

AUG 13 2004



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

DOT-E 13796

EXPIRATION DATE: December 31, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Rhodia, Inc.
Cranbury, NJ

(See Appendix A to this document for a list of additional grantees and expiration dates)

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time, one-way transportation in commerce of Phosphorus, yellow, under water in alternate packaging. 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 § 173.188 in that alternative packaging is authorized as provided herein.

5. BASIS: This emergency exemption is based on the application of Rhodia, Inc., dated August 2, 2004, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons or property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Phosphorus, yellow, under water	4.2	UN1381	I

7. SAFETY CONTROL MEASURES:

a. PACKAGING - A 30 gallon UN 1A2 steel drum certified as a minimum to the PG I performance level for solids and the PG II performance level for liquids and as a minimum dual marked as a UN1A2/X400/S (for solid) and UN1A2 Y/1.4/150 (for liquids).

b. OPERATIONAL CONTROLS:

(1) Transportation is authorized by private or contract carrier only.

(2) Transportation is authorized one-time, one-way, only from the generator site(s) of the material to a facility where it must be unloaded by the consignee for reprocessing.

(3) Sufficient water must be present in each drum to ensure that the phosphorous is covered during transportation, in any orientation of the drum.

(4) Drums must be held and observed for a minimum of 24-hours before transportation. Any leaking or otherwise unsuitable drums must be replaced prior to transportation.

(5) Packages must be destroyed and may not be reused.

(6) The net mass of the material and water, in kilograms, must not exceed the mass that would be permitted by calculating the volume of the

packaging in liters multiplied by the specific gravity indicated on the package certification.

8. SPECIAL PROVISION(S): A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
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:
 - o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o 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.
 - o 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.:

for 
Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

AUG 13 2004
(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.

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: AM

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Continuation DOT-E 13796 APPENDIX A

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The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Innophos, Inc. Cranbury, NJ	Jul 29, 2004	AUG 13 2004	Nov 30, 2004



DM
Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety