U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

AUG 2 3 2004

DOT-E 13816
(SECOND REVISION)

EXPIRATION DATE: November 30, 2004

1. GRANTEE: Dyno Nobel North America
Carthage, MO

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of certain explosives listed in paragraph 6 below in packagings that are not in compliance with the Hazardous Materials Regulations (HMR). This exemption provides no relief from the 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 § 172.301(c) in that marking the exemption number on each package is waived; and § 173.1(b) in that the packagings are not in compliance with the HMR as specified in paragraph 7 of this exemption.

5. BASIS: This emergency exemption is based on the application of Dyno Nobel North America dated August 19 and 23, 2004, submitted in accordance with § 107.117 and a determination that it is necessary in order to preclude significant economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101): AUG 2 3 2004

| Hazardous Materials Description | | | |
|---|---|---|---|
| **Proper Shipping Name** | **Hazard Class/ Division** | **Identi-fication Number** | **Packing Group** |
| Boosters, *without detonator* | 1.1D | UN0042 | II |
| Explosive, blasting, type A | 1.1D | UN0081 | II |
| Explosive, blasting, type C | 1.1D | UN0083 | II |
| Explosive, blasting, type E | 1.1D | UN0241 | II |
| Explosive, blasting, type E *or* Agent blasting, Type E | 1.5D | UN0332 | II |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are approximately 450,000 UN 4G fiberboard boxes as authorized by the HMR for the materials listed in paragraph 6 above, except that the method of closure for the boxes does not conform to the closure instructions specified in the current packaging closure instructions.

b. This exemption only authorizes Dyno Nobel the use of an alternative closure method for the boxes in existing stock (i.e., certified prior to August 20, 2004), described above. Each box must be closed using "3M2" polyester tape #355.

c. Marking the exemption number on the packagings covered under this exemption is waived.

d. A current copy of this exemption must be maintained at each facility where the packagings are offered or reoffered.

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e. 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 modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this exemption and the HMR.

8. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

9. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

10. 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.

- Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.

- 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 this exemption has expired or is otherwise no longer in effect.

11. 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. (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.:

Robert A. McGuire
for Associate Administrator for
Hazardous Materials Safety

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(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.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: AM