JUL 26 2002

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

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

DOT-E 13079

EXPIRATION DATE: October 31, 2002

1. GRANTEE: ATOFINA Chemicals, Inc.
Philadelphia, PA

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time transportation in commerce of 78 UN1A1 drums containing Environmentally hazardous substance, liquid, n.o.s., Hazard Class 9. The drums were inadvertently labeled with the incorrect hazard warning labels indicating a Class 3 material. 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 § 172.301(c) in that marking the drums with the exemption number is waived; and § 172.401(a)(2) in that the labels on the drums do not represent the hazard of the hazardous material in the package.

5. BASIS: This emergency exemption is based on the application of ATOFINA Chemicals, Inc., dated July 18, 2002, submitted in accordance with § 107.117 and a determination that is needed in order to preclude serious economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Environmentally hazardous substance, liquid, n.o.s. (N-Octanethiol)	9	UN3082	III

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The packaging consists of 78, UN1A1, 55-gallon drums that have been inadvertently labeled with Class 3 hazard warning labels instead of the required Class 9 labels.

b. The drums will be properly blocked and braced in a dedicated transport vehicle for the one-time transportation from Terminal Island, CA to Santa Fe Springs, CA. The drums will then be correctly relabeled.

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

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

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

J. Suzanne Hedgepeth

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUL 26 2002
(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