

April 10, 2008



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 14685

EXPIRATION DATE: September 30, 2008

1. GRANTEE: Carbide Industries, LLC
Louisville, KY
2. PURPOSE AND LIMITATION:
 - a. This emergency special permit authorizes the transportation in commerce of calcium carbide in certain UN1A2 steel drums that are capable of meeting the PG I performance criteria and in 132 UN13H3 and 13H4 flexible IBCs that are tested and marked to the PG II performance level. This special permit provides no relief from the hazardous materials regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 173.211 in that the drums must be marked to the PG I performance level and 172.102(c)(4) IBC Code IB4 in that flexible IBCs are not authorized, except as provided herein and §§ 172.301(c) and 172.302(c) in that the marking requirements are waived under certain conditions.

5. BASIS: This emergency special permit is based on the application of Carbide Industries, LLC dated April 8, 2008, 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):

Hazardous Materials Description			
Proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Calcium carbide	4.3	UN1402	I

7. SAFETY CONTROL MEASURES:
- a. PACKAGING - Prescribed packaging are:
- (1) UN1A2 steel drums capable of meeting the PG I performance level; or
 - (2) 132 UN13H3 or 13H4 flexible intermediate bulk containers with a maximum capacity of 4400 pounds. The intermediate bulk containers must be overpacked in water-tight, sift-proof, closed-top bulk containers with a nitrogen blanket.
- b. TESTING -
- (1) The UN1A2 drums must be of a design type shown through testing to have successfully passed all applicable performance tests for solids at the PG I performance level; and
 - (2) The UN13H3 and 13H4 flexible IBCs must be of a design type that has been tested and marked to the PG II performance level.
- c. OPERATIONAL CONTROLS -
- (1) When UN13H3 or 13H4 flexible IBCs are used, drivers must be instructed as to necessary safeguards and proper procedure in the event of unusual delay, fire or accident.

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(2) UN13H3 or 13H4 flexible IBCs are only authorized for one-time, one-way transportation

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 or its contents 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 marking requirements of §§ 172.301(c) and 172.302(c) are waived when shipments are in fully enclosed, truckloads, rail carload, or water-tight, sift-proof, closed-top bulk containers.

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

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages 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.

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 Theodore L. Willke
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.

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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.

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