



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

DEC 11 2018

Michael Hopkins
JM Ship, LLC
650 Chautauqua Avenue
Portsmouth, VA 23707

Reference No. 18-0049

Dear Mr. Hopkins:

This letter is in response to your March 27, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to stowage of Class 1 (explosive) material. Specifically, you seek confirmation of your understanding that the stowage provision in § 176.116(e)(1) prohibits Class 1 (explosive) material from being stowed at any location vertically, either above or below, from machinery space, even if there is an intervening compartment.

Your understanding is correct. Section 176.116(e)(1) states, "Class 1 (explosive) materials must be stowed as far away as practicable from any accommodation spaces or any machinery space and may not be stowed directly above or below such a space." Therefore, Class 1 (explosive) materials may not be stowed anywhere above or below any accommodation spaces or machinery space.

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

Sincerely,

Dirk Der Kinderen
Chief, Standards Development
Standards and Rulemaking Division

Geller
176.116(e)
Explosives

18-0049

January, Ikeya CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Wednesday, March 28, 2018 2:35 PM
To: Hazmat Interps
Subject: FW: Interpretation of 49 CFR 176.116(e)

Ikeya and Alice,

Below is a request for a letter of interpretation. I spoke with Michael regarding his question. Please let me know if you have any questions.

Thanks,
Jodi

From: Michael Hopkins [mailto:mhopkins@jmshipllc.com]
Sent: Tuesday, March 27, 2018 4:32 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Interpretation of 49 CFR 176.116(e)

The purpose of this email is to request an interpretation of 49 CFR 176.116(e). Specifically, can Class 1 (explosive) materials be stowed on the weather deck of a vessel in locations that are above a machinery space if there is an intervening compartment between that machinery space and that location on the weather deck.

The language in 49 CFR 176.116(e)(1) is that such cargo "may not be stowed **directly above** or below" any machinery space. By way of comparison, 49 CFR 176.116(e)(2) prohibits stowage "in the decks **immediately above** or below an accommodation space." And 49 CFR 176.116(e)(3) requires that stowage of Class 1 (explosive) materials "in the decks **above** or below the machinery spaces they must be stowed at least 3 m (10 feet) form the line of this [permanent A Class steel] bulkhead **projected vertically**."

Based on these uses, it appears that "directly above or below" as used in 49 CFR 176.116(e)(1) means all locations projected vertically above (or below) from any machinery space, even if there is an intervening compartment. It makes sense that at least the same stowage requirements would apply to locations projected vertically from the entire machinery space as compared to the space adjacent (within 10 feet) to a bulkhead forming the boundary of that machinery space.

I respectfully request that PHMSA provide guidance on the interpretation above. Thank you in advance for your assistance.

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