



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

1200 New Jersey Ave., S.E.
Washington, DC 20590

JAN 7 2009

Mr. James Sompai
Cytec Industries, Inc.
5 Garrett Mountain Plaza
West Patterson, New Jersey 07424

Ref. No.: 08-0190

Dear Mr. Sompai:

This is in response to your July 17, 2008 letter asking about the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to a shipment of hazardous materials by vessel that originates and terminates outside of the United States, is prepared in accordance with the International Dangerous Goods Code (IMDG Code), and which is never unloaded from the vessel while in the United States.

The HMR apply to the commercial transportation of hazardous materials to, from, or within the United States, including the navigable waters of the United States, even when a shipment is never unloaded from the vessel. However, § 171.22(a) authorizes the use of the IMDG Code as an equivalent to the HMR, when: (1) all or part of the transportation is by vessel; and (2) the shipment complies with the conditions, limitations, and additional requirements set forth in §§ 171.22(b)-(g), 171.23, and 171.25.

In particular, any additional or differing shipping paper and placarding requirements in subparts C and F of 49 CFR part 172, respectively, do not apply to a shipment of hazardous materials prepared in accordance with the IMDG Code which is never unloaded from the vessel in the United States. As provided in § 171.25(d)(1), these requirements apply only to a shipment of hazardous material that is offered, accepted, and transported by motor vehicle within the U.S. port area.

I hope this answers your inquiry.

Sincerely,

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

CYTEC

Eichenlaub
§ 171.25(d)
IMDG Code
08-0190

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July 17, 2008

Mr. Edward Mazzullo
OFFICE OF
HAZARDOUS MATERIALS
STANDARDS
PHH-10
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Mr. Mazzullo:

We are requesting clarification of the Hazardous Materials Regulations (HMR) as applies to shipments which originate and terminate outside the US, shipped according to the IMDG Code and which never leave the ship in the US.

It is understood that 49 CFR 171.25 (d)(2) provides relief from the emergency telephone number requirement in this situation.

What is unclear is that 49 CFR 171.25(d)(1) requires conformance with 49 CFR Part 172 Subparts C and F for materials transported within a port area by motor vehicle but makes no mention of the requirements for materials which remain on the ship while in a US port.

Are shipments of materials which originate and terminate in ports outside the United States, shipped according to the IMDG Code and which never leave the ship while in a US port subject to the HMR? If so, which regulations apply?

Sincerely,



James Somppi
Director, Americas Logistics & Global Network
Cytec Industries Inc.