



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

1200 New Jersey Avenue, SE
Washington, DC 20590

December 3, 2024

Doug Peterson
Chief Mate - Swift Responder
Eclipse Maritime LLC
1997 Annapolis Exchange Pkwy, Suite 300
Annapolis, MD 21401

Reference No. 24-0078

Dear Mr. Peterson:

This letter is in response to your August 24, 2024, email requesting clarification of the hazardous materials registration requirements and certificate. You describe a scenario in which an oil spill response vessel has been converted into a research vessel. You state that the research vessel carries hazardous materials (hazmat)—including diesel fuel, lubricating oils, and hydraulic fluids—but that these materials are used solely in machinery and operations that support the functions of the research vessel. You ask whether the transport of the hazmat aboard the research vessel in the above scenario makes the person operating the research vessel subject to the hazmat transportation registration requirements in 49 CFR Part 107, Subpart G.

The answer is no. Completing hazmat transportation registration to obtain a certificate is required of persons who offer and persons who transport (in commerce) certain quantities and types of hazmat, including hazardous wastes. Based on your description of the operations on board the research vessel, in which the hazmat carried aboard are for the purposes of operating and providing motive power to the research vessel, neither the research vessel (Oregon Responder) nor the operating company (Eclipse Maritime, LLC) would be required to hold a registration certificate because the hazmat aboard the research vessel is not offered or transported in commerce. However, please note that vessel conversions such as the one you describe are subject to oversight by the United State Coast Guard (USCG) and, specifically, approval by the local USCG Officer in Charge, Marine Inspection.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen".

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Jones, Jessie Jane CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Wednesday, September 4, 2024 4:20 PM
To: Dodd, Alice (PHMSA)
Cc: Hazmat Interps
Subject: FW: Letter of Interpretation
Attachments: A-2 Rev 6 General Arrangement.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Alice,

Please see the below and attached interpretation request.

Let me know if you need anything,

-Breanna

From: Deck Office <deckoffice@eclipseswift.com>
Sent: Saturday, August 24, 2024 1:13 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Letter of Interpretation

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good day Breanna, Thanks for calling to discuss our requirements.

Our company purchased the Oregon Responder in March 2023.

The certificate we have on file is Reg. No.: 060421550109DF

We have converted the vessel from Oil Spill Response, removing all of her oil spill response equipment from service, and into a research vessel.

I have just spoken with one of your Registration Analyst and he advised that I should send this email along with a tank drawing to assist with a firm decision. The General Arrangement plan attached will show at the bottom of the drawing the Hold Plan, which shows where our fuel oil is located.

The vessel only carries standard diesel fuel, lubricating oils, and hydraulics for onboard machinery operations. She does not transfer to other vessels or containers.

Are we required to have a Haz Mat Certificate?

If not, could you please provide me with a Letter of Interpretation in case we are inspected by port state control?

Kind Regards, Doug Peterson 954-471-0215

Chief Mate - Swift Responder

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