U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAR 15 1991

DOT-E 10410

1. Freeman Chemical Corporation, Port Washington, Wisconsin, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to offer packages prescribed herein of the hazardous materials described in paragraph 3 below for transportation in commerce, subject to the limitations and special requirements specified herein. This exemption authorizes transportation of t-butyl hydroperoxide (TBHP) not more than 72% with water in a DOT Specification 57 portable tank and provides no relief from any regulation other than as specifically stated.

2. BASIS. This exemption is based on Freeman Chemical Corporation's application dated May 14, 1990 submitted in accordance with 49 CFR 107.103 and the public proceeding thereon.

3. HAZARDOUS MATERIALS (Descriptor and class). tert-Butyl hydroperoxide, not more than 72% with water; classed as an organic peroxide.

4. PROPER SHIPPING NAME (49 CFR 172.101). tert-Butyl hydroperoxide.

5. REGULATION AFFECTED. 49 CFR 173.221.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle.

7. SAFETY CONTROL MEASURES. Packaging prescribed is a DOT Specification 57 metal portable tank of no more than 300 gallon capacity.

8. SPECIAL PROVISIONS.

a. A copy of this exemption must be carried aboard each motor vehicle.

b. Persons who receive 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.

c. Three inch low density polyethylene(PE) saddles having a melt index between 0.2 and 10.0 g/min (by ASTM D-1238, condition E) must be included as part of the lading with a ratio of PE to TBHP of 0.008 to 0.012 by weight. Alternatively, plastic containers equipped with fusible plugs having a melting point between 156°F and 160°F filled with sufficient water to dilute the TBHP to not to exceed 65% by weight may be used.

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

e. Motor carriers operating under the terms of this exemption must have a "Satisfactory" or "Conditional" safety rating as prescribed in 49 CFR Part 385.

9. REPORTING REQUIREMENTS: Any incident involving loss of packaging contents or packaging failure must be reported to the Associate Administrator for Hazardous Materials Safety as soon as practicable.

10. EXPIRATION DATE. March 1, 1993.

Issued at Washington, D.C.

MAR 15 1991

(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, U.S. Department of Transportation, Washington, D.C. 20590. Attention: Exemptions Branch.

Dist: FHWA.