



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

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

JUN 16 2010

Mr. Rick Patterson  
Managing Director  
Sporting Arms & Ammunition Manufacturers Institute, Inc.  
Flintlock Ridge Office Center  
11 Mile Hill Road  
Newtown, CT 06470-2359

Ref. No. 10-0099

Dear Mr. Patterson:

This responds to your April 28, 2010 request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask PHMSA to clarify that only shipments of Division 1.4 materials requiring placards are subject to security plans and that any load not requiring placards, whether or not it is permissively placarded, is not subject to the security plan requirements.

You indicate that PHMSA's intent has been to require security plans for shipments requiring placarding under part 172, subpart F. However, in the recently published final rule, HM-232F, (75 FR 10974; March 9, 2010), the revised security plan applicability requirement states, "A quantity of a Division 1.4, 1.5, or 1.6 material requiring placarding in accordance with § 172.504(c)" (75 FR 10989). You are concerned that this reference to § 172.504(c), narrowed from the previous "subpart F", could be reversely interpreted to exclude other placarding exceptions, e.g., § 172.504(f)(6).

It was our intent that the security plan requirements for Division 1.4, 1.5, and 1.6 explosives continue to apply as they did prior to publication of the HM-232F, final rule. In the preamble we say, "the security planning requirement will apply, as it does now, to all Division 1.4 explosives transported in quantities that require placarding under Subpart F of Part 172 of the HMR." (75 FR 10979). The reference to § 172.504(c) in § 172.800(b)(2) of the final rule is a drafting error. The error will be corrected in a future rulemaking.

I hope this answers your inquiry. If you need additional assistance, please contact this Office.

Sincerely,

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards



SPORTING ARMS AND AMMUNITION MANUFACTURERS' INSTITUTE, INC.  
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Security Plans  
10-009

April 28, 2010

Edward Mazzullo  
Office of Hazardous Materials Standards  
Pipeline and Hazardous Materials Safety Administration  
Attn: PHH-10  
U.S. Department of Transportation  
East Building, 1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

**Re: Request for Interpretation On Security Plan Applicability**

Dear Mr. Mazzullo:

The Sporting Arms and Ammunition Manufacturers' Institute (SAAMI) was created at the request of the US Government in 1926, Our mission was - and continues to be - creating standards for safety, reliability, and interchangeability of firearms, ammunition, and components, Safety is the watchword of everything we do. We appreciate the opportunity to submit the following request for interpretation.

On March 9, 2010, PHMSA published a final rule modifying the applicability and components of security plans. Our concern is with those Division 1.4S products which relate to ammunition which do not require placarding, i.e.:

UN 0012	Cartridges, small arms	1.4S	PG II
UN 0014	Cartridges, small arms, blank	1.4S	PG II
UN 0044	Primers, cap type	1.4S	PG II
UN0376	Primers, tubular	1.4S	PG II

In this letter we are asking PHMSA to clarify that these products are not subject to security plan requirements, as follows.

Regarding the intent of PHMSA's changes, we note the statement in the rule's preamble:

“It was not our intent to significantly expand upon current security planning requirements applicable to explosives. In the NPRM, we indicated that most Division 1.4 explosives do not pose a significant transportation security risk and limited security plan requirements to any quantity of a material identified as UN 0104, UN 0237, UN 0255, UN 0267, UN 0289, UN 0361, UN 0365, UN 0366, UN 0440, UN 0441, UN 0455, UN 0456, or UN 0500.”

Therefore, the products of interest to SAAMI do not pose a significant transport security risk. With regard to these products, the previous security plan applicability was determined by placarding requirements as stated in 172.800(b)(7):

172.800(b)(7) A quantity of hazardous material that requires placarding under the provisions of subpart F of this part.

We conclude from this that PHMSA's intent has been to trigger security plans for shipments requiring placarding, and not for shipments which don't require placarding, but are placarded voluntarily in accordance with the permissive placarding rule in 49 CFR 172.502(c).

The products classified as UN 0012, 0014, 0044 and 0376 do not require placarding in any quantity. This is because they do not require labeling in the 172.101 hazmat table, and are thereby excepted from placarding by 172.504(f)(6), which states:

(6) The EXPLOSIVE 1.4 placard is not required for those Division 1.4 Compatibility Group S (1.4S) materials that are not required to be labeled 1.4S.

As of the March 9<sup>th</sup> Federal Register, the revised security plan applicability requirement is stated as:

(2) A quantity of a Division 1.4, 1.5, or 1.6 material requiring placarding in accordance with § 172.504(c);

We believe that PHMSA is here identifying that most Division 1.4 products do not require placarding for shipments less than 1,001 pounds, and thus are not subject to security plan requirements unless exceeding that level. We are concerned that this helpful pointer to the 1,001 pound placarding exception 172.504(c), narrowed from the previous "subpart F", could be reversely interpreted to exclude other placarding exceptions, e.g. 172.504(f)(6).

We ask that PHMSA please clarify that only shipments of Division 1.4 requiring placards trigger the security plan requirements, and that any load not requiring placards, whether or not it is permissively placarded, is not subject to the security plan requirements.

Sincerely,  
SAAMI

A handwritten signature in black ink, appearing to read "Rick Patterson", with a long horizontal line extending to the right.

Rick Patterson  
Managing Director