APR 3 0 2004

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 13555

EXPIRATION DATE: May 31, 2004

1. GRANTEE: Monsanto Company
St. Louis, MO

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of a DOT Specification IM 101 portable tank containing a residue of Phosphorus, yellow, for disposal. The portable tank had a dripping leak in the bottom sump that has been temporarily repaired. 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 § 171.2(e) and 173.24(b)(2) in that the effectiveness of a package should not be substantially reduced.

5. BASIS: This emergency exemption is based on the applications of the Monsanto Company dated April 16, 2004, and April 23, 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**	**Identi-fication Number**	**Packing Group**
Phosphorus, yellow, under water	4.2	UN1381	I

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The packaging is a DOT Specification IM 101, 15,400 liter single compartment stainless steel portable tank, serial number TRLU 027765-1. The tank is insulated, fitted with a steam heating system and a metal jacket and has a maximum product load of 31,080 kg.

b. The tank had a dripping water leak from the weep hole in the reinforcing ring around the bottom sump. A temporary threaded bolt gasket and sealant have been placed in the weep hole which has closed the exterior of the tank sump area, preventing further leakage of water.

c. The lading is solid phosphorus residue, approximately 3 pounds in quantity, covered with 3500 gallons of water to prevent exposure to air.

d. The portable tank was transported on April 16, 2004 pursuant to a verbal emergency exemption provided via telephone by the Office of Hazardous Materials Exemptions and Approvals. This authorized the one-time, one-way transportation of the portable tank from Chalmette, LA to the Monsanto Company's plant in Luling, LA.

e. The portable tank will be transported by motor vehicle in a lowboy, drop-frame chassis and be moved from Luling, LA to Soda Springs, ID.

f. The portable tank must be inspected and repaired and meet the requirements of § 178.270 before returning to service.

8. SPECIAL PROVISIONS:

a. The movement will be by contract motor carrier and the driver of the vehicle will be equipped with a cell phone and emergency contact information for Monsanto's Luling, LA and Soda Springs, ID emergency response teams.

b. A current copy of this exemption must be maintained at the facility where the package is offered or reoffered for transportation.

c. This exemption authorizes the one-way, one-time transportation of Tank TRLU 027765-1 from Luling, LA to Soda Springs, ID.

d. MARKING - The portable tank must be marked "DOT-E 13555" in accordance with § 172.302(c). This marking must be removed when the tank arrives at Soda Springs, ID.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard the motor vehicle used to transport the tank 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 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

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, 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