U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUN 7 2004

DOT-E 8861
(SIXTH REVISION)

EXPIRATION DATE: April 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: ATOFINA Chemical, Inc.
Philadelphia, PA

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain 6.1 material in DOT Specification 57 portable tanks which are otherwise not authorized. This exemption provides no relief from the Hazardous Materials Regulation (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 § 173.24(c)(1), § 173.243(c), except as specified herein.

5. BASIS: This exemption is based on the application of ATOFINA Chemical, Inc. dated March 1, 2004 submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Tributylamine	6.1	UN2542	II

7. SAFETY CONTROL MEASURES: Prescribed packagings are DOT-Specification 57 portable tanks tested to at least 12 psig and equipped with a bolted ring type closure for the top opening. Bottom outlets are prohibited. Bottom washouts are authorized. Minimum material thickness (inches) is as follows:

a. Capacity of 275 U.S. gallons or less

Material	TOP	BODY	BOTTOM
Aluminum	0.237	0.237	0.237
Steel	0.0946	0.0946	0.129
Stainless Steel	0.0996	0.0996	0.0996

b. Capacity over 275 U.S. gallons and less than 550 U.S. gallons

Material	TOP	BODY	BOTTOM
Aluminum	0.237	0.237	0.237
Steel	0.0946	0.129	0.129
Stainless Steel	0.0996	0.1285	0.1285

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.

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c. Shippers using the packaging covered by this exemption must comply with the shipping paper, marking, labeling, and placarding requirements of 49 CFR Part 172; all provisions of this exemption, and all other application requirements contained in 49 CFR Parts 100-180.

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

e. Each portable tank must be reinspected and retested once every 2 years in accordance with § 173.32 as prescribed for DOT Specification 57 portable tank to at least 12 psig.

f. Each portable tank must be plainly marked on both sides near the middle, in letters and numbers at least two inches high, on a contrasting background, "DOT-E 8861."

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each 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. 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- 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.

Issued in Washington, D.C.:

JUN 7 2004
DATE)

Robert A. McGuire
for Associate Administrator for
Hazardous Materials Safety

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: sdc