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

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

NOV 2 1 2001

DOT-E 12817
(FIRST REVISION)

EXPIRATION DATE: February 28, 2002

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Phibro-Tech, Inc.
Fort Lee, NJ

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the reuse of specification UN 1H1 non-removable head plastic drums for the transportation of certain Class 8 materials to Environmental Protection Agency (EPA) licensed treatment, storage or disposal facilities. 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 § 172.301(c) in that marking the exemption number on each drum is waived; and §§ 173.12(c) and 173.28(b)(2) in that reuse of packagings is not authorized, except as specified herein.

5. BASIS: This emergency exemption is based on the application of Phibro-Tech, Inc. dated August 20, 2001, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss and supplemental information dated 11/21/01.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Specific materials authorized by the HMR to be transported in UN 1H1 drums.	8	As appro-priate	As appro-priate

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The packagings prescribed are specification UN 1H1 non-removable head plastic drums authorized by the HMR for use in the transportation of the Class 8 materials identified in paragraph 6 above.

b. TESTING - The leakproofness test by air, required prior to reuse under § 173.28(b)(2), is waived (see paragraph 7(c)(4) for restriction).

c. OPERATIONAL CONTROLS -

1. Transportation is limited to motor vehicles only.

2. No package may be offered for transportation less than 24 hours after it is finally closed for transportation, and each package is inspected for leakage and is found to be free from leaks immediately prior to being offered for transportation.

3. Each package is loaded by the shipper and unloaded by the consignee, unless the motor carrier is a private or contract carrier.

4. No drum may be reused under the terms of this exemption for more than one shipment without being leakproofness tested with air.

5. Transportation is limited to shipments that are consigned to U.S. Environmental Protection Agency (EPA) licensed treatment, storage or disposal facilities (TSDF), but not subject to the Hazardous Waste Manifest Requirements of the EPA specified in 40 CFR part 262.

Each shipment offered for transportation or transported under the terms of this exemption must include the company name, site address, and EPA designated twelve digit identification number of the TSDF to which the shipment is consigned.

d. MARKING - The marking requirements of § 172.301(c) are waived.

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.

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:

- 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.:

NOV 21 2001

Robert A. McGuire
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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: KFW/sln