U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

DOT-E 13256

JUN 1 2 2003

EXPIRATION DATE: June 30, 2003

1. GRANTEE: Astaris, LLC
St. Louis, Missouri

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time, one-way transportation in commerce of a damaged IBC containing the residue of Phosphorus pentasulfide, when further packaged as provided herein. 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: 49 CFR §§ 173.28(a), 173.35(a) and 173.35(b), in that a damaged IBC may not be offered for transportation, except as provided herein.

5. BASIS: This emergency exemption is based on the application of Astaris, LLC, dated June 6, 2003, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons or property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	**Hazard Class/ Division**	**Identification Number**	**Packing Group**
Phosphorus pentasulfide	4.3	UN1340	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is as follows:

(1) A damaged UN 11B/Y/04-92/USA-GFI intermediate bulk container (IBC) identified with the serial number "981384."

(2) Damaged portions of the IBC must be filled with insulating foam to seal the IBC from moisture intrusion;

(3) The damaged IBC must be completely and securely wrapped with two layers of 4 mil plastic sheeting;

(4) The IBC must be placed on and banded to a pallet to prevent movement and be securely blocked, braced and transported in a completely enclosed, moisture free, secure trailer.

b. OPERATIONAL CONTROLS -

(1) The trailer must be fitted with a monitor that will detect the presence of hydrogen sulfide gas. If the monitor detects hydrogen sulfide it must emit an audible alarm capable of being heard from the exterior of the trailer.

(2) Transportation must be by private or contract motor carrier in exclusive use of Astaris, LLC.

(3) This exemption only authorizes the one-time, one-way transportation of the IBC described in paragraph 7 above from Norfolk, VA to Sauget, IL.

8. SPECIAL PROVISIONS:

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

b. MARKING - The exterior of the overwrapped bulk packaging must be plainly and durably marked "DOT-E 13256" in accordance with § 172.302(c).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle only.

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

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.:

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUN 1 2 2003
(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.

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: DL