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

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

JUN 21 2002

DOT-E 13037

EXPIRATION DATE: July 31, 2002

1. GRANTEE: Brenntag Mid-South, Inc.
St. Louis, MO

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time, one-way transportation in commerce of a leaking DOT 4B300 cylinder containing sulfur dioxide which is overpacked in a non-DOT specification full opening head, steel salvage cylinder. 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 the exemption number need not be marked on the cylinder, § 173.34(d) and (e), § 173.304(a)(2).

5. BASIS: This exemption is based on the application of Brenntag Mid-South, Inc. dated June 17, 2002 submitted in accordance with § 107.117 and a determination that it is necessary for the protection of life and the environment.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Sulfur dioxide	2.3	UN1079	Hazard Zone C

7. SAFETY CONTROL MEASURES:

a. Packaging prescribed is a DOT 4B300 specification cylinder contained within a non-DOT specification full opening head, steel salvage cylinder of welded construction, with provisions for securely positioning the damaged cylinder contained within.

b. The salvage cylinder must conform with DOT-E 9781, Sixth Revision, except that one-time use of a DOT4B300 cylinder containing sulfur dioxide is authorized.

c. The salvage cylinder must be within the prescribed retest period as required by paragraph 8.d. of DOT-E 9781.

d. The salvage cylinder may be marked "DOT-E 9781."

8. SPECIAL PROVISIONS:

a. The cylinder will be transported by a motor vehicle owned and operated by Brenntag Mid-South, Inc. from St. Louis, MO to Henderson, KY to Brenntag Mid-South's facility.

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

c. Drivers and other persons who load/unload or transport the salvage cylinder must be trained in the handling, loading and unloading of the salvage cylinder.

d. Each salvage cylinder must be secured to the motor vehicle by a securement system that conforms with the requirements contained in § 393.100 through § 393.106.

e. The marking requirements of § 172.301(c) are waived for DOT-E 13027.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each and 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 the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any4 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.:

Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

JUN 21 2002
(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 the exemption are permitted. Any alteration of this exemption is prohibited.
PO: DL