



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

NOV 12 2013

Ms. Mary P. Morningstar
Lockheed Martin Corporation
6801 Rockledge Drive, MP 223
Bethesda, MD 20817

Reference No. 13-0129

Dear Ms. Morningstar:

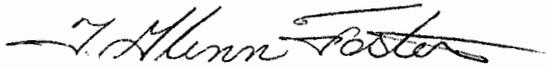
This is in response to your June 18, 2013 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of explosives. Your questions are paraphrased and answered below:

- Q1: You ask for clarification on the use of approvals issued to the Department of Defense (DOD). You note that the approvals issued to DOD contain the statement "These items are authorized for transportation only when transported by, or under the direction or supervision of, a component of the DOD." You ask if it is permissible for Lockheed Martin, as an integral part of the DOD supply chain, to use such approvals for the transportation of explosives under its DOD contracts.
- A1: The answer is yes. Provided Lockheed Martin is transporting explosives offered for transportation by, or under the direction or supervision of a component of the DOD, a separate approval would not be required.
- Q2: You also ask for clarification on the proper format for older EX numbers that do not have expiration dates. You note that older explosives approvals are formatted as "EX" followed by seven digits. The current format is "EX" followed by ten digits, with the first two digits indicating the year of issuance. You ask if it is permissible to use the old EX number format for approvals that do not expire for the purposes of package markings and shipping paper descriptions.
- A2: Currently, nothing in § 172.320 prohibits the use of the old seven digit EX number format for approvals that do not expire. However, any EX number with the seven digit format must be associated with a current UN identification number and proper

shipping name. In addition, the EX number in the seven digit format must be associated with a current packaging note within § 173.62. If any of these items is no longer current, the shipper must re-apply for an updated approval with a current/valid UN proper shipping name and packaging note.

I trust this satisfies your request. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script, reading "T. Glenn Foster". The signature is written in black ink and is positioned above the typed name.

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

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LOCKHEED MARTIN



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Associate General Counsel
Environment, Safety & Health

Andrews
\$ 173.56
\$ 172.320
Explosives
13-0129

VIA ELECTRONIC MAIL

June 18, 2013

Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration
ATTN: PHH-10
U.S. Department of Transportation, East Building
1200 New Jersey Avenue, S.E.
Washington, DC 20590-0001

RE: Letter of Interpretation Request for Explosives-Related Questions

Dear Sir or Madam:

The purpose of this letter is to request from the U.S. Department of Transportation ("USDOT") an interpretation letter answering two questions related to the transportation of explosive materials. Lockheed Martin Corporation ("Lockheed Martin") is a multi-national corporation doing business in all 50 states in the United States and internationally. Lockheed Martin regularly transports hazardous materials on public roads and by air and water, and routinely transports hazardous materials for its largest customer, the U.S. Department of Defense ("DOD").

In the past, the DOD has requested USDOT Competent Authority Approvals ("Approvals") for explosives. Such Approvals, when granted by USDOT, often include the sentence, "These items are authorized for transportation only when transported by, or under the direction or supervision of, a component of the Department of Defense." Lockheed Martin understands that there may be a general unwritten consensus among USDOT departments, including the HazMat Information Center, that the intent of this sentence is to restrict use of such explosives Approvals, particularly with regard to third parties who are *not* related to the DOD through their supply chains. Lockheed Martin could infer that third parties who *are* part of the DOD supply chain could use such Approvals, and therefore a DOD contractor, such as Lockheed Martin, could use such Approvals for transportation of explosives in support of Lockheed Martin's DOD contracts.

Lockheed Martin's first request for interpretation is therefore as follows: Please clarify the criteria regarding the use of explosives Approvals that contain the sentence, "These items are authorized for transportation only when transported by, or under the direction or supervision of, a component of the

Department of Defense." Is it allowable for Lockheed Martin, as an integral part of the DOD supply chain, to use such Approvals for its transportation of explosives under its DOD contracts?

Some of the USDOT Competent Authority Approvals for explosives contain expiration dates, and some do not contain expiration dates. Older explosives Approvals are formatted as "EX" followed by seven digits (e.g., EX8210067). The current format is "EX" followed by ten digits, with the first four digits being the year of issue. When older Approvals are converted to new Approvals, the first two digits of the year are added in front of the seven-digit older number and an extra zero is added in front of the last three digits (e.g., EX8210067 becomes EX1982100067). When Approvals expire and are reissued, USDOT may update the format of the Approval; however, for an Approval that does not have an expiration date, the shipper/offeror must decide the format of the Approval to mark on individual packages in compliance with 49 CFR §172.320(a), or to indicate on shipping papers in compliance with 49 CFR §172.320(d), or in both locations. For older Approvals containing the old format, if the shipper/offeror converts to the new format, the EX# format marked on the package and/or indicated on the shipping description does not exactly match the format appearing on the Approval document.

Therefore, the second request for interpretation is as follows: Is it entirely optional for the shipper/offeror to use either the "old" or the "new" format, or is it mandatory under all or certain DOT-specified circumstances that "old" format Approvals are converted to "new" format Approvals for purposes of package markings and/or shipping paper descriptions?

Lockheed Martin appreciates your attention to these questions, and I would be happy to discuss either or both with the appropriate person within the USDOT. My contact information is on my letterhead.

Thank you in advance for your assistance.

Sincerely,



Mary P. Morningstar

cc: Allison Norris
Norman A. Varney
Michael Fiddis