



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

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

**APR 08 2011**

APR 8 2011

Mr. David A. Cocks  
Hazard Classification Officer  
AWE  
Aldermaston, Reading  
RG7 4PR Berkshire  
United Kingdom

Ref. No. 10-0171

Dear Mr. Cocks:

This letter responds to your e-mail inquiry requesting clarification of the approval process under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to foreign-manufactured explosives. Specifically, you ask whether a new explosive approved by a foreign (i.e., non-U.S.) competent authority must also be approved by the Competent Authority of the United States prior to U.S. import.

The answer is yes. Section § 173.56(f) of the HMR states in part that, the Associate Administrator may approve a new explosive on the basis of an approval issued for the explosive by the competent authority of a foreign government. Once reviewed, a reciprocal approval is issued by the Associate Administrator, in writing, acknowledging whether the new explosive may be transported in commerce to, through, or from, the United States.

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

Sincerely,

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

Stevens  
3173.56  
Explosives  
10-0171

**Drakeford, Carolyn (PHMSA)**

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**From:** Betts, Charles (PHMSA)  
**Sent:** Friday, September 03, 2010 11:46 AM  
**To:** Drakeford, Carolyn (PHMSA)  
**Cc:** Singh, Harpreet (PHMSA)  
**Subject:** FW: Shipment of UK Explosives Substance for US Testing

**Importance:** High

Carolyn,

Please enter this in as a new request for interpretation and assign for proper handling.

Thanks,  
Charles

-----Original Message-----

**From:** Singh, Harpreet (PHMSA)  
**Sent:** Friday, September 03, 2010 9:51 AM  
**To:** Betts, Charles (PHMSA)  
**Subject:** FW: Shipment of UK Explosives Substance for US Testing  
**Importance:** High

Hi Charles- I think the response to below request pertaining to the regulations regarding the transportation of UK explosives into the US and the transportation on US roadway should be handled by your office. Please let me know if not.

Thanks,  
Harpreet

-----Original Message-----

**From:** Carr, Kevin [mailto:KCarr@doeal.gov]  
**Sent:** Friday, September 03, 2010 9:15 AM  
**To:** David.A.Cocks@awe.co.uk; Singh, Harpreet (PHMSA)  
**Cc:** Ratchner, Christina; Watson, Spencer (PHMSA)  
**Subject:** Shipment of UK Explosives Substance for US Testing  
**Importance:** High

Good morning David,

I appreciate the inquiry for the shipment of KD/5 - TATB type B, Viton-A to LANL and LLNL utilizing the current UK flights into Kirtland AFB, NM. As the US DOE Primary Hazard Classifier, I only have the authority to issue IHC authority for US DOE articles and substances.

Substances created within the UK to be received in the US cannot be approved within the US DOE since I only have authority within the US. As you are aware, our competent authority within the US is the Department of Transportation who I have cc'd on this email. It is my understanding from discussion with Ms. Singh from the DoT that an EX number is required for UK explosives being received into the US for transportation on US roadways. I suggest that you also contact the US DoT through UK protocols to ensure proper approval is coordinated in advance of this shipment. Please feel free to contact me if you need any additional information regarding this issue.

Ms. Singh,

I would greatly appreciate any DoT guidance that you are able to provide regarding the correct protocol regarding the receipt of UK explosives into the US and transportation on US roadways. Primarily, is an EX number required if the UK transports a UK manufactured substance to the US on a UK military transport? I feel confident that I can issue a DOE IHC to allow for public roadway shipment of the explosive substance from the airport to LANL and LLNL for testing.

Thank you for your support on this issue,

Kevin Carr, NN-4, DOE Civilian  
NNSA/SC/OSHD  
505-845-4888

-----Original Message-----

From: David.A.Cocks@awe.co.uk [mailto:David.A.Cocks@awe.co.uk]  
Sent: Friday, September 03, 2010 5:29 AM  
To: Carr, Kevin  
Cc: Ratchner, Christina  
Subject: Request for Assistance  
Importance: High

Dear Mr Kevin Carr,

First I would like to introduce myself. I am the AWE Hazard Classification Officer (UN Class 1). My role is to obtain Hazard Classifications for AWE on behalf of the UK Ministry of Defence. I am also the point of contact for all Class 1 Shipments into and out of AWE.

I apply for Competent Authority Classifications for UN Class 1 consignments through the UK Competent Authorities for shipments to AWE on behalf of US Shippers and the UK Ministry of Defence.

AWE on Behalf of the UK Ministry of Defence have a need to ship some UN Class 1 Substance (KD/5 - TATB type B, Viton-A) to LANL and LLNL for Test and Evaluation and I was hoping to utilise the RAF Flight in early November (Military Aircraft).

UN Test Series 3 or equivalent data is available and the material has been assessed as safe for transport.

I am exploring the options and was hoping that you may be able to assist. The material will be shipped under the 1958 Mutual Defence Agreement.

If you need confirmation of my role and position please contact Christina Ratchner. In the past I have spoken to Alan Herbach on these type of issues.

In the past shipments I believe may have been achieved in the following ways:

- \* Using UK Competent Authority Classification with mirrored US DOE IHC
- \* Using UK Competent Authority Classification with mirrored US DOT EX
- \* Using UK Competent Authority Classification and US Government / Military Transport with no IHC or EX

I understand that the subject may already been discussed with you and that you have advised that we must obtain US DOT Classification and EX number prior to shipment.

I understand that this is the standard requirement, but was hoping that other options may be available to use.

Your advice and guidance would be appreciated.

With thanks

Kind Regards

David Cocks

AXO

Direct: 0118 982 7030

AWE, Aldermaston, Reading, RG7 4PR

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