



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

DEC 07 2018

Mr. Clifford Bartley
Manager Dangerous Goods
Matson Navigation
426 N. 44th Street, Suite 250
Phoenix, AZ 85008

Reference No. 18-0104

Dear Mr. Bartley:

This letter is in response to your May 23, 2018, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of hazardous materials as ship stores between vessels in domestic and international service. Specifically, you seek confirmation of your understanding that materials, such as electric power generators with reefer plugs for powering refrigerated containers on the vessel or tanks of diesel fuel used to power the generator sets, are not subject to the HMR because they are associated vessel support assets.

Your understanding is correct. Under the Federal hazardous materials transportation law, the Secretary of Transportation has authority to promulgate regulations to protect the nation against risks inherent in the transportation of hazardous materials in commerce. Hazardous materials used as equipment that are an integral part of a vessel or its equipment (i.e., fire extinguishers, fuel systems, air conditioners, electric power generators used to power refrigerated containers onboard the vessel, and diesel fuel in tanks used to power the generator sets) are not presently subject to any provision in the HMR.

Please note, however, that these materials may still be considered in commerce and/or subject to other federal regulations (see 49 U.S.C. § 5102). For example, some hazardous materials carried on board a vessel for maintenance, upkeep, and similar uses may be subject to regulation as hazardous ships' stores. We recommend that you consult the pertinent regulations contained in 46 CFR Part 147, entitled "Hazardous Ships' Stores," for additional information.

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

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

May 23 2018

*Edmonson
Vessel
18-0104*
Matson.

Clifford Bartley
Manager Dangerous Goods
426 N. 44th Street
Suite 250
Phoenix, AZ 85008

Mr. Shane Kelley,
Director Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration
Attn: U.S. DOT PHMSA / PHH-10, U.S. Department of Transportation, East Building
1200 New Jersey Avenue, SE, East Building 2nd Floor
Washington, DC 20590-0001

Re: Letter of Interpretation

Dear Mr. Kelley:

I work for Matson Navigation Company which is one of the United States largest vessel container carriers. As a leader the ocean transportation of cargo in both the domestic Jones Act trade and the Pacific Shipping Lanes, Matson continues to strengthen its ocean transportation services in providing superior customer service for Hawaii, Alaska, Guam, Micronesia, the South Pacific and China. Matson is committed to the Jones Act trade and associated routings stretching in the Pacific to China.

As a carrier of both domestic and international traffic, we operate under the HMR (49CFR) and the IMDG Code. At time, we have to move what we call COBIZ or company business shipments between vessels. This include electric power generators with reefer plugs for powering refrigerated containers onboard the vessels and tanks of diesel fuel to power the generator sets. From my understanding, these units are not considered as being moved "in commerce" since they are not moved as cargo and there is no "revenue billing" associated with the move. It is a company move of associated vessel support assets to support the cargo that is in commerce.

Please confirm that these assets associated with the vessel operations are not considered as being regulated under PHMSA when moved on the vessels since they are not being moved in commerce. These moves would be in full cooperation with the vessel Master, Chief Mate and the Chief Engineer.

Many ships from time to time are faced with temporary provisions to facilitate trade. Providing guidance on this issue would be of benefit to all lines in the shipping community. Thank you for taking the time to review and respond to this letter.

Sincerely,


Clifford Bartley

Manager Dangerous Goods
Matson Navigation
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