U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

SEP 20 2006

Mr. Larry J. "Scooter" King
Austin Powder Company
25800 Science Park Drive
Cleveland, OH 44122

Reference No. 06-0192

Dear Mr. King:

This is in response to your August 21, 2006 e-mail, and September 7, 2006 telephone conversation with a member of my staff concerning requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of ammonium nitrate. According to your letter, your company has placed one million pounds of "Ammonium nitrate, 5.1 (oxidizer), UN 1942, PG III" inside UN standard 13H1, 13H2, 13H3, or 13H4 woven plastic intermediate bulk containers (IBCs) that are flexible, sift-proof and water-resistant. You state the packages are at a dock in the State of Washington awaiting shipment to Alaska before the vessel shipping lanes close at the end of September. You ask if the IBCs, when loaded into a 20 to 40-foot metal cargo container as a combination packaging, would qualify as non-combustible inside packagings in a rigid packaging under § 176.415(b)(1) of the HMR.

The answer is no. Section 176.415(b)(1) permits UN 1942 ammonium nitrate to be loaded or unloaded from a vessel at any waterfront facility without obtaining a permit from the Captain of the Port (COPT) if the ammonium nitrate is in a rigid packaging with a non-combustible inside packaging. Although the IBCs, both alone and in the combination packaging you describe, are authorized for transporting this material under § 173.240 of the HMR, and the HMR do not specifically define "non-combustible packaging," it is the opinion of this office that a plastic packaging is capable of burning or igniting from a flammable ignition source and, therefore, does not qualify as a non-combustible inner packaging under § 176.415(b)(1). You may place this material in combination packagings with metal, glass, or earthenware inner packagings; comply with the U.S. Coast Guard (USCG) permit requirements; or apply for an emergency special permit under the HMR. For more information on the USCG permit requirements, you may wish to contact Lieutenant Brett J. Thompson, USCG Sector Seattle, Facilities & Containers Branch, (206) 217-6165. The procedures for submitting an application for an

060192

173.415(b)(1)

emergency special permit under the HMR are contained in § 107.117. Please note that in your application you must demonstrate the packaging scheme you are proposing will achieve a level of safety at least equal to that established by the current standard.

I hope this information is helpful.

Sincerely,

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Regulations

Edmonson
§173.415(b)
Authorized Type A
Packages
06-0192

INFOCNTR <PHMSA>

From: Scooter King [Scooter.King@austinpowder.com]
Sent: Monday, August 21, 2006 3:08 PM
To: INFOCNTR <PHMSA>
Subject: UN 1942 in Specification IBC in Sea Container

This e-mail to to request in writing an interpretation of whether Ammonium Nitrate UN 1942 packaged in specification 13H1, 13H2, 13H3, or 13H4 intermediate bulk containers and loaded into a metal cargo container meet the description of products described in 49 CFR 173.415 (b) (1).

Please respond in writing to:

Austin Powder Company
Attn: Larry J. King
25800 Science Park Drive
Cleveland, OH 44122

Scooter King
216-464-2400 - Office
216-464-2305 - Fax
scooter.king@austinpowder.com