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

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

APR 11 2003

DOT-E 13224

EXPIRATION DATE: May 31, 2003

1. GRANTEE: Bayer Polymers LLC
Baytown, TX

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time, one-way transportation in commerce for disposal of an unauthorized DOT Specification IM 101 portable tank containing the Class 3 material described below. 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 §§ 172.102(c)(7) Portable Tank Instruction T11 in that a portable tank having a minimum test pressure of less than 6 bar and three serially mounted external shut-off devices is not authorized except as specified herein; and 173.32(a)(2) in that the portable tank was filled after the prescribed periodic test and inspections were due to be performed.

5. BASIS: This emergency exemption is based on the application of Bayer Polymers LLC dated April 7, 2003, and supplemental information dated April 9, 2003, submitted in accordance with § 107.117 and a determination that it is necessary to prevent risk of significant injury to persons or property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Hazardous Materials Description | | | |
|---|---|---|---|
| **Proper shipping name** | **Hazard Class/ Division** | **Identi-fication Number** | **Packing Group** |
| Flammable liquid, toxic, corrosive, n.o.s., waste | 3 | UN3286 | II |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT Specification IM 101 portable tank enclosed in a steel frame with ISO corner castings on the bottom only. The tank has: a design pressure of 25.7 psig; a capacity of 1652 gallons; and an owner's ID number of 105-316.

b. OPERATIONAL CONTROLS - One-time, one-way transportation is authorized between Bayer Corporation, Baytown, TX and Rhodia, Inc., Houston, TX, a distance of approximately 25 miles.

8. SPECIAL PROVISIONS:

a. 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.

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

9. MODE OF TRANSPORTATION AUTHORIZED: Motor vehicle.

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.:

APR 1 1 2003
(DATE)

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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: PTOlson