



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

1200 New Jersey Avenue, SE
Washington, DC 20590

May 19, 2021

Donna Adams
Regulatory Oversight
RCS RMS Inc.
2113 West 850 North
Cedar City, UT 84720

Reference No. 21-0012

Dear Ms. Adams:

This letter is in response to your February 5, 2021, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to international air transportation of explosives under a Department of Transportation Special Permit (DOT-SP or SP). Specifically, you ask whether DOT-SP 10996 meets the requirements for an approval under International Air Transport Association (IATA) Dangerous Goods Regulations 1.2.5.1 and Part 1, Paragraph 1.1 of the International Civil Aviation Organization (ICAO) Technical Instructions.

The answer is yes. DOT-SP 10996 authorizes the transportation in commerce of “UN0351, Articles, explosive, n.o.s. (rocket motors *or* reloadable rocket motor kits), 1.4C, PG II” by motor vehicle, rail freight, cargo vessel, and cargo aircraft only. Under 49 CFR § 107.1, a Competent Authority Approval is “an approval by the competent authority that is required under an international standard” and indicates that a SP or approval is a competent authority approval. Therefore, DOT-SP 10996 serves as a competent authority approval, permitting you to ship these hazardous materials in international air transport (i.e., cargo aircraft only in the case of DOT-SP 10996). For purposes of 49 CFR Part 107, the Associate Administrator of the Office of Hazardous Materials Safety is the competent authority for the United States.

In addition, your inquiry also references IATA. Please note that the HMR do not officially recognize the IATA Dangerous Goods Regulations for purposes of transporting hazardous materials.

However, § 171.22 of the HMR authorizes use of the ICAO Technical Instructions for the Safe Transport of Dangerous Goods provided shipments offered under the ICAO Technical Instructions conform to the applicable requirements of §§ 171.23 and 171.24.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink that reads "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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

From: [INFOCNTR \(PHMSA\)](#)
To: [Hazmat Interps](#); [Dodd, Alice \(PHMSA\)](#)
Subject: FW: Letter of interpretation/clarification of SP 10966
Date: Tuesday, February 9, 2021 2:32:49 PM

Dear Alice,

Please see the letter of interpretation request below. Please contact our office with any questions.

Thank you,

Sarah (HMIC)

From: regulatory@aerotech-rocketry.com [mailto:regulatory@aerotech-rocketry.com]
Sent: Friday, February 5, 2021 3:39 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Letter of interpretation/clarification of SP 10966

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.

To Whom It May Concern:

RCS RMC Inc., has received a request from their carriers for clarification concerning international air transport using DOT Special Permit 10996.

They are questioning the use of DOT SP 10996 as a Competent Authority Approval for use with international shipments per IATA regulations.

It has been our understanding that the DOT SP 10996 meets the criteria as an approval per IATA 1.2.5.1 and that it meets the applicable ICAO Technical Instructions references for acceptance in international air transport.

Our carriers have requested that the DOT provide written clarification in this matter stating the following for DOT SP 10996:

--that it meets the requirements for an approval per IATA 1.2.5.1

--and that it meets the international standard set forth in Part 1, Paragraph 1.1 of the ICAO technical instructions for international air transport.

Our carriers have refused to ship anything showing the SP 10996 via international air pending the written clarification requested on this matter.

Thank you for your time and attention to this issue. Below is all of my contact

information should you need any additional information.

Donna Adams

Regulatory Oversight

regulatory@aerotech-rocketry.com

RCS RMS Inc.

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Cedar City Ut, 84720

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