

FEDERAL MARITIME COMMISSION

IN THE MATTER OF THE
EXPORT OF HAZARDOUS
CARGO INCLUDING BUT NOT
LIMITED TO RADIOACTIVE
CARGO

Special Investigation No. 26-01

Served: April 15, 2026

BY THE COMMISSION: Laura DiBELLA, *Chairman*, Rebecca F. DYE, Daniel B. MAFFEI, Max M. VEKICH, *Commissioners*.

Order Initiating Nonadjudicatory Investigation

The Federal Maritime Commission (Commission) investigates conduct that may violate the Shipping Act and the Commission's regulations. 46 U.S.C. § 41302(a). The Commission's Bureau of Enforcement, Investigations, and Compliance (BEIC) is charged with conducting investigations and recommending enforcement actions. 46 C.F.R. § 501.3(f)(3)(ix).¹ After a review of evidence relevant to the inquiry or issue, BEIC may determine whether to recommend an enforcement action. Under its authority, the Commission may also determine that a formal investigation is necessary to properly exercise its regulatory duties and initiate a nonadjudicatory investigation under Subpart R of the Commission's Rules of Practice and Procedure. 46 C.F.R. §§ 502.281–502.291; *see also* 46 U.S.C. § 41302(a). The

¹ 46 C.F.R. § 501.3(f)(3)(ix) references BEIC's precursor, the Bureau of Enforcement.

Commission's designated representative may then issue orders or subpoenas to receive evidence relating to any matter under investigation. 46 C.F.R. § 502.286.

Accordingly, the Commission is initiating a nonadjudicatory investigation and designating the Director of BEIC to conduct the investigation under the authority of 46 C.F.R. § 502.281. The investigation will examine if vessel-operating common carrier (VOCC) practices relating to hazardous cargo, including but not limited to radioactive cargo, discriminate against United States exporters and service providers including but limited to Commission licensed non-vessel-operating common carriers (NVOCCs). The BEIC Director may assign responsibility to other BEIC staff to assist in this nonadjudicatory investigation.

This nonadjudicatory investigation will initially seek information from the following VOCCs:

- [1] MSC Mediterranean Shipping Company S.A.;
- [2] Maersk A/S;
- [3] CMA CGM S.A.;
- [4] COSCO Shipping Lines Co., Ltd.;
- [5] Hapag-Lloyd AG;
- [6] Ocean Network Express Pte. Ltd.;
- [7] Evergreen Marine Corporation (Taiwan), Ltd.;
- [8] HMM Co. Ltd.;
- [9] Zim Integrated Shipping Services, Ltd.;
- [10] Yang Ming Marine Transport Corporation; and
- [11] Wan Hai Lines, Ltd.,

and will seek information and data concerning, but not limited to, the following:

- [1] The rules and practices of vessel operators regarding the acceptance of hazardous cargo including but not

limited to radioactive cargo from NVOCCs who possess Commission licenses or registrations and who possess the applicable licenses from other U.S. federal regulatory authorities relating to the shipment of hazardous cargo including but not limited to radioactive cargo to or from the United States.

- [2] Whether these vessel operators have any exclusive agreements for the packaging, shipment, or preparation for transportation of hazardous cargo including but not limited to radioactive cargo, to or from the United States, and if so, whether any such agreement would be: (a) a just and reasonable regulation or practice; (b) an unreasonable refusal of cargo space where available or another unfair or discriminatory method; and/or (c) an unreasonable refusal to deal or negotiate with respect to vessel space accommodations.

The nonadjudicatory investigation may also seek information from ocean common carriers including but not limited to the ocean carriers listed above, from other marine terminal operators, other port authorities, and other participants in the maritime industry including NVOCCs, ocean transportation intermediaries, and other entities not regulated by the Commission.

Pursuant to 46 C.F.R. § 502.281, the Director of BEIC is specifically authorized to invoke or utilize the Commission's compulsory processes including the issuance of subpoenas and the taking of evidence under oath to accomplish this nonadjudicatory investigation.

Pursuant to 46 C.F.R. § 502.291, the Commission directs the Office of the Secretary to publish this order on the Commission's electronic Reading Room. All reports, documents generated in conducting this investigation, and materials gathered during the investigation shall remain confidential and will not be made public

unless and until otherwise ordered by the Commission or BEIC under its delegated authority.

By the Commission.

David Eng
Secretary