

February 9, 2004



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

DOT-E 8815
(EIGHTH REVISION)

EXPIRATION DATE: January 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Austin Powder Company
Cleveland, Ohio

(See Appendix A for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the bulk transportation in commerce of certain Division 1.5D explosives in a cement mixer type motor vehicle. 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 § 172.101, in that bulk shipments of Division 1.5D explosives are not authorized, except as specified herein.
5. BASIS: This exemption is based on the application of Austin Powder Company dated December 12, 2003, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Explosive, blasting type B or Agent blasting, Type B*	1.5D	UN0331	II

* Specifically identified by explosive approval number and acknowledged in writing by the Office of Hazardous Materials Exemptions and Approvals prior to the first shipment.

7. SAFETY CONTROL MEASURES: Packaging prescribed is a cementmixer truck described in Drawings VE-1, VE-2, VE-3, VE-4, dated April 26, 1982. The drum of the cement mixer vehicle may not be rotating during transportation.

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 are 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. Transportation is limited to private carriage or to contract carriers specifically identified to, and acknowledged in writing by OHMEA prior to the first shipment.

d. Drivers must have been instructed as to necessary safeguards and proper procedures in the vent of unusual delay, fire, or accident.

e. Each motor vehicle must be plainly and durably marked on the right side near the front, in letters at least two inches high on a contrasting background, "DOT-E 8815".

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

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10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport bulk explosives 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 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.:



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

February 9, 2004

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: sln

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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
Florex Explosives, Inc. Cuddy, PA	Jan 15, 2004	Feb 09, 2004	Jan 31, 2006
R & R Trucking, Inc. Duenweg, MO	Apr 04, 2002	Apr 19, 2002	Mar 31, 2004
Senex Explosives, Inc. Cuddy, PA	Jan 15, 2004	Feb 09, 2004	Jan 31, 2006



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety