U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUL 28 1994

DOT-E 11292

EXPIRATION DATE: September 15, 1994 or upon completion of one shipment whichever occurs first.

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: FMC Corporation, Philadelphia, PA.

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the one-time transportation in commerce of three (3) DOT Specification IM 101 portable tanks, each containing a residual amount of chloropivaloyl chloride, which do not comply with special packaging provisions required for the shipment of a Division 6.1, Poison inhalation hazard (PIH) material. This exemption provides no relief from any regulation other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Table 172.101, Column (7), Special Provisions T38, T43, T46.

5. BASIS. This emergency exemption is based on FMC Corportation's application dated July 23, 1994, submitted in accordance with 49 CFR 107.113 and a determination that it is necessary for the protection of life.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description/proper shipping name	Hazard Class/ Division	Identification number	Packing Group
Chloropivaloyl chloride	6.1	NA9263	I Hazard Zone B

JUL 28 1994

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - The packagings authorized are three (3) DOT Specification IM 101 portable tanks, Serial Numbers CCRU167006, CCRU167008 and CCRU167009, each containing a residual amount of approximately five (5) gallons of Chloropivaloyl chloride. These tanks do not comply with the special packaging provisions T38, T43 and T45 (See §172.102(c)(7), which are required for shipment of a PIH material.

b. MARKING - In addition to the marking requirements of 49 CFR Part 172, each tank must be marked "DOT-E 11292" on both sides near the middle in two inch letters and numerals on a contrasting background.

8. SPECIAL PROVISIONS.

a. This exemption authorizes a one-time shipment of each tank from Lake Charles, Louisiana to FMC's plant in Baltimore, Maryland.

b. The tanks will be transported by Chemical Leaman Tank Lines.

c. Each tank must be visually inspected prior to shipment to insure that it has not been damaged during loading on the transport vehicle.

9. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle.

10. MODAL REQUIREMENTS:

a. A copy of this exemption must be carried aboard the motor vehicle used to transport packages covered by this exemption.

b. Rear end protection for the motor vehicle must meet the requirements of 49 CFR 178.340-8(b) and 393.86.

c. Each portable tank must be secured to the motor vehicle in conformance with the requirements of 49 CFR 393.100 through 393.106.

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 laws:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by 49 CFR 107.601 seq., when applicable.

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 unless a regulation has been amended making the exemption no longer necessary.

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. (49 CFR 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 incidents involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

JUL 28 1994

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, Department of Transportation, 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.

Dist: FHWA