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

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

FEB 16 2001

DOT-E 12214
(THIRD REVISION)

EXPIRATION DATE: **January 31, 2003**

1. GRANTEE: Orica USA, Inc.
Englewood, CO

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of approximately 50,000 UN 4G fiberboard boxes that have been inadvertently marked with the word "Explosive" instead of "Blasting Agent" on the imprinted DOT label on the exterior surface of the box. 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 §§ 172.400, 172.407 and 172.411 in that the proper shipping name "Blasting Agent" is not on the Division 1.5 DOT label; and § 172.301(c) in that marking the exemption number on the package is waived.

5. BASIS: This exemption is based on the application of Orica USA, Inc. dated January 25, 2001, submitted in accordance with § 107.109.

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 *or* Agent blasting, Type E | 1.5D | UN0332 | II |

7. SAFETY CONTROL MEASURES: PACKAGING - Prescribed packagings are approximately 50,000 Full Telescoping Containers that are manufactured and tested to United Nations (UN) specifications and are marked as UN 4G fiberboard boxes. The boxes have a total of 3 imprinted DOT labels that are on the exterior surfaces of the box. The labels are incorrect in that they are marked "EXPLOSIVE", instead of "BLASTING AGENT".

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. This exemption serves as a Competent Authority Approval (CA-9902006) issued by the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration of the United States Department of Transportation, in accordance with Chapter 7.9 of the International Maritime Dangerous Goods (IMDG) Code (Amendment 30).

d. The authority to grant the relief provided within this exemption is limited to the extent that the United States government has authority over the transportation of the materials subject to this exemption. Transportation in accordance with this exemption outside the jurisdiction of the United States may require the approval of governments of countries where these materials are so transported.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and cargo vessel.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel or 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 § 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 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.:

FEB 16 2001
(DATE)

for Robert A. McGuire
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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: Mazzullo/alb