



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

MAY 31 2007

Lieutenant Rob Nakama
U.S. Coast Guard Sector Juneau
2760 Sherwood Lane, #2A
Juneau, AK 99801

Ref. No.: 07-0063

Dear Lieutenant Nakama:

This is in response to your March 21, 2007 requesting clarification of the vessel segregation requirements specified in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You describe a specific scenario in which a company is requesting written authorization from the Coast Guard Captain of the Port to deviate from the vessel segregation requirements on a routine basis because the company is having difficulty complying with current vessel segregation requirements. Specifically, you ask if a Coast Guard Captain of the Port has the authority to issue relief from the segregation requirements of the HMR for a company to use on a routine basis. I apologize for the delay in responding and hope it has not caused you any inconvenience.

Section 176.65 authorizes the Coast Guard Captain of the Port to authorize in writing the use of an alternative stowage location or method of segregation under the following conditions: (1) when a hazardous material is to be loaded on board a vessel, it is shown to the satisfaction of the of the Coast Guard Captain of the Port for the place where the vessel is being loaded that it is impracticable to comply with a stowage location requirement specified by the Hazardous Materials Table (HMT; § 172.101), or a segregation, handling or stowage requirement specified by Part 176; and (2) the alternative method of stowage, handling, or segregation is subject to conditions the Coast Guard Captain of the Port finds will insure a level of safety at least equal to that afforded by the regulatory requirement.

Although the Coast Guard Captain of the Port has the authority to authorize in writing alternative methods of segregation, the regulation in § 176.65 is intended to be used by the Coast Guard Captain of the Port on a case-by-case basis to facilitate movement of



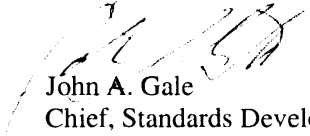
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172.101
176.83
172.504

cargo when extenuating/unforeseen circumstances make it impracticable to comply with the requirements of the HMR. A company seeking relief from the vessel segregation requirements of the HMR through the use of an alternative method on a routine basis should apply for a special permit in accordance with Part 107, Subpart B.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale", is written over a light blue horizontal line.

John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards

Jarman, Erin <PHMSA>

From: Robert.A.Nakama@uscg.mil on behalf of Nakama, Robert LT [Robert.A.Nakama@uscg.mil]
Sent: Wednesday, March 21, 2007 7:52 PM
To: INFOCNTR <PHMSA>
Subject: FW: Emailing: 20070307130135065 (AML REQUEST)

Attachments: 20070307130135065.pdf



2007030713013506
5.pdf (129 KB)...

Eichenlaub
§ 176.83
§ 172.504 .
Segregation
07-0063

To whom it may concern,

Attached in pdf format is a letter I received from Alaska Marine Lines (AML) in Juneau, Alaska. It references a DOT exemption (DOT-SP11503) which allows two separate containers which ordinarily require separation distances, to be allowed to be stowed next to each other on unmanned deck barges.

I phoned AML to get an explanation of how they conduct business under the DOT exemption. It was confirmed on highway transportation that segregation within the same container was not necessary for 49 CFR, Part 172.504 Table 2 materials. What this company proposes, is to allow Table 2 materials to be placed within the same container vice separate containers for transportation on unmanned barges.

Under 49 CFR, Part 176.65, the COTP has the authority to authorize alternative methods of segregation when situations are impracticable and an equivalent level of safety is afforded by Federal requirements. The company indicates that it is a difficult situation to restructure/reorganize the shipments from highway regulations to comply with on water requirements.

It is my interpretation that to store/transport two Table 2 materials within the same container, poses a safety hazard and is not an equivalent level of safety.

What AML is proposing for the Coast Guard to allow/authorize, is for two or more Table 2 materials under 1,001lbs to be stored/transported within the same container on unmanned deck barges. This proposition goes against the allowances of DOT Exemption SP-11503. Does the COTP have the authority to allow such a combination within the same container? I would say not, but I do request a recommendation from PHMSA.

LT Rob Nakama
Chief, Facility Inspections Branch
Unit Training Program Manager
U.S.C.G. Sector Juneau
907-463-2466

-----Original Message-----

From: Clare, Bradley LCDR

Please review.

DOT-SP11503
11/1/01



Alaska Marine Lines, Inc
100 Mt Roberts St
Juneau AK 99801
Phone: (907) 586-3790
Fax: (907) 463-3298

March 7, 2007

Bradley W. Clare
Chief, Prevention Department
US Coast Guard
2700 Sherwood Ln.
Juneau, AK 99801

Dear Bradley W. Clare,

Alaska Marine Lines would like to request a waiver for small quantity shipments of Hazardous materials originating out of Haines, to allow for the transportation of these commodities without the need to segregate them as outlined in 176.83 (B).

Currently AML does operate under DOT-SP11503 exemption that allows some relief from 49 CFR 176.83(F) and we are not required to segregate containers contains less than 454 (kg) or 1001 lbs of Table 2 Materials in the same freight container. These freight containers are marked with a DOT-E-11503 sticker and clearly marked. If the freight exceeds exemption amount, we segregate the materials as required under Table 176.83(B) and applicable stowage requirements covered in Table 176.83(F)

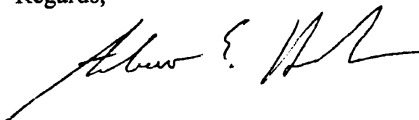
Although this does allow relief with regards to barge stowage, unfortunately we are still dictated by table 176.83 (B) as to stowage of hazardous materials within freight containers pursuant to 176.83 (10)(d)- *Segregation in cargo transport units: Two hazardous materials for which any segregation is required may not be stowed in the same cargo transport unit.*

This rule is not an issue regarding northbound shipments from Seattle since we have several containers of less than container load (LCL) freight for each port to segregate the hazardous material. Where this does become a concern is when we receive freight over the highway, specifically out of Haines, were highway shipments come in containing a pallet of various commodities that can be mixed in one trailer for highway shipment, but require additional segregation on the marine side. We routinely have shipments with less than 30 pounds of hazardous materials that have to be split into 3 containers in order to be compliant with the segregation requirements of 176.83(B).

Maintaining on-board segregation in and of itself is quite challenging, however requiring small quantity's of hazmat needing internal segregation within the transport unit, exacerbates the problem. Once again one must realize that we are talking about an unmanned barge, and I would stipulate this poses less of a safety risk, that transporting small quantities of Hazardous materials over the road. Since DOT already allows mixed loads to be transported in a freight container, transport vehicle or railcar which contain 545kg (1001lbs) or less of Table 2 materials per 49 CFR 177.848, we are asking that the same logic be applied to over the road freight originating out of Haines. Generally speaking the issues we are experiencing are very small quantities, far less than the 1001 lbs (see attached examples) however I believe there is some value in remaining consistent with the restriction imposed by other regulatory authorities.

Alaska Marine Lines request this waiver from Sector Juneau, specifically for inter-port shipment originating out of Haines.

Regards,

A handwritten signature in black ink, appearing to read "Andrew E. Heuscher". The signature is written in a cursive style with a large, sweeping initial "A".

Andrew E. Heuscher
Director of HSSE, CSO
Alaska Marine Lines, Inc.