

April 28, 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 14841

EXPIRATION DATE: October 31, 2009

1. GRANTEE: Orica USA, Inc.
Watkins, CO
2. PURPOSE AND LIMITATION:
 - a. This emergency special permit authorizes the transportation in commerce of certain UN 5H4 bags that contain solid explosives and are filled in excess of marked maximum gross mass. 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. 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 § 172.301(c) in that marking the special permit number on each bag is waived; and § 178.503(a)(4)(ii) in that the marking on the bag does not indicate the correct maximum gross mass of the contents.

5. BASIS: This emergency special permit is based on the application of Orica USA, Inc. dated April 20, 2009, 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	Identification Number	Packing Group
Explosive, blasting, type E or Agent blasting, Type E	1.5D	UN0332	II

7. SAFETY CONTROL MEASURES:
- a. PACKAGING - Packages are UN 5H4 plastic film bags with the UN marking "5H4/Y5/S/08/USA/+BR4000", which shows the maximum permissible gross mass to be 5 Kg instead of the actual maximum gross mass of 5.9 Kg to which they were filled.
- b. TESTING - The packages have been satisfactorily tested by Advanced Packaging Technology Laboratories, Inc. to a maximum gross mass of 6.9 kg. The testing is documented in Test Report HM-6315 dated April 14, 2009 on file with the Office of Hazardous Materials Special Permits and Approvals.
- c. OPERATIONAL CONTROLS -
- i. The existing inventory of filled bags may be transported for a period of six months.
- ii. Unfilled bags with the UN Markings "5H4/Y5/S/08/USA/+BR4000" must not be filled and transported under the terms of this special permit.
- iii. All new 5H4 bags produced must be certified and marked with the correct maximum gross mass for the materials to be transported.

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. MARKING - The marking requirements in § 172.301(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor Vehicle.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard 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.

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: MAZZULLO