MAY 1 - 1995

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

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

DOT-E 11445

EXPIRATION DATE: **May 31, 1995**

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: Piedmont Explosives, Inc., Statesville, NC

2. PURPOSE AND LIMITATION: This emergency exemption authorizes one-time transportation in commerce, by private vehicle, of certain approved and unapproved Division 1.1D and 1.5D Type E blasting explosives packaged in Specification 5H3 plastic bags, subject to the limitations and special requirements specified herein. This exemption provides no relief from any regulation other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Part 173.56(e) insofar as "developmental testing" shall be further construed to include one-time shipment to a user site, and Part 173.62(c) Table, Packing Method E-8, insofar as Specification 5H3 bags are authorized as the packaging.

5. BASIS: This emergency exemption is based on Piedmont Explosives, Inc.'s application dated March 8, 1995, submitted in accordance with 49 CFR 107.113 and a determination that it is necessary for the protection of life and property.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description - proper shipping name	Hazard Class/ Division	ID Number	PG
Explosive, blasting, Type E	1.1D	UN0241	II
Explosive, blasting, Type E	1.5D	UN0332	II

Tovex T-2, 1.1D,(EX-8402260); Tovex Presplit, 1.1D,(EX-8806072), Tovex "Glob", 1.1D,(EX No. unknown); Micellaneous Division 1.5D blasting explosives(EX Nos.unknown)

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. Specification 5H3 plastic bags are authorized as the packaging for either Division 1.1D or 1.5D Type E blasting explosives.

b. Approved and unapproved Division 1.1D and/or 1.5D Type E blasting explosives must be transported together as Division 1.1D explosives one-time only to one final destination only by a private vehicle with a company driver and accompanied by a person, in addition to the operator of the vehicle, who is trained to handle the explosives.

8. SPECIAL PROVISIONS: None.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle

10. MODAL REQUIREMENTS:

a. A copy of this exemption must be carried aboard the 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:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- 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 unless a regulation has been amended making the exemption no longer necessary.

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 incidents involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

MAY 1 - 1995

(DATE)

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

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.

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.

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