



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

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

NOV 8 2002

DOT-E 12037
(SECOND REVISION)

EXPIRATION DATE: October 31, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: The Carbide/Graphite Group, Inc.
Louisville, KY

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

2. PURPOSE AND LIMITATION:

- a. This exemption authorizes the use and reuse of UN13H3 or UN13H4 flexible intermediate bulk containers with replaceable liners having a capacity of approximately 2,200 and 4,400 pounds for the transportation in commerce of calcium carbide. This exemption provides no relief from the Hazardous Materials Regulations 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 authorized; and § 173.35(b) in that flexible intermediate bulk containers may be reused.

5. BASIS: This exemption is based on the application of The Carbide/Graphite Group, Inc.'s application dated September 13, 2002, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Calcium carbide	4.3	UN 1402	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING -Packaging prescribed is a UN13H3 or UN13H4 flexible intermediate bulk container, with a non-reusable, removable polyethylene liner. The FIBCs have capacities of approximately 2200 and 4400 pounds and have been tested to the PGI level.

b. OPERATIONAL CONTROLS:

(1) REUSE - No FIBC marked with the exemption number in paragraph 8.c. must be used more than three times. The total number of uses for each bag must be recorded. Records must be kept in accordance with paragraph 7(b)(3).

(2) INSPECTION - Before reuse, each bag must pass an inspection which includes, as a minimum, the items which follow:

(i) The bags 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.

(ii) Prior to filling for reuse, each bag must be inspected and judged suitable for reuse. Only bags 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:

A. General Appearance - must be free of holes, abrasions, and tears, regardless of size.

B. Lifting straps

- Must be free of cuts and abrasions.
- Torn stitching must 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.

C. Seams - clawing/zippering of stitching must not exceed 1/4".

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

D. Markings - All markings must be legible.

E. Fill/Discharge Spouts - must be free of tears, with cordlocks intact.

F. UV Damage - Ultraviolet 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.

(3) RECORDKEEPING - The total number of uses of each bag and dates of shipments must be logged and recorded. A bag rejected by the reuse inspection must have reason for rejection and person performing inspection recorded. After each bag has been reused over a two-year period or has completed three shipments, a summary of the transport experience and data, including reused bag and rejection reports, must be sent to Office of Hazardous Materials Exemptions and Approvals.

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

(5) Shipment must be in 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 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. 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-E 12037

REUSABLE

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 and 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:

- 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 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

NOV 8 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: DHM-31.

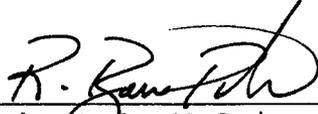
Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: AM

SEP 14 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
Elkem Metals Co.-Pryor LP (form. Midwest Carbide) Pryor, OK	Aug 25, 2004	SEP 14 2004	Aug 31, 2006
Elkem Metals Company, Ashtabula LP Ashtabula, OH	Aug 25, 2004	SEP 14 2004	Aug 31, 2006



Robert A. McGuire
for Associate Administrator for
Hazardous Materials Safety

SEP 14 2004

Date