



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

JUL 14 2000

Ms. Jackie Brian
Materials Manager
HITECH
P.O. Box 3112
East Camden, AR 71711

Ref. No. 00-0136

Dear Ms. Brian:

This is in response to your letter dated April 27, 2000, requesting clarification on the shipment of explosives under § 173.56 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether you may use a Department of Defense (DOD) approval on file with the Department of Transportation (DOT) to ship explosive materials to a commercial customer.

The answer is no. The DOD approval may only be used to ship DOD explosive materials to DOD facilities, and not to non-DOD commercial customers. A new approval from DOT for your commercial customer would have to be issued by the Associate Administrator for Hazardous Materials Safety as prescribed in Part 107 of the HMR.

I hope this answers your inquiry.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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Boothel
173.56
00-0136

A PRIMEX TECHNOLOGIES COMPANY

April 27, 2000

Edward Mazzulo
Director, OHMS

Dear Edward,

I have a question concerning D.O.T. approvals for D.O.D. products. We are an explosive load and pack facility that does both government contract and commercial work.

The question that I have is: Can I use a D.O.T. approval to move products on a commercial shipment?

Example, if I have a NSN, Explosive #, PSN, and UN number provided in our D.O.D. contract, I go to the Joint Haz-Mat Safety Group and request a hard copy of the approval. If I have the hard copy in hand and have a need to ship this product commercially, is that legal?

I appreciate your help and time in helping me reach a conclusion on this matter. Whatever, the answer may be will you please give me the reference to the regulations where I can find the answer.

Thank You,

Jackie W Brian
Jackie Brian

Materials Manager

JB/sr
JB18700

870-798-
3613