Explosive via FedEx Ground or Con-Way Freight.</p>	

ENCL 2

<p>Blasting Caps - Elec 12 foot wire - Instant Blasting Caps, Electric., instant 12ft wires. This items ships as a 1.4B.</p>	
<p>Blasting Caps, Elec., 16 ft. instant Blasting Caps, Electric., instant 12ft wires. This items ships as a 1.4B.</p>	
<p>Blasting Caps, Elec., 12 ft. instant Blasting Caps, Electric., instant 12ft wires. This items ships as a 1.4B.</p>	
<p>Blasting Caps - Elec 16 foot wire - Instant Blasting Caps, Electric., instant 12ft wires. This items ships as a 1.4B.</p>	