

August 31, 2016



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 8723  
(THIRTY-FOURTH 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 1.5 explosives and/or Division 5.1 oxidizers in the portable tanks described in paragraph 7. 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 development of this special permit only considered 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 § 173.242(c) in that certain Division 1.5D explosives (UN0332) and certain Packing Group II Division 5.1 oxidizers (UN3139 and UN3375) may be transported in IM 101 and IM 102 portable tanks, as specified herein, without a T Code specified in Column (7) of the § 172.101 Hazardous Materials Table; and § 173.251(a) and (b) in that certain Division 5.1 oxidizers (UN3375) may be transported in IM 101 and IM 102 portable tanks as specified herein.

5. BASIS: This special permit is based on the application of Maine Drilling and Blasting, Inc. dated January 11, 2011, submitted in accordance with § 107.105, the public proceeding thereon, information from the Institute of Makers of Explosives dated January 16, 2013 and additional information dated August 22, 2016.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

<b>Hazardous Materials Description</b>			
<b>Proper Shipping Name</b>	<b>Hazard Class/ Division</b>	<b>Identification Number</b>	<b>Packing Group</b>
Explosive, blasting, type E or Agent blasting, Type E	1.5D	UN0332	N/A
Oxidizing liquid, n.o.s*	5.1	UN3139	II
Ammonium nitrate emulsion or Ammonium nitrate suspension or Ammonium nitrate gel, <i>intermediate for blasting explosives</i>	5.1	UN3375	II

\*These oxidizing substances may not meet the definition for UN3375, Ammonium nitrate emulsion or suspension or gel as given in 49 CFR 172.102(c)(1), Special Provision 147.

7. SAFETY CONTROL MEASURES:

- a. PACKAGING: Prescribed packagings are specification IM 102 portable tanks or specification IM 101 portable tanks equipped with relief devices as specified for IM 102 portable tanks so the effective maximum allowable working pressure of the tanks will not exceed 1.75 bars (25.4 psig).
- b. TESTING: All specification IM 101 and IM 102 portable tanks must be tested and inspected as specified in 49 CFR Part 180, Subpart G.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit 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 special permit and the HMR.

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

c. The blasting explosives, ammonium nitrate solution or oxidizers may not be stored in the portable tank longer than that required for shipment. The equipment must be cleaned frequently enough to assure against any accumulation of product in the portable tank.

d. Each portable tank must be plainly marked on both sides near the middle, in letters at least two inches high on a contrasting background, "DOT-SP 8723".

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

10. MODAL REQUIREMENTS:

a. A current copy of this special permit must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this special permit.

b. Drivers must have been instructed as to necessary safeguards and proper procedure in the event of unusual delay, fire, or accident. A copy of written instructions must be provided to the masters of cargo vessels used to transport bulk blasting explosives, ammonium nitrate solution or oxidizers under this special permit.

c. For transportation by cargo vessel:

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

(2) The Division 1.5D explosives or Division 5.1 oxidizers must be segregated from other hazardous materials in accordance with the requirements for Division 1.1D explosives. In addition, the Division

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1.5D explosives must be stowed "separate from" non-regulated readily combustible materials, as defined in § 176.83(f).

(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 special permit are loaded on or discharged from a vessel at any place in the United States, the carrier must obtain a permit from the Coast Guard Captain of the Port. A current copy of this special permit must be provided to the Captain of the Port when requesting a permit.

(5) When no Division 1.1 or 1.2 explosives are onboard the vessel, the Division 1.5D explosives may be considered an extremely insensitive detonating substance and be assigned the lowest DOD 6055.9-STD safety factor without imposing the additional testing requirements.

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.

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.

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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 William Schoonover  
Acting Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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](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: MT/NICKS

