MAR 15 1999

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 12233

EXPIRATION DATE: April 15, 1999

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: EM Industries, Inc.
Hawthorne, NY

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time shipment of phosphorus oxychloride in a DOT Specification UN6PC composite package overpacked in an 85 gallon UN1A2 drum and further overpacked in a 110 gallon UN1A2 drum. This exemption provides no relief from any regulation 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 § 173.227(a) in that an alternative UN specification packaging is authorized.

5. BASIS: This exemption is based on the application of EM Industries, Inc, dated March 1, 1999, 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):

Proper shipping name -- Hazardous materials description	Hazard Class/ Division	Identi-fication Number	Packing Group
Phosphorus oxychloride	8	UN1810	II, Hazard Zone B

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - The packaging authorized consists of the following components:

(1) A UN6PC/Y2.5/200 composite package; consisting of a 10 liter borosilicate glass receptacle placed in a 4 mil polyethylene bag. The polyethylene bag is heat sealed around the receptacle. The bottle/bag is then placed into foam cushioning and placed into the wooden box.

(2) The wooden box is placed into a 85 gallon drum marked UN1A2/X440/S and meeting the PGII level for liquids. A vermiculite pillow of approximately 1 cubic foot will be placed at the bottom of the drum prior to inserting the wooden box. Void space in the drum shall be filled with approximately 5.7 cubic feet of vermiculite.

(3) The 85 gallon drum is placed into a 110 gallon drum marked UN1A2/Y409/S drum for solids. Void space between drums shall be filled with approximately 3.3 cubic feet of vermiculite.

b. OPERATIONAL CONTROLS -

(1) EM Industries, Inc. must load the transport vehicle, securely block and brace the drums within the vehicle and seal the vehicle prior to transportation. The drums may not be stacked in the vehicle.

(2) Shipment shall be made directly between EM Industries, Inc., Gibbstown, NJ and Alcatel, Claremont, NC, without intermediate pickups or deliveries.

(3) Shipment shall be made by Admiral Transportation, Bellmawr, NJ.

8. SPECIAL PROVISIONS:

a. Each outer drum must be marked "Inhalation Hazard" as specified in § 172.313(a).

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

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard 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 the 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 at Washington, D.C.:

MAR 15 1999

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, SW, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

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