



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

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

Mr. Alan I. Roberts  
President  
Dangerous Goods Advisory Council  
1101 Vermont Avenue, NW, Suite 301  
Washington, DC 20005-3251

OCT 7 2003

Dear Mr. Roberts:

This responds to your inquiry concerning my letter of August 11, 2003, to Mr. David Hiromura of NRS Logistics. That letter discussed the applicability of the security plan requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to persons domiciled outside the United States.

The second paragraph of my August 11 letter was not as clear as it could have been concerning the responsibility of a shipper for determining whether a carrier's security plan conforms with the new HMR regulatory requirements. For clarity, the second paragraph of my August 11 letter to Mr. Hiromura should have read as follows:

"Foreign-based entities must comply with all applicable HMR requirements when operating within the United States. Foreign entities that ship or transport hazardous materials into the United States in quantities listed in § 172.800(b) of the HMR must develop and implement security plans for those hazardous materials. Foreign entities, such as overseas subcontractors, that do not operate in the United States are not subject to the security plan requirements. Shippers are not required to verify that a carrier's security plan conforms to the regulatory requirements in § 172.802 of the HMR nor are carriers required to verify that a shipper's security plan conforms to the regulatory requirements in § 172.802. We recommend, however, that a shipper satisfy itself that its carrier has a security plan in place that covers the hazardous material to be transported."

I hope this information is helpful. Please accept my apology for any confusion caused by my response to Mr. Hiromura.

Sincerely,

Susan Gorsky  
Senior Regulations Specialist  
Office of Hazardous Materials Standards