

**From:** [Nicks, Michael \(PHMSA\)](#)  
**To:** [Baker, Yul \(PHMSA\)](#); [Pollack, Arthur \(PHMSA\)](#)  
**Subject:** FW: DOT-SP 16146 Foreign Military Use  
**Date:** Friday, May 23, 2025 11:35:22 AM

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Yul/Arthur,

Please log the below email and the attached as a request for interpretation.

Thank you,

**Michael Nicks**

Transportation Specialist, Office of Hazardous Materials Safety

US Department of Transportation

**Pipeline and Hazardous Materials Safety Administration**

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

Telephone Number: 304-989-6507

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**From:** Kudas, Thomas M CIV USARMY SDDC (USA) <thomas.m.kudasz.civ@army.mil>

**Sent:** Thursday, May 22, 2025 4:09 PM

**To:** Nicks, Michael (PHMSA) <michael.nicks@dot.gov>

**Subject:** FW: DOT-SP 16146 Foreign Military Use

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Michael,

If you're able to, can you give me your opinion on this when we talk tomorrow (Friday)? I have more details than what is listed in the original email I sent to Andrew. We just had a meeting with Lockheed Martin and they are actually who is preparing and shipping these explosives in contract with DoD. They are party to SP 16146, but they will be using a foreign military aircraft that is being flown in for this shipment. The Lockheed lawyers are telling them that they need an official PHMSA interpretation due to paragraph 7.b. not specifying DoD and foreign military aircraft. This is a Foreign Military Sales (FMS) shipment going overseas using a foreign military aircraft.

Dana Davis (Lockheed) emailed Don Berger (attached) asking this question, but she has not

received a response. If you have any input or direction I'd appreciate it.

Thank you.

V/r,

THOMAS M. KUDASZ  
HAZMAT Transportation Specialist/DoD Liaison to DOT  
HQ Military Surface Deployment and Distribution Command  
PH: 737-210-1720  
Teams: 520-944-6660

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**From:** Eckenrode, Andrew (PHMSA) <[andrew.eckenrode@dot.gov](mailto:andrew.eckenrode@dot.gov)>  
**Sent:** Tuesday, May 13, 2025 11:57 AM  
**To:** Kudas, Thomas M CIV USARMY SDDC (USA) <[thomas.m.kudas.civ@army.mil](mailto:thomas.m.kudas.civ@army.mil)>  
**Subject:** RE: DOT-SP 16146 Foreign Military Use

Tom,

For DOT's purposes, the foreign military would be covered under 8.a. assuming they do not open the package and reclose before moving it under that provision. For example, if there were ten items in the package, they could not open the package, take one item out, and then reclose and ship the remaining nine – this would violate the provisions of paragraph 8.a. as "package" is defined as the packaging plus its contents.

Hope this helps!

**Andrew Eckenrode**

Transportation Specialist, Office of Hazardous Materials Safety

US Department of Transportation

**Pipeline and Hazardous Materials Safety Administration**

<end>

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**From:** Kudas, Thomas M CIV USARMY SDDC (USA) <[thomas.m.kudas.civ@army.mil](mailto:thomas.m.kudas.civ@army.mil)>  
**Sent:** Tuesday, May 13, 2025 12:41 PM  
**To:** Eckenrode, Andrew (PHMSA) <[andrew.eckenrode@dot.gov](mailto:andrew.eckenrode@dot.gov)>  
**Subject:** DOT-SP 16146 Foreign Military Use

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content

is safe.

Andrew,

I have a question regarding DOT-SP 16146. We have a foreign military shipping explosives requiring this permit. They will be leaving from a CONUS military base and flying OCONUS. These explosives are Foreign Military Sales, but all transport will be military.

Would the foreign military be covered using this permit according to 8.a.? The explosives are in the original package from the manufacturer. There has been no change to configuration. The foreign military will be using a military cargo aircraft as per 7.b.

I just want to make sure everything is good to go with the permit as written or determine if they need to obtain their own authorization to the permit.

Appreciate any input you may have. Also, can do a phone call if that works better.

Thanks again,  
Tom

V/r,

THOMAS M. KUDASZ  
HAZMAT Transportation Specialist/DoD Liaison to DOT  
HQ Military Surface Deployment and Distribution Command  
PH: 737-210-1720  
Teams: 520-944-6660

**From:** [dana.l.davis@lmco.com](mailto:dana.l.davis@lmco.com)  
**To:** [harriet.d.hudson@lmco.com](mailto:harriet.d.hudson@lmco.com); [ben.dunn@lmco.com](mailto:ben.dunn@lmco.com)  
**Subject:** Fw: Special Permit 16146 question  
**Date:** Wednesday, May 21, 2025 3:38:01 PM  
**Attachments:** [image003.png](#)

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**Dana Davis**

LM Senior Fellow  
ESH and Ordnance Safety  
Lockheed Martin Corporation  
O 334-807-5255 | M 334-372-7681



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**From:** Davis, Dana L (US) <[dana.l.davis@lmco.com](mailto:dana.l.davis@lmco.com)>  
**Sent:** Thursday, May 22, 2025 3:08:32 AM  
**To:** [don.burger@dot.gov](mailto:don.burger@dot.gov) <[don.burger@dot.gov](mailto:don.burger@dot.gov)>  
**Subject:** Re: Special Permit 16146 question

Good day Mr. Burger. Just wanted to follow up on this email request. Available to talk whenever you have time.

**Dana Davis**

LM Senior Fellow  
ESH and Ordnance Safety  
Lockheed Martin Corporation  
O 334-807-5255 | M 334-372-7681



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**From:** Davis, Dana L (US)  
**Sent:** Tuesday, April 1, 2025 5:09:46 AM  
**To:** [don.burger@dot.gov](mailto:don.burger@dot.gov) <[don.burger@dot.gov](mailto:don.burger@dot.gov)>  
**Cc:** Norris, Allison L (US) <[allison.l.norris@lmco.com](mailto:allison.l.norris@lmco.com)>; Miller, Richard L2 (US) <[richard.l2.miller@lmco.com](mailto:richard.l2.miller@lmco.com)>  
**Subject:** Special Permit 16146 question

Good afternoon Mr. Burger – Brian Vos suggested that I reach out to you for a quick question. We have been requested to offer “forbidden explosives” under Special Permit 16146 (see attached) to a foreign military under a Foreign Military Sales (FMS) case. Section 7 (b) states the following:

7. SAFETY CONTROL MEASURES

a. PACKAGING: Prescribed packaging must be as required by the EX classification approval associated with the specific explosive, or in accordance with AFMAN 24-604 IP/TM 38-250/NAVSUP PUB 505/MCO P4030.19I/DLAI 4145.3/PREPARING HAZARDOUS MATERIALS FOR MILITARY SHIPMENTS.

b. OPERATIONAL CONTROLS: Transportation is authorized only by military aircraft or by an air carrier that has a special permit authorizing the transportation of explosives that are forbidden or exceed quantities, as outlined in 49 CFR Parts 100-178, to be transported by cargo aircraft only.

Lockheed traditionally references Special Permit 7573 (see attached) when we are requested to offer the forbidden explosives to the US DoD, however, the foreign military does not have an equivalent Special Permit 7573, but will be transporting on their military aircraft. Therefore, LM wants to verify that we are compliant in offering the shipment to the foreign military.

If you would like further details, please feel free to give me a call @ 334-372-7681

**Dana Davis**

LM Senior Fellow

ESH and Ordnance Safety

Lockheed Martin Corporation

**(C)** 334-372-7681

