U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

OCT 31 1996

DOT-E 11743
(FIRST REVISION)

EXPIRATION DATE: January 31, 1997

1. GRANTEE: ICI Explosives USA Inc.
Dallas, TX

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the transportation in commerce of approximately 50,000 DOT UN 5M2 multi-wall water-resistant paper bags which have been inadvertently marked UN 5M2/Y23/**J**/95 instead of UN 5M2/Y23/**S**/95, for the shipment of ammonium nitrate-fuel oil mixture classed as Division 1.5D. 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 107, Appendix B to Subpart B, Paragraph (1) and (2); Sections 172.203(a); 172.301(c) and 178.503(a)(5)(ii).

5. BASIS: This emergency exemption is based on the application of ICI Explosives USA Inc. dated September 20 and 30, 1996, and supplemental information from the Colonial Bag Company dated July 19, and August 12, 1996, submitted in accordance with 49 CFR 107.113 and a determination that it is necessary to preclude a serious economic loss.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Ammonium nitrate-fuel oil mixture	1.5D	NA0331	II

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7. PACKAGING AND SAFETY CONTROL MEASURES: Packagings prescribed are approximately 50,000 DOT UN 5M2 multi-wall water-resistant paper bags which have inadvertently been marked UN 5M2/Y23/J/95 instead of the required UN 5M2/Y23/S/95.

8. SPECIAL PROVISIONS:

a. Offerors may use the packaging authorized by this exemption for shipment of the hazardous material described in paragraph 6 and must have a copy of the current exemption at each facility from which such offering occurs.

b. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

c. The marking requirements of 49 CFR Part 107, Appendix B, to Subpart B, Paragraphs (1) and (2) and sections 172.203(a) and 172.301(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS:

a. A copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

b. Shipments must be made in trailer load lots.

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. Section 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.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving 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.:

OCT 31 1996

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(DATE)

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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