



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

JUL 19 2011

Mr. Hank Baird
General Manager
AllTransPack, Inc.
22815 Glenn Drive
Suite 101
Sterling, VA 20164

Ref. No. 11-0016

Dear Mr. Baird:

This responds to your November 19, 2010 request for clarification on the use of Special Permit DOT-SP 12382 authorizing the transport of certain explosives by aircraft. According to your letter, AllTransPack, Inc. (ATP) has been asked by the State Department to prepare and certify a shipment of explosives (UN 0042; UN 0065; UN 0241; and UN 0288) intended for international air transport using an existing Special Permit DOT-SP 12382. These explosives are forbidden for air transport both by the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and the International Civil Aviation Organization (ICAO) Technical Instructions. Specifically, you ask if DOT-SP 12382 meets requirements under § 105.5 of Part 105, Part 107, Subpart H of the 49 CFR, and Part 1, Paragraph 1.1 of the International Civil Aviation Organization (ICAO) Technical Instructions as a Competent Authority Approval for international air transport.

The answer is yes. DOT-SP 12382 permits you to ship UN 0042, UN 0065, UN 0241, and UN 0288 in international air transport. 49 CFR 107.1 defines a Competent Authority Approval as "an approval by the competent authority that is required under an international standard" and indicates that a special permit or approval is a competent authority approval. Therefore, DOT-SP 12382 serves as a competent authority approval, permitting you to ship these hazardous materials in international air transport. The Associate Administrator is the competent authority for the United States for purposes of Part 107.

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

Sincerely,

Ben Supko
Chief, Standards Development Branch
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Boothe
\$ 172.101
\$ 175.30
\$ 173.27
Explosives
11-0016

From: Kelley, Shane (PHMSA)
Sent: Friday, November 19, 2010 11:59 AM
To: Drakeford, Carolyn (PHMSA)
Cc: Betts, Charles (PHMSA); Foster, Glenn (PHMSA); Supko, Ben (PHMSA)
Subject: FW: SPAM: RE: DOT-SP 12382

From: Hank Baird [<mailto:hbaird@alltranspack.com>]
Sent: Fri 11/19/2010 10:15 AM
To: Kelley, Shane (PHMSA)
Subject: RE: DOT-SP 12382

Good day Mr. Kelley,

I have also left a voice mail message for you this morning at 9:52.

I wanted to touch base with you regarding status of the submitted request below. The shipment involved here is of an urgent nature for the US Department of State and the same scenario will come into play for planned shipments yet to come.

Please let me know if there anything you may need in order to come to a resolution for this matter.

Regards,

Hank Baird/General Manager
ATP Training, Inc
(an AllTransPack, Inc company)
(703) 858-5169
(703) 858-5175 fax
www.alltranspack.com

From: Hank Baird
Sent: Thursday, November 18, 2010 3:43 PM
To: shane.kelley@dot.gov
Subject: DOT-SP 12382

Mr. Kelley,

Pursuant to our phone conversation, AllTransPack, Inc (ATP) has been asked to prepare and certify a dangerous shipment intended for international air transport using an existing DOT Special Permit (DOT-SP 12382). Included in this shipment are explosives that are normally forbidden for air transport by both the 49 CFR as well as the ICAO Technical Instructions (UN0042; UN0065; UN0241; and, UN0288).

It has always been our understanding that when offering dangerous goods for air transport that are normally forbidden that a Competent Authority Approval (as defined in 105.5 of 49 CFR) must be issued by the US DOT in accordance with Subpart H to Part 107 of 49 CFR. It also our understanding that the approval issued in this situation must cite the applicable ICAO Technical Instructions references for acceptance in international air transport.

ATP's understanding of this process is founded in our past experiences of applying for such approvals (please see attached).

Does the referenced DOT Special Permit (DOT-SP 12382) meet:

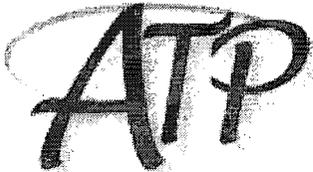
- the defining criterion as stated in 105.5 of 49 CFR for a Competent Authority Approval;
- the regulatory requirements of the Subpart H to Part 107 of 49 CFR for Approvals; and,
- the international standard set forth in Part 1, Paragraph 1.1 of the ICAO Technical Instructions?

ATP has refused to certify this shipment pending a clarification from the US DOT.

Thank you for your time in dealing with this subject matter.

Kindest regards,

Hank Baird/General Manager



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(703) 858-5175 fax

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School