



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

June 04, 2020

Steven Charles Hunt  
President  
ShipMate, Inc.  
780 Buckaroo Trail, Suite D  
Sisters, OR 97759

Reference No. 20-0036

Dear Mr. Hunt:

This letter is in response to your April 20, 2020, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transport of Class 1 (explosive) materials. Specifically, you ask whether your material, “UN0475, Substances, explosive, n.o.s., 1.1D” may be shipped by vessel in a refrigerated freight container.

In your email, you state that although Part 176 (Carriage by Vessel) authorizes the use of closed freight containers, there is no specific reference made to refrigerated freight containers. In addition to your email, you provide supplementary material on the refrigerated freight container that you intend to use to transport your explosive material. This material included information on the specifications for a safe type refrigerated container which would be in compliance with 49 CFR 176.76(a)(9). You ask whether §§ 176.116(a) or 176.118(b) would prevent the use of refrigerated freight containers when shipping the explosive material “UN0475, Substances, explosive, n.o.s., 1.1D.”

Based on the information you provided in your email, your explosive material may be shipped in the referenced refrigerated freight container. As specified in § 176.116(a), Class 1 (explosive) materials must be stowed as far away as practicable from any potential source of heat or ignition. This includes potential sources of heat or ignition in refrigerated or heated cargo transport units unless they are of a type designed to operate in a hazardous environment. Since the refrigerated freight container you describe is a type designed to operate in a hazardous environment, it may be used to transport Class 1 (explosive) materials by vessel.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Hazmat Interps](#)  
**Subject:** FW: REQUEST FOR INTERPRETATION  
**Date:** Monday, April 27, 2020 10:05:51 AM  
**Attachments:** [Encl 4-KLIU541014-KLIU541023.pdf](#)  
[Encl 2-EX2006020677 2006022336.pdf](#)  
[Encl 3-Offshore Refrigerated Container Zone 1 2 - Klinge Corp \(2\) \(3\).pdf](#)  
[Encl 3-PFR571.pdf](#)  
[Encl 1-SDS \(LE, Explosive Pellet, PN 14100014-5 Rev 1\).pdf](#)  
[Encl 5-ITS18ATEX13699X - PFR-571-ZII Type Examination Certificate ATEX - Issue 01.pdf](#)  
[Encl 6-EN12079-2006.pdf](#)  
[20 4 Hunt.docx](#)

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Hello Alice and Ikeya,

Please see attached for letter of interpretation and notes.

Thank you,  
Kathryn (HMIC)

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**From:** Approvals (PHMSA) <Approvals@dot.gov>  
**Sent:** Tuesday, April 21, 2020 8:17 AM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** FW: REQUEST FOR INTERPRETATION

Spoke to Andrew Eckenrode about this. This is an on-going question bouncing from Approvals and Permits, the Coast Guard, and us in the InfoCenter.

This company wants a LOI to see if they can use these units to ship their explosives to keep them cool during transportation. This sounds like a job for.... Steve Webb.

-Breanna

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Please place this email with the correct branch.

Thank you

Neil Benninghoven  
Approvals and Permits Division – PHH-30  
Acting Chief, Pressure Vessels Branch  
PHMSA, U.S. DOT  
Office: (202) 366-2665  
Cell: (202) 573-4342  
Fax: (202) 366-3753  
Website: <https://www.phmsa.dot.gov/>

East Building, E23-438  
1200 New Jersey Ave., SE  
Washington, D.C. 20590-0001

**From:** Steve Hunt [<mailto:steve@shipmate.com>]

**Sent:** Monday, April 20, 2020 8:05 PM

**To:** Phmsaportal (PHMSA) <[Phmsaportal@dot.gov](mailto:Phmsaportal@dot.gov)>; Approvals (PHMSA) <[Approvals@dot.gov](mailto:Approvals@dot.gov)>

**Cc:** Laura Warren <[laura@fujitransusa.com](mailto:laura@fujitransusa.com)>

**Subject:** REQUEST FOR INTERPRETATION

Mr. Schoonover:

Attached, herewith, please find a request for a Letter of Interpretation regarding 49 CFR §176.116(a) and § 176.118(b). Specifically, the requirements of 49 CFR Part 176 authorize the use of closed freight containers but no reference is made to refrigerated freight containers. The Petitioner would like to use a certified approved container that is certified for explosive atmospheres for the carriage of UN0475.

If you have any questions, please call.

Steve

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Respectfully,

s/steve

Steven Charles Hunt  
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To receive a complimentary demo login, send us  
an e-mail or call: +1 (310) 370-3600

Dangerous Goods Safety Advisor DGSA (No. 2935081/160728)  
Certified Dangerous Goods Professional CDGP (No. 00040)  
Certified Safety Professional (No. CSP-34836)  
Certified Hazardous Materials Manager CHMM (No. 19112)  
Certified Instructional Trainer CET (No. CIT-13613)  
Certified Dangerous Goods Trainer CDGT (No. 00160)  
Safety Management Specialist SMS (No. SMS-986)  
Safety Trained Supervisor STS (No. STS-16681)