



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

DEC 13 2012

Mr. Timothy S. Dillon
Environmental Health and Safety Manager
Valencia Advanced Technology Center
Pacific Scientific Energetic Materials Company
24908 Avenue Kearny
Valencia, CA 91355

Reference No. 12-0198

Dear Mr. Dillon:

This is in response to your September 5, 2012 letter requesting clarification of the requirements for explosive testing "by analogy" under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your letter, you state the explosive articles for which you request this relief are in three categories: 1) they have the same part but different part numbers on two or more articles in the device due to customer requirements, such as a dash number or letter designation; 2) they have similar parts with the same energetic material and article function, including a mechanical change from the first article, such as a change in thread size or a different connector; or 3) they have similar parts with similar functions but the upper level assemblies of the devices are different, e.g., airplane versus helicopter/missile versus rocket, with the same or less net explosive weight and different part number.

You ask if your clients may use test laboratories other than the original laboratory that performed the test when: 1) the original laboratory is unable to meet the delivery schedule established by your company and your customer, or 2) the original laboratory is unable to meet the quality and supply chain requirements as a vendor approved by your company's Department of Defense customers.

The answer is no. The Pipeline and Hazardous Materials Safety Administration (PHMSA) permits an explosive to be classified "by analogy" only by the laboratory that performed the original classification tests on the material. PHMSA does not permit another laboratory to review test work it did not perform on an explosive material and draw classification analogies for this material after the explosive or the device in which it is placed have been altered.

I hope this satisfies your request.

Sincerely,

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

Edmonson
§173.56
Explosives
12-0198

5 September 2012

Pipeline Hazardous Materials Safety Administration
East Building, 1200 New Jersey Avenue, Southeast
Washington D.C. 20590
ATTN: Charles Betts, Director
Rulemaking and Standards, PHH-10

SUBJECT: Request alternative test laboratory concerning "by analogy" classification on articles or substances.

Reference: 49CFR§173.56 New Explosives-definition and procedures for classification and approval.

Mr. Betts,

Pacific Scientific EMC requests the opportunity to utilize alternative PHMSA approved test laboratories for by analogy classification.

Pacific Scientific's by analogy articles fall into three categories:

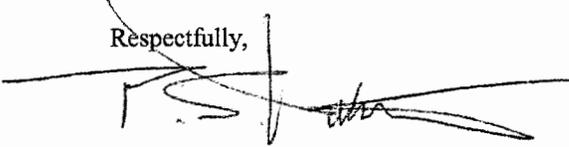
- a) Same part but different part numbers on two or more articles due to customer requirements (i.e. dash number or letter designation).
- b) Similar parts, with the same energetic material and article function. A mechanical change from the first article (i.e. change in thread size or different connector).
- c) Similar parts with similar function but upper level assemblies are different (airplane vs. helicopter/missile vs. rocket) with the same or less net explosive weight (N.E.W.) and a different part number.

PHMSA policy requires when a by analogy article or substance is classified, the original test laboratory will examine the by analogy article. Pacific Scientific requests the opportunity to choose any PHMSA approved laboratory for the following reasons:

1. The original laboratory is unable to meet the delivery schedule contractually established by Pacific Scientific and our Customer.
2. The original laboratory is unable to meet the quality requirements and supply chain management requirements as an approved vendor established by Pacific Scientific Department of Defense customers. (Defense Federal Acquisition Regulation (DFAR)).

Pacific Scientific would also request that section a. be considered a marketing requirement. If prior test results and EX letter of approval is provided to DOT/PHMSA, an evaluation by a laboratory is not required.

Respectfully,


Timothy S. Dillon,
Environmental Health and Safety Manager
Valencia Advanced Technology Center
Pacific Scientific

Cc: Eileen Edmonson