



U.S. Department
of Transportation

Research and
Special Programs
Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

AUG 3 2004

DOT-E 5206
(EIGHTH REVISION)

EXPIRATION DATE: July 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Nelson Brothers, Inc.
Birmingham, AL

(See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of a Division 1.5D material contained in privately operated bulk hopper-type units. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 173.3(a) and (b), 173.24(c) and 173.60.

5. BASIS: This exemption is based on the application of Nelson Brothers, Inc. dated July 26, 2004, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Ammonium nitrate-fuel oil mixture containing only prilled ammonium nitrate and fuel oil	1.5D	NA0331	II

NOTE: Each 1.5D material is to be identified to and acknowledged in writing by the Office of Hazardous Materials Exemptions and Approvals (OHMEA) prior to first shipment.

7. SAFETY CONTROL MEASURES:

PACKAGING - Prescribed packagings are privately operated bulk hopper-type units equipped with mechanical unloading devices which conform with descriptions given in Monsanto Company's letters dated January 20, 1967, April 13, 1967, April 1, 1968, May 12, 1972, April 9, 1973, and April 23, 1968, telegram on file with OHMEA. Vehicles transporting units must be equipped with a rear bumper designed and fabricated to protect the units and appurtenances and to minimize the possibility of damages which may affect the integrity of the hopper body. Dimensions of bumper must be as prescribed in § 393.86.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

c. **MARKING** - Each container must be plainly marked on the right side near the front, in letters at least two inches high on a contrasting background, "DOT-E 5206."

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

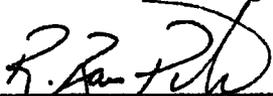
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard motor vehicle used to transport packages covered by this exemption.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving fire, explosion or loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



fe Robert A. McGuire
Associate Administrator for
Hazardous Material Safety

AUG 3 2004
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: KFW/sln

OCT 19 2004

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Austin Powder Company Cleveland, OH	Aug 19, 2004	Sept 8, 2004	Jul 31, 2006
Austin Powder Illinois Company Cleveland, OH	Sep 19, 2004	Sep 28, 2004	Jul 31, 2006
Dykon Blasting Corporation Tulsa, OK	Sep 29, 2004	OCT 19 2004	Jul 31, 2006
Intermountain West Energy, Inc. Boise, ID	Jul 29, 2004	Aug. 11, 2004	Jul 31, 2006
Kintex, Inc. Owensboro, KY	Jan 03, 2003	Jan 22, 2003	Oct 31, 2004
Nelson Brothers, LLC Birmingham, AL	Jul 26, 2004	Aug 3, 2004	Jul 31, 2006
Orica Nelson Quarry Services, Inc. Birmingham, AL	Jul 26, 2004	Aug 3, 2004	Jul 31, 2006
Orica USA Inc. Watkins, CO	Aug 26, 2004	Sep 21, 2004	Jul 31, 2006
R & R Trucking, Inc. Buenweg, MO	Jul 29, 2004	Aug 11, 2004	Jul 31, 2006

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Hazardous Materials Safety

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Date

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