U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DEC 17 2002

DOT-E 12999

EXPIRATION DATE: October 31, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Safety-Kleen Services, Inc.
Columbia, SC

2. PURPOSE AND LIMITATION:

   a. This exemption authorizes the transportation in commerce of certain cyanides, cyanide solutions and cyanide mixtures on the same motor vehicle with Class 8 acids, subject to the packaging and safety measures prescribed herein. 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 § 177.848(c) in that cyanides may not be loaded and stored with acids, except as specified herein.

5. BASIS: This exemption is based on the application of Safety-Kleen Environmental, Inc. dated April 28, 2002, submitted in accordance with § 107.105 and public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Cyanide, cyanide solutions or cyanide mixtures capable of liberating hydrogen cyanide (HCN) when the material comes in contact with acid materials classed as Class 8	As appro-priate	As appro-priate	As appro-priate

7. SAFETY CONTROL MEASURES:

a. PACKAGING -

(1) The cyanides, cyanide solutions or cyanide mixtures must be packaged in one-gallon plastic inner receptacles. The inner receptacles must be securely closed and placed in an authorized DOT Specification non-bulk packaging (intermediate packaging). A suitable absorbent material must be used to secure the inner receptacles inside the intermediate packaging during transport. The intermediate packaging must then be further overpacked in an authorized DOT specification non-bulk steel or plastic drum that is certified to at least Packing Group II performance level for liquids (i.e., even PG III materials must be packaged in at least a PG II rated outer drum).

(2) The Class 8 acid materials must be in UN specification packagings not exceeding 208 liters (55 gallons) per package.

b. SAFETY CONTROL MEASURES - The packagings containing cyanide must be elevated at least 10 cm (4 inches) from floor level and segregated from the acidic Class 8 packages by no less than 1.2 meters (4 feet).

c. OPERATIONAL CONTROLS - Transportation must be by private or contract motor carrier under exclusive use.

8. SPECIAL PROVISIONS: 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 and rail freight.

10. MODAL REQUIREMENTS:

a. A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

b. Drivers must be instructed of the hazards involved in accidental mixing of cyanide with Class 8 acid materials.

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

Issued in Washington, D.C.:

DEC 17 2002

Robert A. McGuire
For 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.

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.

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