



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

MAR 30 2012

Ms. Lisa Nitschke
Product Compliance Specialist
Orica USA, Inc.
33101 East Quincy Avenue
Watkins, CO 80137

Ref. No. 11-0170

Dear Ms. Nitschke:

This responds to your July 12, 2011, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and subsequent emails providing additional information. Specifically, you ask whether UN 1942, Ammonium Nitrate, 5.1, PGIII, in a non-bulk package with rigid plastic receptacles as inner packaging and 4G fiberboard box as outer packaging (see § 173.213(b)) and meets the requirements for loading or unloading from a vessel at any waterfront facility without a permit (see § 176.415(b)(1)).

It is the shipper's responsibility to determine whether it is necessary to apply for a permit in accordance with § 176.415(a). In general, a noncombustible material is not capable of burning. According to the information provided by your chemists, the rigid plastic receptacle is made of polypropylene and it will melt and burn if exposed to flame.

After review of this additional information, it is the opinion of this office that if the packaging burns when exposed to extreme heat or flame, it is combustible. The rigid plastic receptacles you describe are combustible and do not meet the requirements of 49 CFR 176.415(b)(1). Therefore, your options may be to use combination packaging with metal, glass, or earthenware inner packaging, or to comply with the § 176.415(a) requirements.

I hope this answers your inquiry. If you need additional assistance, do not hesitate to contact this office at (202) 366-8553.

Sincerely,

Ben Supko
Acting Chief, Standards Development
Standards and Rulemaking Division



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Tuesday, July 12, 2011

Boothe
§176.415(b)(1)
Vessel
11-0170

Mr. Charles E. Betts
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

RE: **Request Formal Written Response for Interpretation of 49 CFR 176.415 (b)(1)**

Mr. Betts,

Please accept this letter as an official request for an interpretation in writing of whether UN1942, Ammonium Nitrate, 5.1, PGIII in a non-bulk combination package with rigid plastic receptacles as inner packaging and 4G fiberboard box as outer packaging (ref: 49 CFR 173.213(b) is acceptable packaging and meets the requirements for shipping without a permit as per 49 CFR 176.415(b)(1).

See photo below for your reference. Please send your written response via email to lisa.nitschke@orica.com and hard copy to the address referenced above.

If you require additional information, please do not hesitate to contact me.

Thank you in advance for your assistance.

Sincerely,

Lisa Nitschke
Orica USA Inc -Product Compliance Specialist

cc: Lewis Greig / Orica USA Inc.
Compliance Director North America

Inner plastic receptacle of hard rigid plastic is filled to the appropriate weight then capped with a spin-tight cap and placed in a 4G package. Finished package does not exceed 50 lbs.

