



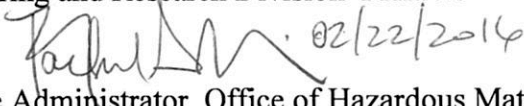
U.S. Department  
of Transportation  
**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 0590

February 22, 2016

**INFORMATION MEMORANDUM,  
EXPLOSIVE APPROVAL APPLICATION PROCESSING**

**To:** PHMSA Approvals and Permits Division–PHH-30  
PHMSA Engineering and Research Division–PHH-20

**From:** Rachel A. Meidl  02/22/2016  
Deputy Associate Administrator, Office of Hazardous Materials Safety

**Prepared By:** Ryan Paquet  
Director, Approvals and Permits Division, PHH-30

**Subject:** Policy Reform on Explosive Classification Approval Review Process

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**SUMMARY**

The Approvals and Permits Division (PHH-30) will work with the Engineering and Research Division (PHH-20) to implement a series of reforms to the Explosives Classification Approval review process. These actions will develop more precise reporting of activities, streamline international processes and increase the standardizations of regulatory activities. The reforms will streamline procedures and ensure safe practices.

**BACKGROUND**

The uncertainty of the explosive application review process is more problematic than the length of time it takes to process them, according to regulated entities, including the Institute for Makers of Explosives (IME). It is difficult for companies to plan research and development (R&D) and production actions when employees do not know how long it will take to receive the explosive classification approval. The current online reporting of pending applications does not provide enough detail on application review progress.

PHMSA is always looking to minimize the time it takes to review applications and to reduce the layers of review, where appropriate, to increase our application processing efficiency. Better communication of our status and clearer expectations for processing time will help industry plan better and communicate with their leadership and customers. In addition, by measuring more detailed data streams, we can better manage our processes and determine where more attention and resources are needed.

## **ACTIONS**

### **More Precise Measurement and Reporting of Activities**

PHH-30 will start capturing what type of explosive approval application is being processed, [e.g., Jet Perforating Guns, 1.1 Explosive, Foreign Military Sales, Foreign Competent Authority, U.S. Department of Defense (DOD), U.S. Department of Energy, etc.]. This will allow PHMSA to better report our current processing time for the different types of explosive classification approval applications. This effort will also be extended to all types of Competent Authority Actions.

- i. On January 5, 2016, updated labels were added to the FYI processing system.
- ii. This will provide the ability to evaluate and report the average processing time of each type of application, which will provide better clarity in expectations for applicants.
- iii. This will provide the ability to better measure each type of action for internal management of the process. Not only will "Average Processing Time" be measured, but also "Average Age of Items in Queue," for each approval type.

PHH-30 has updated the online status reports for approval applications from: APPROVED, DENIED, REJECTED, PENDING, to a more specific status: RECEIVED, PRIMARY EVALUATION, SECONDARY EVALUATION, ADDITIONAL INFORMATION REQUIRED, and FINAL REVIEW.

- i. This will give applicants visible proof that their applications are being reviewed and more understanding of where it is in the process.

## **Streamlining of Internal Processes**

### One-level Technical Review

Effective immediately, begin one-level technical review on all applications listed below:

- i. Foreign Military Sales (approximately 100 per year)\* – These are items that have been previously classified either by DOD or the U.S. Department of Transportation, therefore, our technical review is to determine if any changes or alterations have been made to the original article/substance.
- ii. Division 1.1 Explosive Application Reviews (approximately 50 per year)\* – The technical review of these applications is performed to ensure that the article/substance meets the Division 1.1 definition and should not be considered “Forbidden.” Despite the definition of “Mass Explosive Hazard,” due to the safety controls related to Division 1.1 and the only alternative being “Forbidden for Transport,” these applications hold relative low risk in processing error.
- iii. Streamlining current operating system procedures – Where appropriate, the collaboration function within the current FYI application processing system will not be used. This will provide more flexibility to technical officers and project officers to move the folders to maximize resource efficiencies.
- iv. PHH-20 and PHH-30 will continue to look for types of applications where one level of technical review would be appropriate.

### Explosive Laboratory Consistency

Technical officers will be able to find and evaluate critical information even faster.

- i. PHH-20 will begin compiling Technical Review notes on each of the explosive classification applications containing either an Explosive Laboratory Recommendation or Foreign Competent Authority Approvals. These notes will be available to PHH-20 and PHH-30, and include any inconsistencies in lab reporting and anecdotal information that should be considered when evaluating Explosive Laboratory Approvals/Oversight or reciprocity with the Foreign Competent Authorities. PHMSA will review and address this data Explosive Laboratory meetings, hosted quarterly.

*\*Any applications with technically complex or precedent setting information will be forwarded for 2nd level review as deemed necessary by PHH-20.*

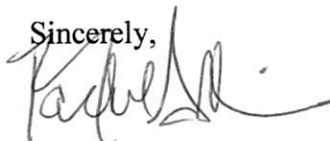
### **Regulatory and Research Activities**

The long-term goal of this action is to find specific types of explosive approval actions that could be standardized in the regulations, which could allow self-classification. This effort will be accomplished in cooperation with industry, including the IME.

- i. Jet Perforating Guns (JPG) – We currently review explosive approval applications against an IME industry standard that is based upon construction and components of the article. JPG applications that comply with the IME Standard (2008) do not go through technical review (approximately 250 applications per year).
- ii. Shape Charges – Both PHH-20 and members of IME contest that shape charges, like JPGs can be standardized and could potentially be a candidate for self-classification. (Approximately 25 applications per year, however we have received >100 applications at one time). This effort would need to be preceded by an R&D project, supported by PHH-20 and industry participants.
- iii. Explosive Laboratory Guidance Document – PHH-20 is evaluating whether a guidance document that corresponds with the United Nations Manual would be beneficial to consistency of the laboratories. This could be researched and produced by a third party, and potentially funded with R&D funds.
- iv. Foreign Military Sales – PHMSA will continue to coordinate with the DOD to include packaging information and other pertinent information on all explosive approvals. Foreign Military Sales applications that have all pertinent safety information may not require technical review and could be treated as an administrative application or completely automated (approximately 100 per year)\*.
- v. PHH-20 and PHH-30 will continue to look for types of applications where one level of technical review would be appropriate.

Thank for your role in implementing these reforms to the Explosives Classification Approval review process. This is an important step in setting expectations for industry partners, while at the same time, minimizing the applications review time and complexity where appropriate. Please reach out to if you have any questions while these changes are taking place.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel A. Meidl', with a stylized flourish at the end.

Rachel A. Meidl  
Deputy Associate Administrator  
Office of Hazardous Materials Safety