U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

OCT 6 1995

DOT-E 11553

EXPIRATION DATE: December 31, 1995

(FOR RENEWAL, SEE 49 CFR SECTION 107.105)

1. GRANTEE: Kuehne Chemical Company, Inc.
South Kearny, New Jersey

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the continued transportation in commerce of sulfur dioxide in certain uninsulated DOT Specification MC-331 cargo tanks. This exemption provides no relief from any regulation other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Sections 172.101 Special Provision B14, and Section 173.315(a) Table Notes 4 and 24.

5. BASIS: This emergency exemption is based on Kuehne Chemical Company's application dated September 13, 1995, submitted in accordance with 49 CFR 107.113 and additional information dated October 5, 1995, and a determination that it is necessary to preclude a serious economic loss.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Sulfur dioxide, liquefied	2.3	UN1079	NA

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are two (2) uninsulated carbon steel DOT Specification MC-331 cargo tanks bearing manufacturer's serial numbers 57705 and 58310 and fleet I.D. numbers S-001 and S-002.

(1) Cargo tanks covered by this exemption must be equipped with an insulation system no later than six months from the effective date of this exemption. The insulation system must meet the requirements of §172.101 Special Provision B14. The insulation system must cover the entire tank including areas around existing fittings, to the extent practicable.

(2) The wall thickness (shell and head) of cargo tanks covered by this exemption must equal or exceed the minimum thickness specified in §173.315(a) Table Note 24. Cargo tanks that do not meet this requirement must be equipped with a stainless steel jacket such that the jacket thickness added to the wall thickness equals or exceeds the minimum thickness. This modification must be accomplished not later than six months from the effective date of this exemption.

(3) The requirement for corrosion allowance in §173.315(a) Table Note 4 does not apply.

b. TESTING - Each cargo tank must be tested and reinspected as specified in 49 CFR 180.407(c) for DOT MC 331 cargo tank motor vehicles.

c. MARKING - The cargo tanks covered by this exemption must be marked "DOT-E 11253" in addition to the DOT MC-331 marking.

8. SPECIAL PROVISIONS:

a. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

b. This exemption does not authorize new construction of DOT Specification MC-331 cargo tanks not in full compliance with the requirements contained in 49 CFR §173.315(a) and §172.101 Special Provision B14.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS:

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

b. Each carrier involved with the transportation of sulfur dioxide in the cargo tanks authorized under the terms of this exemption must have a "Satisfactory" safety rating, as prescribed in Part 385 of 49 CFR.

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. Section 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by 49 CFR 107.601 et seq., when applicable.

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. (49 CFR 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 at Washington, D.C.:

OCT 6 1995

Alan I. Roberts
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.

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