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

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

AUG 11 1994

DOT-E 11305

EXPIRATION DATE: **August 31, 1994, or upon completion of one shipment, whichever occurs earlier.**

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: Nichimen America, Incorporated
New York, NY

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the one-time transportation in commerce of a freight container loaded with 67 DOT Specification 1A1 steel drums which are improperly marked ORM-A, NA2783 instead of the required marking of Organophosphorus pesticides, liquid, toxic, n.o.s., UN3018. This exemption provides no relief from any regulation 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 Part 107, Appendix B to Subpart B, paragraph (1); Section 172.301(a)(1) and (c).

5. BASIS. This emergency exemption is based on Nichimen America Incorporated's emergency application dated July 26 1994, and supplemental letter dated August 5, 1994, submitted in accordance with 49 CFR 107.113 and a determination that it necessary to protect life and property.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description/proper shipping name	Hazard Class/ Division	Identification number	Packing Group
Organophosphorus pesticides, liquid, toxic, n.o.s.	Division 6.1	UN3018	I

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are 67 DOT Specification 1A1 steel drums of 55 gallon capacity which are improperly marked, ORM-A, NA2783 instead of the required marking of Organophosphorus pesticides, liquid, toxic, n.o.s., UN3018, which is consistent with the shipping paper description.

b. MARKING - The marking requirements of 49 CFR Part 107, Appendix B to Subpart B, paragraph (1) and Section 172.301(c) are waived.

c. OPERATIONAL CONTROL - As required by 49 CFR 177.834, drums must be properly braced and blocked to prevent movement during transportation.

8. SPECIAL PROVISIONS.

a. Shipment is to originate in Kansas City, Missouri destined for Brown Warehouse in St. Joseph, Missouri, a distance of approximately 40 miles. The motor carrier is Shaw Trucking Company.

a. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

9. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle.

10. MODAL REQUIREMENTS: A copy of this exemption must be carried aboard the 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 laws:

- 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 seq., when applicable.

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 unless a regulation has been amended making the exemption no longer necessary.

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 incidents involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

AUG 11 1994

Alan I. Roberts
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.

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.

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