



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

MAR 28 2011

Mr. Daniel A. Maham  
Director of Safety  
Department of the Army  
Military Surface Deployment and Distribution Command  
1 Soldier Way  
Scott AFB, IL 62225-5006

Ref. No. 11-0035

Dear Mr. Maham:

This responds to your February 15, 2011 request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the placarding exception in § 172.504(c)(1) also exempts a Division 1.4S material from the shipping paper, marking, and labeling provisions of the HMR.

The answer is no. The § 172.504(c)(1) placarding exception applies to placarding only, not to shipping paper, marking, and labeling provisions. The shipping paper, marking, and labeling provisions apply unless otherwise specifically excepted in the HMR.

I hope this answers your inquiry. If you need additional assistance, please contact this office at (202) 366-8553.

Sincerely,

A handwritten signature in black ink that reads "Ben Supko".

Ben Supko  
Acting Chief, Standards Development Branch  
Standards and Rulemaking Division



DEPARTMENT OF THE ARMY  
 MILITARY SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND  
 1 SOLDIER WAY  
 SCOTT AFB, IL 62225-5006

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 § 172.504(c)(1)  
 Placarding  
 11-0035

Directorate of Safety (AMSSD-SA)

February 15, 2011

U.S. Department of Transportation  
 Pipeline Hazardous Materials Safety Administration  
 Office of Hazardous Materials Safety  
 Office of Hazardous Materials Special Permits and Approvals  
 1200 New Jersey Avenue, SE  
 East Building, 2nd Floor  
 Washington, DC 20590

ATTN: Office of Hazardous Materials Standards (PHH-10)

Dear Sir:

In accordance with the provisions of Title 49, Code of Federal Regulations (CFR), Part 105, Section 105.20, the Department of Defense (DOD) hereby requests an Interpretation of the Hazardous Materials Regulations as outlined below. DOD petitions for a clarification of 49 CFR 172.504 (c) (1) General Placarding Requirements, in particular "Exception for less than 454 kg (1,001 pounds)". The following file number is assigned:

**File Number: 19-11 (0211)**

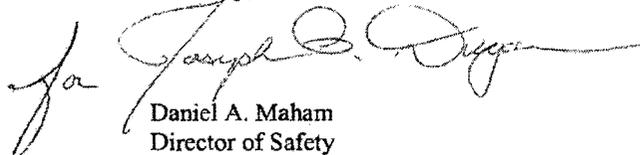
**Re: Request Interpretation of 49 CFR 172.504 (c) (1) General Placarding Requirements**  
 Proponent: Department of Defense

The Military Surface Deployment and Distribution Command (SDDC) arranges for transportation of DOD hazardous cargo using commercial carriers. SDDC establishes policy, prescribes rules, and describes responsibilities for Transportation Service Providers, Publication MFTURP-1, Rule 43, (4) implements the 49 CFR 172.504(c) (1) exception clauses (see attachment). The Directorate for Strategic Business, Business Services Branch manages the Business Rules which governs DOD transportation requirements for those commercial carriers who transport DOD hazardous cargo.

A question concerning the application of the "Exception for less than 454 kg (1,001 pounds)" standard is at issue. Primarily, if a DOD shipping activity offers explosive materials DOD Hazard Classified as 1.4S and the weight limitations specified are less than 454 kg (1,001 pounds) does the provisions of the Hazardous Materials Regulation such as marking, labeling and shipping papers apply? Further, may the DOD offer the materials as General Cargo commonly referred to as "Freight of All Kinds (FAK)?"

My point of contact for this matter is Mr. Joseph P. Dugan, (618) 220-5040, e-mail [sddc.safb.safety@us.army.mil](mailto:sddc.safb.safety@us.army.mil) or [joseph.dugan@us.army.mil](mailto:joseph.dugan@us.army.mil) Safety Team, Military Surface Deployment and Distribution Command, ATTN: AMSSD-SA, One Soldier Way, Scott AFB, IL 62225.

Sincerely,

  
 Daniel A. Maham  
 Director of Safety

Attachment



**MILITARY SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND  
MILITARY FREIGHT TRAFFIC UNIFIED RULES  
PUBLICATION-1 (MFTURP-1)**

**NOTICE:** This publication is available digitally on the SDDC website at:

<http://www.sddc.army.mil/Public/Global%20Cargo%20Distribution/Domestic/Publications/>

This publication establishes policy, prescribes rules, and describes responsibilities for motor, rail, water, pipeline, and tank-truck Transportation Service Providers (TSP). These rules will assist TSP in providing safe, reliable and "Best Value" service to Department of Defense (DOD) Shippers.

**POC: SDDC-G9**

Issue Date: 23 October 2009	Effective Date: 26 October 2009
Military Surface Deployment and Distribution Command	
661 Sheppard Place	
Fort Eustis, Virginia 23604	

<b>MOTOR TRANSPORTATION SERVICE PROVIDER RULES</b>
<b>SECTION B</b>

<b>ITEM 43</b>	<b>FREIGHT ALL KINDS - DOD UNIQUE NUMBER 999913</b>
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1. FAK 999913 consists of those commodities which TSP offer to transport at one inclusive rate or charge, regardless of their classification rating in the NMFC or their differing transportation characteristics.
2. The following commodities are prohibited from being included or classified as FAK:
  - a. Narcotics and dangerous drugs
  - b. Ammunition/explosives, Class 1, Divisions 1.1, 1.2, 1.3, 1.4, 1.5, and 1.6. See exception in Paragraph 4 below.
  - c. Radioactive materials
  - d. Etiologic agents
  - e. Crated household goods or personal effects (see Item 45)
  - f. Live animals
  - g. Bulk commodities
  - h. Corpses
  - i. Currency
  - j. Coins
  - k. Precious metals
  - l. Food, fresh, frozen, or requiring refrigeration
  - m. Postage stamps or stamped envelopes
  - n. Army tractor tanks and tracked vehicles
  - o. Vehicles, self-propelled
  - p. Vehicles in driveaway and/or towaway service
  - q. Any commodity assigned a DOD unique commodity code by SDDC
  - r. Aircraft parts loaded in other than boxcars or TOFC/COFC trailers or containers
  - s. Engines
  - t. Missiles or Rockets
3. FAK shipments must comply with paragraphs 3-6 that is outlined in Item 39 above.
4. FAK shipments may include non-sensitive ammunition and explosives, Class 1, Divisions 1.4, 1.5, and 1.6, where the combined weight does not exceed 1,000 pounds. FAK shipments must be in compliance with 49 CFR, Part 172.504, Table 2.

<b>ITEM 45</b>	<b>FREIGHT ALL KINDS - DOD UNIQUE NUMBER 999913, SUB No. 1</b>
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1. FAK 999913 Sub 01, including crated household goods or personal effects, consists of commodities which a TSP offer to transport at one inclusive rate or charge, regardless of their classification rating in the NMFC or their differing transportation characteristics..

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