



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

JAN 16 2014

Mr. Christopher Widman
President
C&E DOT Compliance Consultants LLC
9465 Jefferson Street NE
Blaine, MN 55434

Ref. No.: 13-0229

Dear Mr. Widman:

This is in response to your email dated November 19, 2013, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) relating to the shipment of Class 1 (explosive) material by vessel. You present a scenario where Class 1 material will be shipped from the Czech Republic to Indonesia via the Port of Norfolk, Virginia. The material will not be imported into or transported on a public highway within the United States. However, the material will be transloaded from one ship to another while in the Port of Norfolk, Virginia. Your questions are paraphrased and answered as follows.

Q1. Is a United States Competent Authority Approval required for entry into the Port of Norfolk, Virginia even though the Class 1 material is not being imported into the United States?

A1. HMR § 171.26(d) provides that Class 1 (explosive) material other than Division 1.1 and 1.2 passing through the United States in the course of being shipped between locations outside the United States may be offered and accepted for transportation within a single port area when packaged, marked, classed, labeled, stowed, and segregated in accordance with the International Maritime Dangerous Goods (IMDG) Code. The shipment is subject to the requirements of subparts C and F of part 172 of the HMR pertaining to shipping papers and placarding, and must also conform to the applicable requirements of part 176 of the HMR pertaining to carriage by vessel.

Chapter 2.1.3.2 of the IMDG Code provides that prior to transportation all explosive substances and articles must be approved by the competent authority of the country of manufacture. The IMDG Code does not require explosive substances or articles to have a competent authority approval from the country of destination or a country where transloading operations occur.

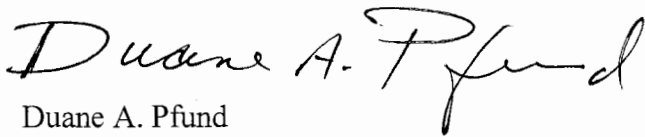
Therefore, if the Class 1 material being shipped is not Division 1.1 or 1.2, a United States Competent Authority Approval is not required for entry into and transloading at the Port of Norfolk, Virginia. If the material is classed as Division 1.1 or 1.2 then a United States Competent Authority Approval from the Associate Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA) is required.

Q2. What are the HMR and International Maritime Dangerous Goods (IMDG) Code regulations relating to Competent Authority Approval requirements for shipping Class 1 material in United States ports?

A2. See A1.

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

Sincerely,

A handwritten signature in cursive script that reads "Duane A. Pfund". The signature is written in black ink and is positioned above the typed name and title.

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

Babich
§173.56
Explosives
13-0229

11/19/2013

U.S. DOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

Subject: Approvals required when Trans-shipping Class 1 Materials in US Ports.

Regulations affected: 49 CFR § 173.56 (Estimated)

Dear Standards

My customer in the Czech Republic wishes to ship Class 1 materials (explosives) to Indonesia via the Port of Norfolk VA.

They have a valid Czech Republic Competent Authority.

They wish to Trans-ship the Class 1 materials in the Port of Norfolk VA.

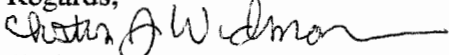
The materials will not be imported into the US. Nor will they be transported on a public highway within the US.

The Class 1 materials will enter the port of Norfolk and immediately re-consigned to another ship in the port of Norfolk VA.

Q1) Is my customer in the Czech Republic required to obtain a US DOT Competent Authority for the purpose of authorizing entry into to the port of Norfolk even when the Class 1 materials will never be imported into the US?

Q2) I am unable to locate any 49 CFR or IMDG requirements for trans-shipping of Class 1 materials as they relate to US Competent Authorities. Can you please identify the 49 CFR or IMDG regulations that relate to Competent Authority requirements for trans-shipping Class 1 materials in US ports?

Regards,



Christopher Widman

President

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