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

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

OCT 3 2003

DOT-E 9700
(FIFTH REVISION)

| EXPIRATION DATE: September 30, 2005 |
|---|

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Dow Chemical Company
Midland, Michigan

2. PURPOSE AND LIMITATION:

   a. This exemption authorizes the transportation in commerce of methacrylonitrile, stabilized in DOT Specification 51 portable tanks having pressure relief devices with a start-to-discharge pressure of 75 psig. This exemption provides no relief from the Hazardous Materials Regulations (HMR) 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 §§ 173.315(i) and 178.245-3.

5. BASIS: This exemption is based on the application of Dow Chemical Company dated September 22, 2003, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101): OCT 3 2003

| Proper Shipping Name/ Hazardous Materials Description | Hazard Class/ Division | Identi- fication Number | Packing Group |
|---|---|---|---|
| Methacrylonitrile, stabilized | 3 | UN3079 | I |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT Specification 51 portable tank with two (2) pressure relief devices having a start-to-discharge pressure of 75 psig. The pressure relief devices consist of a spring loaded pressure relief valve outboard of and in series with a rupture disc. The tanks have a design pressure of 100 psig, a test pressure of 150 psig, manufactured from SA-516 Grade 70 steel, a minimum shell and head thickness of 0.375 inch and a nominal water capacity of 4815 gallons. Each portable tank must be manufactured and constructed in accordance with Fruehauf Corporation drawings BZK 1788-1 dated September 30, 1986 and BZK 1788-3 dated December 8, 1986, other drawing, calculations and technical specifications on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

b. Drivers must have been instructed as to necessary safeguards and procedures in the event of unusual delay, fire, or accident.

c. Each portable tank must be reinspected and retested once every five years in accordance with § 173.32 as prescribed for a DOT Specification 51 portable tank.

d. Each portable tank must be plainly marked on both sides near the middle, in letters at least two inches high on a contrasting background, "DOT-E 9700".

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

b. 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: Cargo vessel.

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

OCT 3 2003

Issued in Washington, D.C.:

OCT 3 2003

Ann Mazzullo

for 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, Department of Transportation, 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.

PO: AM