



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

JUL 1 2 2016

Mr. Robert TenEyck
TEN-E Packaging Services, Inc.
1666 County Road 74
Newport, MN 55055

Ref. No.: 16-0032

Dear Mr. TenEyck:

This responds to your February 23, 2016 request for clarification on whether a citation in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) acts as a Competent Authority Approval (CAA). According to your inquiry, your client wants to ship a 29% concentration of "UN2672, Ammonia solution, Class 8, PG III" in composite Intermediate Bulk Containers (IBCs) by international vessel. The subject packaging is authorized under the HMR by Special provision IB3. Special packaging provision B11 of the International Maritime Dangerous Goods (IMDG) Code restricts the concentration of ammonia solutions in composite IBCs to not more than 25%. You ask if the definition of CAA in § 105.5 of Part 105 authorizes shipment of the 29% concentration of ammonia solution in composite IBCs for international shipments.

The answer is yes. The HMR authorize the use of composite IBCs for UN2672 without a 25% concentration limit provided the packaging requirements in § 173.241(d) and Special provision IP8 are satisfied. The definition for CAA in § 105.5 states that a specific regulation in subchapter A or C of the HMR may be considered a competent authority approval if it satisfies the requirement of an international standard (see Chapter 4.1.3.7 of the IMDG Code). Therefore, the authorization under the HMR for the composite IBC in your scenario serves as a U.S. competent authority approval.

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

Goodall, Shante CTR (PHMSA)

Wiener
105.5
Definitions
16^v-0032

From: Betts, Charles (PHMSA)
Sent: Tuesday, February 23, 2016 11:36 AM
To: Goodall, Shante CTR (PHMSA)
Subject: Fw: Request for Letter of Clarification
Attachments: DOT Letter of Clarificaiton - 105.5.docx

Please log and assign

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Robert Teneyck <Robert.Teneyck@ten-e.com>
Sent: Tuesday, February 23, 2016 10:28 AM
To: Betts, Charles (PHMSA)
Subject: Request for Letter of Clarification

Hi Charles,
Let me know if you need any further information in order to answer the attached inquiry.
Regards,

Robert TenEyck
TEN-E Packaging Services, Inc.
1666 County Road 74
Newport, MN 55055
651-459-0671
www.ten-e.com

The logo for TEN-E Packaging Services, Inc. features the letters "TEN-E" in a bold, sans-serif font. The letter "E" is stylized with a horizontal bar extending to the right, ending in a small square.

TEN-E Packaging Services, Inc.

February 23, 2016

Charles Betts
U.S. DEPARTMENT OF TRANSPORTATION
Pipeline and Hazardous Materials Safety Administration
Standards Development, PHH-11
1200 New Jersey Avenue S. E.
Washington, D.C. 20590

Ref.: Definition of Competent Authority – Section 105.5

Dear Charles:

We have a client that wants to ship a 29% concentration of Ammonia Solutions, 8, UN 2672, III in composite IBCs by international water. The subject packaging is fully approved under Title 49 CFR by special provision IB3 however special packing provision B11 of the IMDG Dangerous Goods Code restricts the concentration of ammonia solutions in composite IBCs to not more than 25%. So our question then is whether or not the definition of Competent Authority Approval in Section 105.5 of Title 49 CFR authorizes shipment of the 29% concentration of ammonia solutions in composite IBCs for international water shipments.

We look forward to hearing from you on this regulatory compliance matter.

Sincerely,



Robert J. Ten Eyck
Director, Technical Services
TEN-E Packaging Services, Inc.