



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

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

MAY 30 2003

Mr. Gary A. Beagle  
Director of Operations  
Century International Arms, Inc.  
236 Bryce Boulevard  
Fairfax, Vermont 05454

Ref. No. 03-0122

Dear Mr. Beagle:

This responds to your May 12, 2003 letter concerning hazardous materials transportation security requirements adopted in a final rule published March 25, 2003, under docket HM-232. Specifically, you ask if the new security regulations apply to shipments of small arms ammunition, classed as Division 1.4S.

The answer is yes. The Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180), as amended by the HM-232 final rule, require persons who offer for transportation or persons who transport hazardous materials in amounts that require placarding in accordance with Subpart F of Part 172 of the HMR to develop and implement security plans. As your letter notes, under the HMR, container shipments of Division 1.4S explosives that exceed 454 kg aggregate gross weight must be placarded. Such shipments are thus subject to the security plan requirements in the HM-232 final rule.

The security plan requirements are in new Subpart I of Part 172 of the HMR. A security plan must include an assessment of possible transportation security risks for covered shipments and appropriate security measures to address the assessed risks. At a minimum, a security plan must include measures to address personnel security, unauthorized access to shipments, and en route security (see § 172.802). As we suggested in the preamble to the HM-232 final rule, we expect shippers to work with carriers to address en route security risks for the materials covered by the security plan. In some cases, a shipper and carrier may have a joint plan; in others, a shipper and carrier may have two separate security plans. The regulation provides the flexibility necessary to enable shippers and carriers to determine the best methods for addressing en route security issues. A shipper should satisfy itself that the carrier that will be transporting its material has a security plan in place that addresses the transportation of the material or materials to be shipped.



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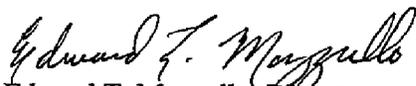
172.504

The HM-232 final rule also includes new security training requirements. Section 172.704(a)(4) requires hazmat employees, defined in § 171.8 of the HMR, to receive security awareness training. In addition, hazmat employees who handle hazardous materials covered by a security plan or who are responsible for implementation of the security plan must receive in-depth training on the plan, including specific security procedures, employee responsibilities, and actions to be taken in the event of a security breach.

Our website, at [http://hazmat.dot.gov/hmt\\_security.htm](http://hazmat.dot.gov/hmt_security.htm), includes a variety of information and guidance to assist you to comply with the new security regulations. For example, we have developed a risk management self-evaluation framework to assist companies to use risk assessment methodology to identify points in the transportation process where security procedures should be enhanced. We have also developed a guidance brochure that includes specific measures a company may want to consider to enhance transportation security. In addition, we have produced a computer-based security awareness CD-ROM that can be used to satisfy the security awareness training requirements in § 172.704(a)(4). The training CD-ROM is available to the public at no charge; it can be downloaded from our website or ordered on-line or by calling our Training and Initiatives Office at 202-366-4900.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,



Edward T. Mazzullo, Director  
Office of Hazardous Materials Standards



# CENTURY INTERNATIONAL ARMS, INC.

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*Gorsky*  
*§172.504(6)*  
*Placarding*  
*03-0122*

## Fax

Date: 12 May 2003

To: Edward Mazzullo, Director, Office of Hazardous Material Standards  
U.S. DOT/RSPA [DHM-10]  
400 7<sup>th</sup> Street SW  
Washington, DC 20590-0001

Fax #: (202) 366-3012

From: Gary Beagle

Subject: **HM-232 Hazardous Materials Security Requirements**

Number of pages including cover page (2): If you do not receive all of the pages please call Jennifer Mucha at (802) 527-1258, ext. 105.

Dear Mr. Mazzullo,

We would like a formal ruling to determine if the hazardous materials security requirements pertain to the shipping of small arms ammunition category 1.4S.

Century International Arms, Inc./Century Arms, Inc. is an importer and distributor of small arms ammunition. All shipments of ammunition are performed by common carriers. Part of our incoming and outgoing shipments may require placarding based on packaging weight, where we have to placard the container 1.4S.

Do we need to incorporate security of hazardous material training into our current security program? Is there formal training which outlines minimum security requirements for transportation of hazardous material? Does the safety trainer need to be formally trained or pass any exam? Is the shipper responsible to ensure that the carrier is qualified to handle and transport hazardous material before loading their vehicle? Is there anything in writing that outlines the shipper's and carrier's responsibilities?

Any information that you can provide us either directly or through the Internet is greatly appreciated.

Best Regards,

  
Gary A. Beagle  
Director of Operations

GAB/jm