



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

JUN 24 2019

Darrell A. Martin
Operations Project Manager
Austin Powder Company
25800 Science Park Drive
Cleveland, OH 44122

Reference No. 18-0151

Dear Mr. Martin:

This letter is in response to your November 29, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transport of Class 1 explosive material and Division 5.1 oxidizer material in specification intermediate bulk containers (IBCs). Specifically, you ask if the following hazardous materials may be transported in IBCs under Special Provision (SP) 148:

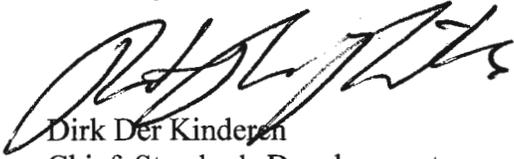
- UN0332, Explosive, blasting, type E, 1.5D
- UN0331, Explosive, blasting, type B, 1.5D
- NA0331, Ammonium nitrate-fuel oil mixture, 1.5D
- UN3375, Ammonium nitrate emulsion, 5.1, PG II

The answer is no for UN0332, Explosive, blasting, type E, 1.5D, UN0331, Explosive, blasting, type B, 1.5D and NA0331, Ammonium nitrate-fuel oil mixture, 1.5D. The answer is yes for UN3375, Ammonium nitrate emulsion, 5.1, PG II. Hazardous materials that are assigned SP 148 in Column (7) of § 172.101 Hazardous Materials Table (HMT) must also be assigned an IBC code to be authorized for transport in an IBC. Special Provision 148 directs readers to § 173.66 for bulk packagings for the listed hazardous materials, which specifies that only the bulk packagings specified in the IME Standard 23 (incorporated by reference in § 171.7) are authorized. IME Standard 23 requires hazardous materials that are assigned SP 148 to be transported in packagings authorized in §§ 173.240 and 173.242 of the HMR. Both §§ 173.240 and 173.242 authorize the use of IBCs only when an IBC code is listed in Column (7) of the HMT. On January 8, 2015 PHMSA published Final Rule HM-215M, "The Harmonization With International Standards (RRR)" (80 FR 1076) and revised the HMT entry for "UN3375" to include IBC codes in Column (7) of the HMT. The HMT entries for the three other hazardous materials you cited were not similarly modified to include IBC codes in Column (7). For hazardous materials not authorized to be transported in IBCs, you may wish to apply for a special permit. A special permit is a document issued by the Associate Administrator that permits a person to perform a function that is not otherwise permitted (see § 171.8).

To apply for a special permit, please submit an application to the Associate Administrator for Hazardous Materials Safety in conformance with the requirements prescribed in 49 CFR Part 107, Subpart B. You may obtain information on the special permit application process from our website at <https://www.phmsa.dot.gov/approvals-and-permits/hazmat/hazardous-materials-approvals-and-permits-overview>, or by calling PHMSA's Approvals and Permits Division at (202) 366-4511.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Dirk Der Kinderen', written in a cursive style.

Dirk Der Kinderen
Chief, Standards Development
Standards and Rulemaking Division

Cardez
18-0151

January, Ikeya CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, November 30, 2018 9:34 AM
To: Hazmat Interps
Subject: FW: Interpretation- 49 CFR parts 173.240/242

Hello Alice and Ikeya,

Below is a request for letter of interpretation.

Thanks,

Jonathon, HMIC

From: Martin, Darrell A. [mailto:Darrell.Martin@austinpowder.com]
Sent: Thursday, November 29, 2018 12:16 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Interpretation- 49 CFR parts 173.240/242

Dear Sir or Madam,

We respectfully request clarification concerning transportation of Class 1 and Class 5.1 materials in Specification IBC bulk containers 31A. The materials in question are described as the following in the Haz Mat Table in 49 CFR 172.101, Explosive, blasting Type E, 1.5D, UN 0332, Explosive, blasting Type B, 1.5 D, UN 0331, Ammonium nitrate-fuel oil mixture, 1.5D, NA 0331 and Ammonium nitrate emulsion, *intermediate for blasting explosives*, 5.1, UN 3375, PG II.

The materials list Special provision 148 in Column 7 of the Table. Special Provision 148 references 173.66, which references IME SLP 23. IME SLP 23 permits the materials to be transported according to 49 CFR 173.240 and 49 CFR 173.242. When referencing these sections, they list certain Specification DOT cargo tanks and non-DOT specification cargo tanks. The sections also list IBC's which suggest that certain IBC's are not permitted if the material is a PG II or PG III solid material and could become a liquid during transportation. This is not the case with the aforementioned materials, however the paragraph also states that IBC's are not authorized unless an IBC code is listed in column 7 of the Table.

There are no IBC codes listed for the aforementioned materials in column 7 of the Table, however due to the fact that Special Provision 148 is listed and IME SLP 23 permits the aforementioned materials to be transported in bulk packages. Based on the fact that they are permitted in some bulk packages, we believe they could also be safely transported in certain IBC's on several vehicle configurations.

We are requesting an interpretation to determine if the aforementioned products can in fact be transported in the metal IBC's utilizing IME SLP 23 and properly placarding, ID number markings and marking with the letters and numbers 2 inches in height "IME SLP 23".

We thank you for your time and consideration in determining this request.

Sincerely,

Darrell A. Martin



AUSTIN POWDER

Darrell A. Martin | Operations Project Manager

Austin Powder Company | 25800 Science Park Drive, Cleveland, OH 44122

Office: +1.216.839.5455 | Mobile: +1.216.408.3144 | Email: darrell.martin@austinpowder.com | <https://www.austinpowder.com/>