

to transportation may be transported by vessel.

[Amdt. 176-30, 55 FR 52706, Dec. 21, 1990, as amended at 56 FR 66282, Dec. 20, 1991; Amdt. 176-34, 58 FR 51533, Oct. 1, 1993; Amdt. 176-38, 60 FR 49111, Sept. 21, 1995; 65 FR 58630, Sept. 29, 2000; 66 FR 45384, Aug. 28, 2001; 68 FR 45041, July 31, 2003]

**§ 176.415 Permit requirements for Division 1.5, ammonium nitrates, and certain ammonium nitrate fertilizers.**

(a) Except as provided in paragraph (b) of this section, before any of the following material is loaded on or unloaded from a vessel at any waterfront facility, the owner/operator must obtain written permission from the Captain of the Port (COTP).

(1) Ammonium nitrate UN1942, ammonium nitrate fertilizers containing more than 70% ammonium nitrate, or Division 1.5 compatibility group D materials packaged in a paper bag, burlap bag, or other nonrigid combustible packaging, or any rigid packaging with combustible inside packagings,

(2) Any other ammonium nitrate or ammonium nitrate fertilizer not listed in § 176.410(a) or (b).

(b) Any of the following may be loaded on or unloaded from a vessel at any waterfront facility without a permit:

(1) Ammonium nitrate, Division 5.1 (oxidizer) UN1942, in a rigid packaging with a noncombustible inside packaging.

(2) Ammonium nitrate fertilizer, Division 5.1 (oxidizer) UN 2067, if the nearest COTP is notified at least 24 hours in advance of any loading or unloading in excess of 454 kg (1,000 pounds).

(3) Division 1.5 compatibility group D material in a rigid packaging with noncombustible inside packaging.

(4) Ammonium nitrate fertilizer, Class 9, UN 2071.

(5) Ammonium nitrate, Division 5.1 (oxidizer) UN1942, shipped as a limited quantity, if the nearest COTP is notified at least 24 hours in advance of any loading or unloading in excess of 454 kg (1,000 pounds).

(c) Before a permit may be issued, the following requirements must be met in addition to any others the COTP may impose:

(1) If the material is Explosives, blasting, type E, Division 1.5 compatibility group D, UN0332 in a combustible packaging or in a rigid packaging with a combustible inside packaging, it must be loaded or unloaded at a facility remote from populous areas, or high-value or high-hazard industrial facilities, so that in the event of fire or explosion, loss of lives and property may be minimized;

(2) If the material is a Division 1.5 compatibility group D material in a non-rigid combustible packaging and loaded in a freight container or transport vehicle, it may be loaded or unloaded at a non-isolated facility if the facility is approved by the COTP;

(3) Each facility at which the material is to be loaded or unloaded must conform with the requirements of the port security and local regulations and must have an abundance of water readily available for fire fighting and

(4) Each facility at which the material is to be loaded or unloaded must be located so that each vessel to be loaded or unloaded has an unrestricted passage to open water. Each vessel must be moored bow to seaward, and must be maintained in a mobile status during loading, unloading, or handling operations by the presence of tugs or the readiness of engines. Each vessel must have two wire towing hawsers, each having an eye splice, lowered to the water's edge, one at the bow and the other at the stern.

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**Subpart K [Reserved]**

**Subpart L—Detailed Requirements for Division 2.3 (Poisonous Gas) and Division 6.1 (Poisonous) Materials**

SOURCE: Amdt. 176-30, 55 FR 52708, Dec. 21, 1990, unless otherwise noted.