U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAY 2 0 2004

DOT-E 9184
(SIXTH REVISION)

EXPIRATION DATE: April 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Elkem Metals Company, Ashtabula LP
Ashtabula, OH
(Former Grantee: Elkem-American Carbide Company)

(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 Calcium carbide in UN13H3 or UN13H4 flexible intermediate bulk containers in truckload or carload lots only. 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 § 172.102, SP B101 in that flexible intermediate bulk containers are not authorized, except as specified herein.

5. BASIS: This exemption is based on the application of Elkem-American Carbide Company dated May 17, 2004, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR 172.101): MAY 2 0 2004

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Calcium carbide	4.3	UN1402	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a UN13H3 or UN13H4 flexible intermediate bulk container with a maximum capacity of 4400 pounds.

b. OPERATIONAL CONTROLS:

(1) Drivers must have been instructed as to necessary safeguards and proper procedure in the event of unusual delay, fire, or accident.

(2) Shipment must be in fully enclosed truckload or rail carload lots only.

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 bag must be permanently and durably marked in accordance with requirements of § 172.331 with letters at least two inches high on a contrasting background. Each bag must also be marked "DOT-9184" in the same manner as described above. The use of labels, tags or signs for marking purposes is prohibited.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight.

10. MODAL REQUIREMENT: A current copy of this exemption must be carried aboard each 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:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- 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.
- 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 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.:

MAY 20 2004

Robert A. McGuire
for Associate Administrator for
Hazardous Materials Safety

(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: DB/sln

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
Elkem Metal Company, Pryor LP Pryor, OK (Former Grantee: Midwest Carbide (EACC)	May 17, 2004	MAY 20 2004	Apr 30, 2006

Robert A. McGuire
for Associate Administrator for
Hazardous Materials Safety