SEP 14 2000

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

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

DOT-E 12545

EXPIRATION DATE: November 30, 2000

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Orica USA
Gillette, WY

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time one-way transportation in commerce in bulk of certain Division 1.5 explosives in 21 DOT Specification IM 102 portable tanks which are not fitted with an internal discharge valve. 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. The safety analyses did not consider the hazards and risks associated with other uses not 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 and 173.62 in that Division 1.5D explosives may not be transported in bulk; §§ 173.32c(g) and 178.270-12(a) in that the tanks are not fitted with an internal discharge valve; and the segregation requirements of § 176.83, except as specified herein.

5. BASIS: This emergency exemption is based on the application of Orica USA dated September 12, 2000 submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Explosive blasting, type E	1.5D	UN0332	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are 21 DOT Specification IM 102 portable tanks which are not fitted with internal discharge valves as required by §§ 173.32c(g) and 178.270-12(a). The DOT Specification IM 102 portable tanks bear the following serial numbers:

ICSU 029505-4	ICSU 029133-6	ICSU 029494-7
TOLU 926022-7	TRLU 027216-1	TRLU 027331-6
TRLU 027336-3	TRLU 027329-7	USPU 121007-4
USPU 121019-8	USPU 121063-9	USPU 121071-0
USPU 121073-1	USPU 121088-1	USPU 121097-9
USPU 121128-1	USPU 121188-8	USPU 121194-9
USPU 121195-4	USPU 121212-2	USPU 121218-5

b. OPERATIONAL CONTROLS -

(1) Transportation is limited to Alaska Marine Lines' vessel "Nana Provide", vessel number 664805.

(2) The DOT Specification IM 102 portable tanks are only authorized for a one-time one-way transportation between the Port of Seattle, Washington to Cominco Red Dog Port near Kivalina, Alaska.

(3) The blasting explosives may not be stored in the portable tank longer than that required for transportation.

8. SPECIAL PROVISIONS:

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

b. MARKING: The 21 portable tanks marked "DOT-E 8723" prior to the issuance of this exemption may be used in accordance with the provisions of this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo vessel.

10. MODAL REQUIREMENTS:

a. A current copy of this exemption must be carried aboard the cargo vessel used to transport packages covered by this exemption.

b. For transportation by cargo vessel:

(1) The portable tanks must be stowed "on deck only".

(2) The Division 1.5D explosives must be segregated from other hazardous materials in accordance with the requirements for Division 1.1D explosives. In addition, the Division 1.5D explosives must be stowed "separate from" non-regulated readily combustible materials, as defined in § 176.83(d).

(3) The portable tanks must be stowed in a readily accessible location which can be reached by at least two streams of water from separate fire hydrants or if carried on an unmanned barge by an effective stream of water from a vessel alongside.

(4) Before packages covered by this exemption are loaded on or discharged from the vessel at any place in the United States, the carrier must obtain a permit from the Coast Guard Captain of the Port. A copy of this exemption must be provided to the Captain of the Port when requesting a permit.

c. A copy of written instructions must be provided to the masters of cargo vessels used to transport bulk blasting explosives under 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.
- 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 this 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.:

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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(DATE)

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Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590.
Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: CHHOCHMAN/RPOSTEN