U.S. Department of Transportation

Research and Special Programs Administration

OCT 9 1998

DOT-E 12161

EXPIRATION DATE: **December 31, 1998**

1. GRANTEE: Clariant
   Charlotte, NC

2. PURPOSE AND LIMITATION:

   a. This emergency exemption authorizes the transportation in commerce of certain polyethylene bottles that are damaged and contain class 3 or class 8 materials. The bottles were filled and shipped prior to notification from the bottle manufacture that some bottles had been scored during the manufacturing process. This exemption provides no relief from any Hazardous Materials 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. The safety analyses did not consider the hazards and risks associated with consumer use.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 173.24(b)(2).

5. BASIS: This emergency exemption is based on the application of Clariant dated October 8, 1998, submitted in accordance with 49 CFR 107.117 and a determination that it is necessary in order to preclude serious economic loss.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
as appropriate	3	as appro-priate	II or III
as appropriate	8	as appro-priate	III

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are approximately 2,417 one-gallon capacity, polyethlene bottles. Each bottle is placed in a heat-sealed, double polyethylene bag (4 mil per bag) and 4 bottles are then placed in a UN4G/Y fiberboard box with fiberboard separators to prevent movement.

b. Transportation of the bottles will be in dedicated transport vehicles that have a satisfactory safety rating.

c. Two shipments will take place; the first one originates in Portland, OR and will proceed to Ranch Dominguez, CA and Austin, Texas for delivery to Easton, PA. The second one will originate in Wilmington, MA, and proceed to Somerset NJ for delivery to Branchburg, NJ.

d. Once at the final destination, the bottles will be emptied and destroyed and the contents will be blended into new batches of material.

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 copy of this exemption must be carried aboard the two motor vehicles 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. Section 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.

    Each "Hazmat employee", as defined in 49 CFR 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 49 CFR 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. (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 incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

OCT 9 1998

(DATE)

Alan I. Roberts
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.

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, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

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