



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

NOV 7 2003

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

DOT-E 10880
(EIGHTH REVISION)

EXPIRATION DATE: August 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. **GRANTEE:** Austin Powder Company
Cleveland, OH

(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 ammonium nitrate-fuel oil mixture (ANFO), Division 1.5, in reusable, flexible Intermediate Bulk Containers (FIBC) type UN 13H3 or UN 13H4 conforming to Subpart N and O of Part 178 with replaceable liners and top and bottom outlets on the same motor vehicle with certain other Class 1 explosive materials which are overpacked in separate IME SLP 22 containers or compartments. 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 transport in commerce

3. **REGULATORY SYSTEM AFFECTED:** 49 CFR Parts 106, 107 and 171-180.
4. **REGULATIONS FROM WHICH EXEMPTED:** 49 CFR § 172.101 Table, Column (8C) for NA0331 in that bulk packaging is not authorized except as specified herein; § 173.35(b) in that reuse of the outer FIBC is limited as specified herein; and § 177.848(g)(3) in that Compatibility Group B detonators may not be carried on the same motor vehicle as Compatibility Group D explosives except as specified herein.
5. **BASIS:** This exemption is based on the application of Austin Powder Company dated October 20, 2003 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Boosters	1.1D	UN0042	II
Cord, detonating, flexible	1.1D	UN0065	II
Cord, detonating, flexible	1.4D	UN0289	II
Explosive, blasting, type B or Agent blasting, Type B	1.5D	UN0331	II
Explosive, blasting, type E or Agent blasting, Type E	1.5D	UN0332	II
Explosive, blasting, type E	1.1D	UN0241	II
Detonator assemblies, non-electric	1.4B	UN0361	II
Articles, explosive, n.o.s. (shock tubing containing HMX and aluminum powder)	1.4S	UN0349	II
Ammonium nitrate-fuel oil mixture	1.5D	NA0331	II

7. SAFETY CONTROL MEASURES:a. PACKAGING -

(1) The bulk ammonium nitrate-fuel oil mixture must be packaged in UN13H3 or UN13H4 collapsible, flexible, polypropylene bulk bag containers with a non-reusable liner. The bag is fabricated of woven polypropylene, incorporating four lifting straps, a disposable interior liner, and having a total bag capacity not exceeding 1000 kg. Replacement interior liners used for each reused FIBC must be identical to those liners used in the design qualification testing in paragraph

7.b. Each bag, prepared as for shipment, must be capable of satisfactorily withstanding the design type

tests specified in paragraph 7.b. Test results are on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

(2) The Division 1.1D, 1.4D and 1.5D non-bulk explosives must be packaged as prescribed in the § 173.62(c) Table according to their UN number and overpacked in an IME Safety Library Publication 22 (IME 22) container or compartment. No FIBCs containing the bulk ammonium nitrate-fuel oil mixture shall be placed directly against the outside doors of any IME 22 containers or compartments or directly on top of any IME 22 containers or compartments.

(3) The Division 1.4B and 1.4S non-electric detonator assemblies and explosive articles must be packaged according to §§ 173.63(f) or (g) and placed in a separate IME 22 container or compartment having no common wall with the IME 22 container or compartment containing the Division 1.1D, 1.4D or 1.5D non-bulk explosives. No FIBCs containing the bulk ammonium nitrate-fuel oil mixture shall be placed directly against the outside doors of any IME 22 containers or compartments or directly on top of any IME 22 containers or compartments.

b. **TESTING** - As a minimum, the following test procedures must be performed:

(1) Top lift test; Tear test; Stacking test; Drop test; Topple test and Righting test as described in Subpart O Part 178.

(2) At least one FIBC must pass these tests at the Packing Group II level. One FIBC may be used for all tests or one FIBC may be used for each test.

c. **MARKING** - In addition to the marking requirements for FIBCs found in Subpart N of Part 178, each FIBC must be permanently and durably marked in accordance with the requirements of § 172.331 in letters at least two inches high on a contrasting background:

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REUSABLE

The use of labels, tags or signs for marking purposes is prohibited.

d. REUSE - No FIBC marked with the exemption number in paragraph 7.c. above may be used more than six (6) times or more than a year after the date of the first shipment in that FIBC, whichever occurs earlier. Further, no reused FIBC may be filled with a hazardous material until an unused liner has replaced the previously used liner. Total number of uses for each bag must be recorded. When FIBCs have been used for 3 shipments, a sample of at least 3 FIBCs per lot of 50 must be tested according to the full requirements of the standard in paragraph 7.b. above. Upon completion of 6 shipments, another sample of at least 3 FIBCs per lot of 50 must be tested as above. Records must be kept in accordance with paragraph 7.f.

e. INSPECTION - Before reuse, each FIBC must pass an inspection which includes, as a minimum, the following items:

(1) The FIBCs used more than once must be in such condition, including closure devices, that they conform in all respects to the prescribed requirements of this exemption and to § 173.24, as applicable.

(2) The polyethylene liner must be replaced with a new liner prior to reuse.

(3) FIBCs may only be reused to transport the same hazardous material, or a fully compatible similar hazardous material of the same hazard Division, as was present in the bag during its first use in hazardous materials transport.

(4) Prior to filling for reuse, each FIBC must be inspected and judged suitable for reuse. Only FIBCs with no wear or flaws may be reused. The inspection must be of all sides, top and bottom, and all lifting straps and attachments, and must include as a minimum, the following:

(i) General Appearance -- must be free of holes, abrasions, and tears, regardless of size.

(ii) Lifting straps

- Must be free of cuts and abrasions.

- Torn stitching may not exceed 1 inch of the total length of sewing/strap attachment to the FIBC.

NOTE: Possible defect may be indicated by the strap first beginning to peel away from the body at the top of the FIBC.

(iii) Seams - clawing/zippering of stitching may not exceed 1/4".

NOTE: Maximum stress causing stitching to "open up," also referred to as clawing and/or zippering, is approximately 1/3 of the way up the seam from the bottom of the FIBC.

(iv) Markings - All markings must be legible.

(v) Fill/Discharge Spouts - must be free of tears, with cordlocks intact.

(vi) Ultraviolet (UV) Damage - UV ray damage is indicated by the woven polypropylene becoming stiff and/or cracking. The FIBC must be rejected for reuse if the fabric of the FIBC appears to be less flexible than new fabric or if the FIBC fabric shows signs of cracking.

f. RECORDKEEPING - The total number of uses of each FIBC and dates of shipments must be logged and recorded. A FIBC rejected by the reuse inspection must have reason for rejection and person performing inspection recorded. All results of tests performed on reused bags must be recorded. After the first year of transport experience and data is established and recorded, an annual summary of results including reused bag test reports and rejection reports must be sent to OHMEA.

g. FIBCs must be loaded and unloaded on pallets and not by lifting loops at the top of each FIBC. No intermediate loading or unloading of FIBCs is allowed. Only shipments from origin to destination are allowed.

8. SPECIAL PROVISIONS:

a. A current copy of this exemption shall be maintained at each facility where the shipment is offered or reoffered for transportation.

b. Drivers must have been instructed as to the necessary safeguards and proper procedures in the event of an unusual delay, fire, explosion or accident involving the hazardous materials covered by this exemption.

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c. When Division 1.1D explosive materials are carried together on the same motor vehicle with Division 1.5D ammonium nitrate-fuel oil mixture, the entire motor vehicle or freight container shall be placarded as Division 1.1D.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS:

a. A copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

b. FIBCs covered under this exemption must be transported by private carriers and in dedicated loads or contract carriers specifically identified to, and acknowledged in writing by the OHMEA prior to the first shipment and in dedicated loads.

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. Section 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 49 CFR 107.601 et seq., when applicable.

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. (49 CFR 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.

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Issued in Washington, D.C.:


Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

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(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.

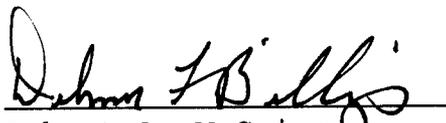
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Hazardous Materials Safety Homepage at
<http://hazmat.dot.gov/exemptions> Photo reproductions and legible
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this exemption is prohibited.

PO: SCW/AM

SEP 2 8 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	SEP 2 8 2004	Aug 31, 2005
American East Explosives, Inc. (formerly American West Explosives, Inc.) Greenfield, MO	Dec 03, 2003	Feb 10, 2004	Aug 31, 2005
Austin Powder Illinois Company Cleveland, OH	Sep 17, 2004	SEP 2 8 2004	Aug 31, 2005
Buckley Powder Company Englewood, CO	Nov 25, 2003	Feb 10, 2004	Aug 31, 2005
Buckley Powder Company of Oklahoma, Inc. Englewood, CO	Nov 25, 2003	Feb 10, 2004	Aug 31, 2005
Dyno Nobel, Inc. Salt Lake City, UT	Feb 26, 2004	Mar 10, 2004	Aug 31, 2005
Hilltop Energy, Inc. Mineral City, OH	Aug 19, 2003	Sep 16, 2003	Aug 31, 2005
Orica USA, Inc. Watkins, CO	Nov 25, 2003	Feb 10, 2004	Aug 31, 2005
R&R Trucking, Inc. Duenweg, MO	Apr 1, 2004	Apr 20, 2004	Aug 31, 2005
St. Lawrence Explosives Corp. Adams Center, NY	Oct 13, 2003	Oct 31, 2003	Aug 31, 2005



jm Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety