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

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

APR 10 2002

DOT-E 12975

EXPIRATION DATE: June 30, 2002

1. GRANTEE: Monsanto Company
St. Louis, Missouri

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time, one-way transportation in commerce of a damaged DOT Specification IM 101 portable tank for repair. The portable tank contains a residual amount of phosphorous covered by water. 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 § 178.270-6 in that an IM 101 portable tank which has a damaged support structure (intermodal container framework) is not authorized for transportation except as specified herein.

5. BASIS: This emergency exemption is based on the application of Monsanto Company dated April 3, 2002, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Phosphorous, yellow, under water	4.2	UN1381	I

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT Specification IM 101 steel portable tank that has been damaged in transportation. The intermodal container framework has a broken top end rail. The portable tank bears owners serial number EXFU 027844-0. There is no damage to the portable tank.

b. OPERATIONAL CONTROLS -

(1) This exemption authorizes the one-time, one-way transportation on a rail flat car designed for intermodal service from New Orleans, LA to Soda Springs, ID.

(2) The portable tank may not be double stacked.

8. SPECIAL PROVISIONS:

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

b. Prior to refilling the portable tank, the intermodal container framework must be repaired. The repair must be approved by an "Approval Authority" acceptable to the United States Coast Guard.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: No modal-specific provisions are required 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.:

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

4/10/02
(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.

PO: PTOlson