JUN 12 2001

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUN 12 2001

DOT-E 12725

| EXPIRATION DATE: August 31, 2001 |
|---|

1. GRANTEE: Dow Chemical Company
Midland, MI

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes one-time, one-way, transportation in commerce of resin solution in a DOT Specification IM101 portable tank that does not conform with the filling density requirements specified in § 173.32c(j). This exemption provides no relief from the Hazardous Materials Regulations (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: The marking requirement contained in § 172.302(c); and the volumetric filling density specified in § 173.32c(j).

5. BASIS: This emergency exemption is based on the application of Dow Chemical Company dated June 1, 2001, 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): JUN 12 2001

| Proper shipping name -- Hazardous materials description | Hazard Class/ Division | Identi- fication Number | Packing Group |
|---|---|---|---|
| Resin solution | 3 | UN1866 | II |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT Specification IM101 portable tank bearing owners serial number USPU 1121181-0.

b. OPERATIONAL CONTROLS:

(1) A minimum volumetric filling density of 75% is authorized for this movement.

(2) Transportation is authorized between San Bernardino, CA and Freeport, TX.

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

b. MARKING - The marking requirement in § 172.302(c) is waived. "DOT-E 12725" must appear on the shipping papers in accordance with § 172.203(a).

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight, motor vehicle.

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

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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. 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

- 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.

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. (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.:

For J. Suzanne Hedgspeth

Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

JUN 12 2001
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, 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.

PO: FRA/AM

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