



U.S. Department
of Transportation
Research and
Special Programs
Administration

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

DEC 12 2002

DOT-E 8453
(ELEVENTH REVISION)

EXPIRATION DATE: October 31, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109.)

1. **GRANTEE:** Orica USA Inc.
(Formerly: Energetic Solutions Inc.)
Englewood, Colorado

(See Appendix A of this exemption for the parties to the exemption).

2. **PURPOSE AND LIMITATION:**

a. This exemption authorizes the transportation in commerce of certain Division 1.5D and 5.1 materials in DOT specification cargo tanks and certain non-DOT specification cargo tanks and portable tanks prescribed herein. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than 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 § 173.62, § 173.242, § 176.83, § 176.415 and 177.848(d).
5. **BASIS.** This exemption is based on Orica USA Inc.'s application dated December 2, 2002 submitted in accordance with § 107.109.

DEC 12 2002

6. **HAZARDOUS MATERIALS (49 CFR § 172.101):**

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Explosive, blasting, type E or Agent blasting, Type E	1.5D	UN0332	II
Oxidizing liquid, n.o.s.	5.1	UN3139	II

Note: Other Division 1.5D and 5.1 materials may be authorized under this exemption provided they are specifically identified to and acknowledged in writing by the Office of Hazardous Materials Exemptions and Approvals (OHMEA) prior to the first shipment.

7. **SAFETY CONTROL MEASURES:**a. **PACKAGING** - Packagings prescribed are as follows:

(i) DOT Specification MC 306, MC 307, MC 312, DOT 406, DOT 407, or DOT 412 cargo tanks fabricated from austenitic stainless steel.

(ii) Non-DOT specification cargo tanks designed and constructed in accordance with Hercules Incorporated's drawing 099-8010-52047, Rev. 5 (3,000-gallons capacity) or 092-0711-52041, Rev. 2 (2,000 gallon capacity), with Atlas Powder Company drawings RS-41701, RS-41702 and RS-41703 (2,376-gallon capacity) or with Fruehauf Corporation's drawings B-KD 3595 Rev. B, B-KD 3595-1 Rev. C, B-KD 3596, and B-KD 3592-1 Rev. C and calculations and specification B-LY 0455 (Pacco, Inc's serial numbers FRK 369802A, FRK 369802B, FRK 369803A and FRK 369803B), on file with the OHMEA.

b. For shipment by cargo vessel, only the following cargo tanks are approved:

(i) DOT specification cargo tanks described in paragraph 7.a. (i).

(ii) Non-DOT specification portable tanks listed below:

<u>Company</u>	<u>Manufacturer</u>	<u>Serial Number</u>
Pacco, Inc	Fruehauf	FRK 369802A
Pacco, Inc	Fruehauf	FRK 369802B
Pacco, Inc	Fruehauf	FRK 369803A
Pacco, Inc	Fruehauf	FRK 369803B

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 modifications or changes are made to the package 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. Each tank is authorized only for dedicated use and must have a thorough cleaning each time it is used for a different formulation. Each tank must be thoroughly cleaned at least every 6 months.
- d. Each cargo tank must be reinspected and retested in accordance with § 180.407. Pneumatic retesting at one and one-half times the design pressure is authorized in place of the required hydrostatic test.
- e. Each tank must be plainly marked on the right side near the front, in letters and numerals at least two inches high on a contrasting background, "DOT-E 8453".
- f. For transportation by cargo vessel, the following will apply:
- (1) The tanks must be stowed "on deck only".
 - (ii) Division 1.5D explosive, blasting, type E materials must be segregated from other hazardous materials in accordance with the requirements for Division 1.1 explosives. In addition, the Explosive, blasting, type E materials must be stowed "separate from" non-regulated readily combustible materials, as defined in § 176.83(d).

(iii) The tanks must be stowed in a readily accessible location which can be reached by at least two streams of water from separate fire hydrants or if carried on an unmanned barge by an effective stream of water from a vessel alongside.

(iv) Before packages covered by this exemption are loaded on or discharged from a vessel at any place in the United States, the carrier must obtain a permit from the Coast Guard Captain of the Port. A copy of this exemption must be provided to the Captain of the Port when requesting a permit.

g. The non-DOT specification portable tanks authorized for shipment by water in paragraph 7.b.(ii) must be retested as required in § 180.407 for DOT Specification MC-306 cargo tanks. The steel frames of these portable tanks must bear an approval plate showing compliance with the rules of the International Convention of Safe Containers or, for domestic transportation only, may bear a plate showing conformance with the rules of another recognized classification society.

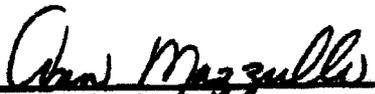
9. **MODES OF TRANSPORTATION AUTHORIZED:** Motor vehicle, cargo vessel.
10. **MODAL REQUIREMENTS:** A current copy of this exemption must be carried aboard each cargo vessel, or motor vehicle used to transport packages covered by this exemption.
11. **COMPLIANCE:** Failure by a person to comply with 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. 5105 et seq.
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Registration required by § 107.601 et seq., when applicable.

Each "Hazard 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 incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

DEC 12 2002

(DATE)

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

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
Alaska Pacific Powder Company Olympia, WA	Aug 30, 2004	OCT 19 2004	Jul 31, 2006
Austin Powder Company Cleveland, OH	Sep 10, 2004	OCT 19 2004	Jul 31, 2006
Austin Powder Illinois Company, Englewood, CO	Sep 17, 2004	OCT 19 2004	Jul 31, 2006
Boren Explosives Co., Inc. Parrish, AL	Aug 27, 2004	Sept 9, 2004	Jul 31, 2006
Conex Inc. Evansville, IN	Nov 13, 2002	Nov 21, 2002	Oct 31, 2004
Consbec Inc. Val Caron, ON	Aug 16, 2004	Sept 9, 2004	Jul 31, 2006
Explosive Contract Carriers, Inc. Branson, MO	May 13, 2004	Jun 8, 2004	Oct 31, 2004
J. Roy's Inc. Bowmansville, PA	Aug 04, 2004	Aug 24, 2004	Jul 31, 2006
Kesco Southeast, Inc. Smyrna, GA	Jun 17, 2004	Aug 24, 2004	Jul 31, 2006
Kesco, Inc. Butler, PA	Nov 12, 2002	Nov 21, 2002	Oct 31, 2004
MEMSCO Dawson Springs, KY	Nov 13, 2002	Nov 21, 2002	Oct 31, 2004
Mine Equipment & Mill Supply Company Dawson Springs, KY	Nov 13, 2002	Nov 21, 2002	Oct 31, 2004
Mining Services International Corp. Salt Lake City, UT	Aug 11, 2004	Sept 9, 2004	Jul 31, 2006
Nelson Brothers Mining Services, LLC Birmingham, AL	Jul 26, 2004	Aug 24, 2004	Jul 31, 2006
Nelson Brothers, Inc. Birmingham, AL	Jul 26, 2004	Aug 24, 2004	Jul 31, 2006

OCT 19 2004

Company Name City/State	Application Date	Issue Date	Expiration Date
Nelson Brothers, LLC Birmingham, AL	Jul 26, 2004	Aug 24, 2004	Jul 31, 2006
Orica Nelson Quarry Services, Inc. Birmingham, AL	Jul 26, 2004	Aug 24, 2004	Jul 31, 2006
Orica USA Inc. Watkins, CO	Sep 07, 2004	OCT 19 2004	Jul 31, 2006
R & R Trucking, Inc. Duenweg, MO	Jul 29, 2004	Aug 14, 2004	Jul 31, 2006
Southern Blasting Services, Inc. Rhonda, NC	Jul 08, 2004	Aug 24, 2004	Jul 31, 2006
St. Lawrence Explosives Corp. Adams Center, NY	Aug 27, 2004	OCT 19 2004	Jul 31, 2006



fa Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety