



U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

AUG 22 2011

Mr. Paul A. Luther, P.E.  
EHS Manager  
Land O'Lakes Purina Feed, LLC  
555 Maryville University Dr, Suite 950  
St. Louis, MO 63141

Ref. No. 11-0116

Dear Mr. Luther:

This responds to your May 17, 2011 request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your letter, you state that your company has two locations in Texas that manufacture liquid cattle feed. An ingredient of the cattle feed is anhydrous ammonia. On average, two to three nurse tanks containing anhydrous ammonia (1,000 gallons each) are delivered to these locations weekly. According to your letter, recently an inspector advised that you may not receive nurse tanks under the provisions of § 173.315(m). Specifically, you ask if the provisions of § 173.315(m) permit the transportation of nurse tanks containing anhydrous ammonia, which is an implement of husbandry, to be transported to the facilities involved in the manufacturing of liquid cattle feed.

The answer is no. The transportation of the nurse tanks, as described in your letter, does not satisfy the condition in § 173.315(m) that the transportation be conducted by a private carrier exclusively for agricultural purposes. Section 173.315(m) authorizes the transportation of anhydrous ammonia in a cargo tank that does not meet the specification requirements of part 178 (commonly known as a nurse tank and considered an implement of husbandry), and is operated by a private carrier exclusively for agricultural purposes provided that all the specified conditions are met. A private carrier is a carrier who transports the business's own material and does not provide such transportation services to other businesses.

I hope this answers your inquiry. If you need additional assistance, please contact this office at (202) 366-8553.

Sincerely,

Ben Supko  
Chief, Standards Development  
Standards and Rulemaking Division

Eichenlaub  
§ 173.315(m)  
Nurse Tanks  
11-0116

## Land O'Lakes Purina Feed LLC

May 17, 2011

Charles Betts  
Division Director  
Standards and Rulemaking  
Pipeline Hazardous Materials Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, D.C.

Dear Mr. Betts:

I am Paul A. Luther, P.E., Environmental Health and Safety Manager, for Land O'Lakes Purina Feed, LLC. One of our company's facilities in Hereford, Texas as well as their supplier of anhydrous ammonia recently experienced a DOT Hazardous Materials inspection and I am requesting an official interpretation from your agency on what we have been told.

Land O'Lakes Purina Feed is a diverse agricultural company with manufacturing locations in 28 states. In Texas, we have two facilities that manufacture liquid cattle feed. They are located in Herford and Rosenberg, Texas. A critical ingredient in our liquid cattle feed is anhydrous ammonia. Our Hereford, Texas facility does not have permanent fixed storage so Land O'Lakes Purina Feed receives the anhydrous ammonia by nurse tanks. On average two to three nurse tanks, with a capacity of 1,000 gallons each, are received weekly. We have operated in this manner for over two decades at each location.

The inspector has advised that we cannot receive nurse tanks under the provisions in 49 CFR 173.315(m). Nurse tanks do not meet the specifications in 49 CFR Part 178 and for that reason 173.315(m) was adopted.

We are requesting an interpretation of 49 CFR 173.315(m) to allow the use of non-DOT specification cargo tanks (commonly referred to as nurse tanks and considered an implement of husbandry) for transportation of anhydrous ammonia to facilities involved in the manufacturing of liquid cattle feed.

If you have any questions regarding this issue, I can be reached by telephone at (636) 742-6235 or via e-mail at [pluther@landolakes.com](mailto:pluther@landolakes.com).

Sincerely,

*Paul A. Luther*

Paul A. Luther, P.E.  
EHS Manager  
Land O'Lakes Purina Feed, LLC