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

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

JUN 12 2003

DOT-E 13243

EXPIRATION DATE: August 31, 2003

1. GRANTEE: Rhodia Inc.
Cranbury, NJ

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the one-way, one-time transportation in commerce for disposal of 16 drums containing waste yellow phosphorus under water. This exemption provides no relief from the Hazardous Materials Regulations (HMR) 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 § 173.188 in that alternative packaging is not authorized, except as specified herein.

5. BASIS: This emergency exemption is based on the application of Rhodia Inc., dated May 22, 2003, submitted in accordance with § 107.117 and a determination that it is necessary to prevent 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** |
| Waste, Phosphorus, yellow, under water, mixture | 4.2 | UN1381 | I |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The prescribed packages are as follows:

i. (A) Inner packagings are 55-gallon composite packages tested and certified as UN6HA1 specification packagings at the PG II performance level.

(B) Each package is filled approximately 1/2 to 2/3 full of a hardened yellow phosphorus mixture and the package is then filled with water.

ii. (A) Each inner package must then be overpacked in an 85 gallon salvage drum certified and marked at minimum to UN1A2T/Y320/S. The salvage drums must also be capable of passing the tests required for PG II liquids, including a 30 kPa leakproofness test.

(B) The salvage drum must then be filled with water to the maximum extent practicable without exceeding the maximum gross mass marked on the package.

b. OPERATIONAL CONTROLS -

i. Transportation must be by private or contract motor carrier in exclusive use of Rhodia, Inc.

ii. Transportation is authorized one-time, one-way from Nashville, TN to East Liverpool, OH for the purpose of final disposal.

iii. The packages must be securely blocked and braced within the motor vehicle.

8. SPECIAL PROVISIONS:

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

b. Each drum must be marked "DOT-E 13243" as required by § 172.301(c).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each 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 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.:

JUN 1 2 2003

Robert A. McGuire
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.

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.

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