



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

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

AUG 26 2003

DOT-E 12677
(SECOND REVISION)

EXPIRATION DATE: April 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Austin Powder Company
Cleveland, OH

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

2. PURPOSE AND LIMITATION:

- a. This exemption authorizes the transportation in commerce of certain Division 1.1, 1.4, 1.5D explosives, Division 5.1 oxidizers, Class 8 corrosive liquids and combustible liquids in separate containers mounted on the same vehicle frame structure. 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 § 177.835(c)(3) in that Division 1.1 explosives may not be loaded into or carried on any vehicle in a combination with a cargo tank containing material required to be placarded under § 177.823 (i.e., Combustible liquid, n.o.s.) except as specified herein; § 177.848(e) Table in that Division 1.1 and 1.5 explosives may not be shipped together with Division 5.1 or Class 8 liquids except as specified herein; and § 177.848(g) in that Compatibility Group B detonators may not be carried on the same motor vehicle as Compatibility Group D explosives except as specified herein.

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5. BASIS: This exemption is based on the application of Austin Powder Company dated June 11, 2003 submitted in accordance with § 107.109 and supplemental information dated June 11 and July 25, 2003.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Acetic acid solution, not less than 50 percent but not more than 80 percent acid by mass.	8	UN2790	II
Ammonium nitrate-fuel oil mixture containing only prilled ammonium nitrate and fuel oil.	1.5D	NA0331	II
Ammonium nitrate	5.1	UN1942	III
Articles, explosive, n.o.s. (Shock tubing containing HMX)	1.4S	UN0349	II
Boosters, without detonator	1.1D	UN0042	II
Fuel Oil (No. 2)	Combust- ible	NA1993	III
Cord, detonating, flexible	1.1D	UN0065	II
Detonator assemblies, non-electric, for blasting	1.4B	UN0361	II
Detonators, electric, for blasting	1.4B	UN0255	II
Explosive, blasting, type A	1.1D	UN0081	II
Explosive, blasting, type E or Agent blasting, Type E	1.5D	UN0332	II

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
Explosives, blasting, type E	1.1D	UN0241	II
Nitrites, inorganic, aqueous solution, n.o.s. (sodium nitrite)	5.1	UN3219	III
Oxidizing liquid, n.o.s. (contains ammonium nitrate/fuel oil aqueous emulsion)	5.1	UN3139	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are as follows:

- (1) Division 1.1D and 1.5D 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.
- (2) Division 1.4B electric detonators and non-electric detonator assemblies as well as the Division 1.4S shock tube must be packaged according to §§ 173.63(f) or (g) in a separate IME-22 container.
- (3) Combustible liquids (NA1993) must be packaged in DOT specification or non-DOT specification cargo tanks not to exceed 210 gallons, as described in Tread Corporation Drawing Nos. P1555-3C Rev. A (body profile) dated September 19, 1997 or P1664-1D Rev. A (saddle-mounted) dated May 19, 1998 on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

(4) Ammonium nitrate (UN1942), Division 5.1, and ammonium nitrate/fuel oil mixtures (NA0331), Division 1.5D, must be packaged in non-DOT specification cargo bins as described in Tread Corporation Drawing No. 100-C540 Rev 6 dated November 1, 1985 on file with OHMEA.

(5) Bulk explosives, blasting, type E, Division 1.5D and all oxidizing liquids, n.o.s., Division 5.1, must be packaged in DOT Specification 406, 407, 412 MC 306, MC 307 or MC 312 cargo tanks or in non-DOT specification cargo tanks described in Atlas Powder Company drawings RS-41701, RS-41702 and RS-41703 (2,376-gallon capacity). The non-DOT specification cargo tanks are currently authorized under DOT-E 8453.

(6) Nitrites solution (UN3219 containing not more than 40 percent sodium nitrite in water) and Acetic acid solution (UN2790 with not less than 50 percent but not more than 80 percent acetic acid) must be separately packaged in 1/8 inch thick stainless steel non-DOT specification containers which are permanently mounted on the motor vehicle and have a capacity not to exceed 115 gallons as shown in Tread Corporations Drawing No. P1338T-1D, Rev. B dated December 2, 1996 on file with OHMEA.

b. OPERATIONAL CONTROLS -

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

(2) The two (2) IME 22 containers must be located directly behind the cab on opposite sides of the motor vehicle. The IME 22 containers may not share a common wall or be in direct contact with any cargo tank, tank bin, pump or piping containing a hazardous material.

(3) Cargo tanks containing combustible liquids and the non-DOT specification containers containing the

nitrite solution and acetic acid solution may not have common walls with each other or with any other compartment, tank or bin on the motor vehicle.

(4) The nitrite solution cargo tank must be located below and away as far as practical from cargo tanks containing ammonium nitrate or ammonium nitrate emulsions on the frame structure of the motor vehicle.

(5) None of the materials in any cargo tank or bin on the motor vehicle may be mixed, transferred or circulated while the vehicle is in transit on a public road or highway.

(6) All transfer pumps must be equipped with at least two positive means to prevent operation while in transportation. All process lines must be clear of any hazardous materials and all valves must be securely closed before transport on a public road or highway.

(7) All nitrite solution cargo tank transfer piping and pumps must be completely drained prior to transport on a public road or highway.

8. SPECIAL PROVISIONS:

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

b. The motor vehicle must be plainly and durably marked on both sides near the front, in letters and numbers at least 5 cm (2 inches) high on a contrasting background "DOT-E 12677."

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS:

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

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.

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 § 171.3, 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 this 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.:



FR Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

AUG 26 2003

(DATE)

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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: scw/sdc

SEP 29 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
Austin Powder Illinois Company Cleveland, OH	Sep 17, 2004	SEP 29 2004	Apr 30, 2005
CONEX, Inc. Oakdale City, IN	Aug 05, 2003	Aug 26, 2003	Apr 30, 2005
Dyno Nobel, Inc. Salt Lake City, UT	May 08, 2003	May 14, 2003	Apr 30, 2005
Kesco Southeast, Inc. Smyrna, GA	Jul 21, 2003	Aug 26, 2003	Apr 30, 2005



Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety