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

APR 30 1997

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

DOT-E 11845
(FIRST REVISION)

EXPIRATION DATE: JUNE 1, 1997

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: Bayer Corporation, Agriculture Division
Kansas City, MO

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the transportation in commerce of the class 3 material described below in certain DOT Specification IM-101 portable tanks. 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 172.101 Table, Column 7 in that there is no special provision authorizing the use of IM-101 portable tanks.

5. BASIS: This exemption is based on the application of the Bayer Corporation dated February 18, 1997, and supplemental information dated April 18, 1997, submitted in accordance with 49 CFR 107.117 and a determination that it is necessary to preclude a potential economic loss.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Organophosphorus pesticides, liquid, flammable, toxic, with flash point below 23 degrees c.	Class 3	UN2784	II

7. PACKAGING AND SAFETY CONTROL MEASURES: Packagings authorized are DOT Specification IM-101 portable tanks conforming to Section 172.102(c)(7)(i) IM Tank Configuration Code T18.

8. SPECIAL PROVISIONS:

a. Persons who receive the 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.

b. 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, rail freight, and cargo vessel.

10. MODAL REQUIREMENTS:

A copy of this exemption must be carried aboard each cargo vessel and 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. Section 5101 et seq:

- 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 et 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.

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

Issued at Washington, D.C.:

APR 30 1997

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.

Dist: FHWA, FRA
PO: JSH/alb