

October 20, 2009



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 12677
(SEVENTH REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit 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 special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in support of this special permit considered only the hazards and risks associated with transportation in commerce.
 - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
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. This special permit is based on the responses to the Pipeline and Hazardous Materials Safety Administration's (PHMSA) show cause letter issued under § 107.121 initiated on August 14, 2008.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Acetic acid solution, <i>not less than 50 percent but not more than 80 percent acid by mass</i>	8	UN2790	II
Ammonium nitrate-fuel oil mixture <i>containing only prilled ammonium nitrate and fuel oil</i>	1.5D	NA0331	II
Ammonium nitrate	5.1	UN1942	III
Articles, explosive, n.o.s. (Shock tubing containing HMX)	1.4S	UN0349	II
Boosters, <i>without detonator</i>	1.1D	UN0042	II
Cord, detonating, <i>flexible</i>	1.1D	UN0065	II
Detonator assemblies, non-electric, <i>for blasting</i>	1.4B	UN0361	II
Detonators, electric, <i>for blasting</i>	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
Explosive, blasting, type B or Agent blasting, Type B	1.5D	UN0331	II
Explosives, blasting, type E	1.1D	UN0241	II

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Hazardous Material Description			
Proper Shipping Name	Hazard Class/Division	Identification Number	Packing Group
Fuel Oil (No. 2)	Combustible	NA1993	III
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 - Prescribed packagings 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 Special Permits and Approvals (OHMSPA).

(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 OHMSPA.

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(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-SP 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 OHMSPA.

b. OPERATIONAL CONTROLS -

(1) Transportation is limited to private carriage or to contract carriers specifically identified to, and acknowledged in writing by OHMSPA 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 and must be located entirely within the profile of the vehicle.

(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 cargo tank containing nitrite solution 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.

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(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) Driver Qualification and Training Program Audits. Beginning the date this special permit is issued, the special permit grantee must annually audit its program for validating the qualifications and training of the persons who operate the vehicles authorized under the terms of the special permit. The records of the audit must be maintained for one year or until the next annual audit. The audit must ensure:

(i) Each driver holds a Commercial Driver's License and appropriate endorsements, as required by 49 CFR Part 383, and meets the qualification requirements in 49 CFR Part 391.

(ii) Each driver has received current training as required by 49 CFR part 172, subpart H, and 49 CFR §§ 177.800 and 177.816. This training must specifically include the terms and conditions of the special permit(s); design and operational characteristics of the vehicles authorized under these special permits; methods of defensive driving and vehicle control to avoid accidents (including roll-overs) and how to recover control in the event the wheels leave the paved surface of the road; successful road tests in a vehicle similar to the one they will operate prior to being authorized to operate a vehicle under the terms of this special permit and emergency response procedures including information necessary to communicate to responders in the event of an incident. Training records must be maintained as required by 49 CFR part 172, subpart H.

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(9) Training after an accident. Beginning the date this special permit is issued, a driver of a vehicle operated under the terms of this special permit that is involved in a "preventable" accident, as described in 49 CFR Part 385, Appendix A, must be retrained in accordance with the applicable provisions of paragraph 7.b.(8)(ii) above prior to resuming operations of a vehicle operated under the terms of this special permit. Note that if the vehicle is not disabled as a result of the preventable accident, the driver may complete the assigned movement for his or her vehicle.

(10) Vehicle Inspections.

(i) Beginning the date this special permit is issued, the special permit grantee must perform an annual audit of its program for vehicle inspections to ensure that the requirements for daily and periodic inspections set forth in 49 CFR Part 396 are properly performed and recorded. A record of the audit must be maintained for a minimum of one year or until the next annual audit.

(ii) Tire Inspections

(A) When tires are installed on a vehicle authorized under the terms of this special permit the grantee must ensure that the tires are rated and sized according to the tire manufacturer's recommendations for size and gross vehicle weight rating.

(B) Tires that are more than six years old, based on the manufacture date marked on the sidewall of the tire, may not be used on vehicles authorized under this special permit.

(C) Tires on the steering axle must have a minimum tread depth of $8/32$ inch and may not be retreaded tires. All other tires on the vehicle must have a minimum tread depth of $4/32$ inch.

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(D) Tire Pressure. When vehicles authorized under this special permit are in use, tire pressure must be monitored using one of the following methods:

(1) Tire pressure must be measured and recorded as a minimum on a daily basis and additionally each time the vehicle begins a trip on a public roadway. Tire pressure must be adjusted if it is more than 25% below the recommended inflation pressure. The results must be recorded in the vehicle inspection report as required in 49 CFR 396.11, or

(2) Tire pressure is physically measured and recorded at least once in each consecutive seven day period and electronic pressure monitoring systems are installed and functional on all wheels. The results must be recorded in the driver vehicle inspection report as required in 49 CFR 396.11.

(E) Prior to traveling on a public roadway, tires must be inspected to ensure they conform to requirements in the North American Standards of the Commercial Vehicle Safety Alliance. However, tread depth must meet the minimum requirements of paragraph 7.b.(10)(ii)(C). Tires that meet the out-of-service criteria must be replaced prior to the vehicle being used on a public roadway.

(11) Vehicle Batteries.

(i) By January 1, 2010, each vehicle operating under the terms of this special permit must be equipped with three battery disconnect switches - one at the front of the vehicle, one at the rear of the vehicle, and one near the battery box. All switches must be clearly marked. The switches must be installed in a manner that ensures they are protected in the event of a rollover. The disconnect switch must be tested every month and repaired or replaced if the test indicates a malfunction.

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(ii) By January 1, 2010, batteries and housings must be located towards the front of the vehicle, within the profile of the vehicle, and marked in such a way as to be easily identified to emergency responders. The battery housing must be designed to meet the requirements of 49 CFR 393.30 with the additional requirement that all cables, not just those leading to the starter motor, must be protected and that the positive (+) battery terminal must be covered to prevent the possibility of short circuit.

(12) Emergency Response.

(i) By January 1, 2010, the grantee must develop, maintain, and implement an emergency response action plan that at a minimum describes the risks associated with a fire involving these vehicles and the actions to be taken to minimize such risks.

(ii) Emergency response guidance developed as part of the action plan must be maintained on each vehicle operating under the special permit in the manner set forth in 49 CFR § 172.602(c).

8. SPECIAL PROVISIONS:

a. A current copy of this special permit 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-SP 12677."

c. In the event of an accident for which an incident report is required under 49 CFR §§ 171.15 or 171.16 that results in an overturn of a vehicle operated under the terms of this special permit, the special permit grantee must:

(1) Conduct an in-depth investigation to determine the cause of the cause(s) of the accident and provide a report of the investigation's findings, conclusions, and recommendations to prevent future accidents or incidents. The report must be completed within 30 days

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after the accident or incident and forwarded to the Office of Hazardous Materials Special Permits and Approval (OHMSPA) within 15 days.

(2) Provide a copy of the insurance company investigation report and the police report to PHMSA within 15 days of the date the special permit grantee receives them.

(3) If requested by PHMSA, the grantee must arrange for an independent accident reconstruction investigation to determine the root cause of the incident and any other factors that might be relevant to prevent similar accidents from occurring in the future. The report from the reconstruction must be provided to OHMSPA within 60 days of the PHMSA request to conduct the investigation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS:

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

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

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit 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 special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.

o Registration required by § 107.601 et seq., when applicable.

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- o All applicable requirements in the Federal Motor Carrier Safety Regulations (49 CFR Parts [insert parts]).

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Dr. Magdy El-Sibaie
Acting Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at

http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm

Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: Burger