

September 27, 2007



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
(TWENTY-NINTH 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 bulk, in the motor vehicles and portable tanks described in paragraph 7. 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.
 - 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 §§ 172.101 and 173.62 in that Division 1.5D explosives may not be transported in bulk; § 173.242 in that Division 5.1 liquid oxidizers may not be transported in bulk; and §§ 176.83 and 177.848 in that Division 1.5 and 5.1 materials must be segregated, except as provided herein.
5. BASIS: This special permit is based on the applications of Austin Powder Company dated July 12, 2007 and Dyno Nobel North America, Inc. dated July 18, 2007 submitted in accordance with § 107.105 and the public proceeding thereon.

September 27, 2007

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Ammonium nitrate-fuel oil mixture <i>containing only prilled ammonium nitrate and fuel oil</i>	1.5D	NA0331	II
Ammonium nitrate, <i>with not more than 0.2 percent of combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance</i>	5.1	UN1942	III
Ammonium nitrate based fertilizer	5.1	UN2067	III
Explosive, blasting, type E or Agent blasting, Type E	1.5D	UN0332	II
Explosive, blasting, type B or Agent blasting, Type E	1.5D	UN0331	II
Oxidizing liquid, n.o.s.*	5.1	UN3139	II or III
Oxidizing solid, n.o.s.*	5.1	UN1479	III
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 Section 172.101(c) Table Special Provision 147.

NOTE: Other blasting explosives and oxidizers must be specifically identified to, and acknowledged in writing by, the Office of Hazardous Materials Special Permit and Approvals (OHMSPA) prior to the first shipment.

7. SAFETY CONTROL MEASURES AND PACKAGING: The following packagings are authorized:
- a. Fruehauf Hopper Pressure Bulk Haul Tank Trailer Models HABF2J, HABWIJ, HAB-T2W-J, HAB-HA2W-J and HAB-HE2W-J.
 - b. Ireco Chemical's Bulk Delivery Truck as shown on drawings submitted with application.
 - c. The Heil Company's tank trailer serial number 928833 and the Heil bulk units serial numbers 7T00693, 7T00694, 7T00695, 7T01015 and 7T01018 or Heil model numbers DAS 1200, and DAS 1585.
 - d. Repump truck as shown on Ireco drawing AYC 266, dated November 1982, AYC 327 dated March 1983.
 - e. Portable tank shown on drawing titled EMULSION TOTE BIN submitted with the application dated December 3, 1982 or EMULSION TOTE BIN described on drawing YRDS244 dated September 10, 1996, on file with OHMSPA.
 - f. Fruehauf Corporation's tank trailer Model HAB-F2-K shown on drawings and specifications submitted with Ireco Chemical's application dated May 18, 1983.
 - g. Olympic Container Corporation's non-pressurized tank containers shown on drawing B-00800 Revision 1 dated May 15, 1986, submitted by Pacco, Inc. The owner's serial numbers must be on file with OHMSPA prior to first shipment.
 - h. Beall Trans-Liner 625 cu. ft. Aluminum Pneumatic Pull Trailer described in Pacco, Inc.'s letter, drawings and specification sheets submitted on March 18, 1987.
 - i. Butler Manufacturing Company's units identified as models 1025, 1200 and 1500, as shown in Drawing B-910553.
 - j. Specification IM-102 portable tanks or DOT 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).
 - k. Specification 31A, 31B, 31H1 and 31HA1 intermediate bulk containers.

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 motor vehicle or portable tank longer than that required for shipment. The equipment must be cleaned frequently enough to assure against any accumulation of product in the vehicle or portable tank.

d. Each motor vehicle must be plainly marked on the right side near the front, in letters at least two inches high on a contrasting background, "DOT-SP 8723". 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".

e. Each cargo tank must be reinspected and retested in accordance with § 180.407. Pneumatic testing is authorized in place of the required hydrostatic test.

f. Packagings permanently marked DOT-E 8723, prior to October 1, 2007 may continue to be used under this special permit for the remaining service life of the packaging or until the special permit is no longer valid. Packagings marked on or after October 1, 2007 must be marked DOT-SP 8723.

g. Shipping papers displaying DOT-E 8723 may continue to be used until October 1, 2007, provided the special permit remains valid.

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

(3) The motor vehicles or 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.

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

September 27, 2007

this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving explosion, fire or loss of 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 Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

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: scw