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

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

DOT-E 11353

APR 28 1995

EXPIRATION DATE: May 1, 1996

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: J.R. Simplot Company, Pocatello, Idaho. (See Appendix A of this exemption.)

2. PURPOSE AND LIMITATION: This exemption authorizes the transportation in commerce of uninsulated DOT specification cargo tanks containing a Division 6.1 material which is poisonous by inhalation. This exemption authorizes transportation of the specified tanks until May 1, 1996. 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 Section 172.101 Column 7 Special Provision B14.

5. BASIS. This exemption is based on J.R. Simplot's application dated November 29, 1994, and additional information dated February 8 and March 8, 1995, submitted in accordance with 49 CFR 107.103 and the public process thereon. (See Appendix A of this exemption.)

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description/proper shipping name	Hazard Class/ Division	Identification number	Packing Group
Poisonous liquids, flammable, n.o.s., inhalation hazard, Packing Group I, Zone B (contains 1,3 dichloropropene (83%) and chloropicrin (17%))	6.1	UN2929	I

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are DOT specification 412 cargo tanks which do not meet the insulation requirements of §172.101 Column 7 Special Provision B14. The serial numbers of authorized tanks are listed in Appendix B of this exemption. Prescribed tanks are constructed of ASTM A240 Type 304 stainless steel. Thickness for tank shell and heads must be no less than 0.25 inch.

b. TESTING - Tanks must be retested and inspected in accordance with the requirements for DOT specification 412 cargo tanks.

c. MARKING - Each cargo tank must be plainly marked on the curb side near the front in letters at least 2 inches high on a contrasting background, "DOT-E 11353".

8. SPECIAL PROVISIONS.

a. Persons who receive the packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with, and a current copy of this exemption is maintained at each facility from which such reoffering occurs.

b. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

9. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle.

10. MODAL REQUIREMENTS:

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

b. Each carrier involved with the transportation of the materials authorized under the terms of this exemption must have a "Satisfactory" safety rating, as prescribed in Part 385 of 49 CFR.

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 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 49 CFR 107.601 et 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.:

APR 28 1995

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

APPENDIX B

Tanks with the following vehicle serial numbers are authorized by this exemption:

J.R. Simplot Company:
- 94112
- 94113
- 94114
- 94115
- 94116
- 94117
- 94118
- 94121

Cenex Supply and Marketing:
- 94108
- 94110

Farmers Supply Cooperative:
- 94111

Nexus Ag Chemicals, Inc.:
- 94119

Quincy Farm Chemicals, Inc.
- 94120