



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

FEB 8 2007

MST2 Danielle Galligan
United States Coast Guard
1519 Alaskan Way South
Seattle, WA 98134

Ref. No. 06-0197

Dear MST2 Galligan:

This is in response to your August 24, 2006 letter requesting clarification on the shipping of Ammonium nitrate under § 176.415(b)(1) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 100-180). Specifically, you ask for clarification on acceptable packaging for shipping "Ammonium nitrate, Division 5.1 (oxidizer) UN1942" without a permit under § 176.415(b)(1) by vessel from Puget Sound to Nome, Alaska.

According to your letter, one of your facilities currently transports Ammonium nitrate under the permit requirements specified in § 176.415(a) of the HMR. Your facility is requesting to transport twice the amount authorized for this material under the exception in § 176.415(b)(1). This exception allows Ammonium nitrate, Division 5.1 (oxidizer) UN1942 to be loaded or unloaded from a vessel at any waterfront facility without a permit provided it is packaged in a rigid packaging with a non-combustible inside packaging. Your questions are paraphrased and answered below:

Q1. May a freight container be used as a rigid packaging?

A1. The answer is yes. As specified in the § 172.101 Hazardous Materials Table (HMT), the authorized packaging for Ammonium nitrate, Division 5.1 (oxidizer) UN1942 can be found under § 173.240 "Bulk packaging for certain low hazard solid materials." Paragraph (c) of § 173.240 specifies that a sift-proof, non DOT-specification, closed bulk bin is as an acceptable packaging for this material. As defined in § 171.8, a freight container is a reusable container having a volume of 64 cubic feet or more, designed and constructed to permit being lifted with its contents intact and intended primarily for containment of packages (in unit form) during transportation. Therefore, a sift-proof freight container would satisfy the requirements of a non-DOT specification, closed bulk bin as required under § 173.240(c). Provided it is rigid, a sift-proof freight container is an acceptable packaging for Ammonium nitrate, Division 5.1 (oxidizer) UN1942 as required under § 176.415(b)(1).



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173.240
176.415(b)(1)
172.101

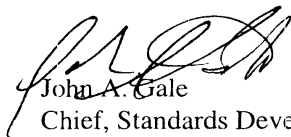
Q2. Is a woven plastic super sack considered "non-combustible"?

A2. The answer is no. While the HMR do not specifically define a "non-combustible packaging," it is our opinion that if a packaging burns or ignites from a flammable ignition source, it is "combustible." A woven plastic super sack is such a packaging, and therefore does not conform to the provisions specified § 176.415(b)(1).

Although a freight container would meet the requirements specified under § 176.415(b)(1) which allows Ammonium nitrate, Division 5.1 (oxidizer) UN1942 to be loaded or unloaded from a vessel at any waterfront facility without a permit, a woven plastic super sack is a combustible packaging and would not meet this requirement. Therefore, your shipment must comply with the U.S. Coast Guard permit requirements specified in § 176.415(a).

I trust this satisfies your inquiry.

Sincerely,



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

INFOCNTR <PHMSA>

Foster

From: danielle.p.galligan@uscg.mil
Sent: Thursday, August 24, 2006 5:21 PM
To: INFOCNTR <PHMSA>
Subject: Information Center Comments/Questions

§173.240
§176.415(b)(1)
Packagings
06-0197

Below is the result of your feedback form. It was submitted by MST2 Danielle Galligan (danielle.p.galligan@uscg.mil) on Thursday, August 24, 2006 at 17:21:26.

Email: danielle.p.galligan@uscg.mil

Name: MST2 Danielle Galligan

Category: Shippers-General Requirements for Shipments and Packagings (Sections 173.1 - 173.476)

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Comments: One of our 33 CFR 126/105 container facilities (Northland Services, Inc.) here in the COTP Puget Sound ACR is requesting to ship UN1942, Ammonium Nitrate from their facility domestically to Nome, Alaska. Because of the packaging that is being used it therefore becomes a permit requiring material and an explosive arc in-which maximum weight limitations are set on the facility. The facility wants to bring in twice the amount of materials that is authorized and our staff told them that if they changed the packaging of the material to ridged outer and non combustible inner packages that they would no longer be required to submit a permit (49 CFR 176.415(b)(1)) and could as much as they would like. The facility then asked for a determination if a freight container could be used as an outer package (they went to PHMSA and CG HQ on this), and if the woven plastic super sack could be considered "non-combustible". According to a DOT interpretation letter (Ref. No. 03-0325) their package does not meet the definition of "non-combustible". Earlier this morning we had a conference call with CITAT (MSTCS Stubblefield & MST1 Duncan), CGHQ - G-PSO-3...Office of Operating and Environmental Standards (Mr. Richard Bornhorst), and USDOT - Pipeline and Hazardous Materials Safety Administration (Mr. Kenny Herzog) and here at USCG Sector Seattle (LT Thompson, ENS Pauser, MST1 Savage, MST1 Dryer and myself) in order for everyone to have the entire scenario on this UN 1942 shipment in question, and then as a group come up with a decision on a national level so that we at the local level could move forward as appropriate.

After this group discussion the determination was made that a shipping container is not considered "rigid outer packaging." There was already an earlier interpretation letter from DOT regarding the definition of "non-combustible" inner packaging which this proposed shipment method does not meet that definition as discussed in the conference call.

With all that said, it appears that we are now all on the same page which seems to be in line with what our initial determination was locally. We are requesting DOT to issue a letter of interpretation regarding this issue so that we can use it as a reference for this issue as well as any possible future issues that may be similar in nature. We are hoping to have this interpretation as soon as possible to clear the air of any confusion

by this facility.