U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

NOV 1 2 2002

DOT-E 13047
(FIRST REVISION)

EXPIRATION DATE: September 30, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Brenntag Mid-South, Inc.
Henderson, KY

(See Appendix A to this document for a list of additional grantees.)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the one-way transportation in commerce of certain Division 2.3 materials in a DOT specification cylinder or multi-unit tank car tank which has developed a leak. The cylinder or multi-unit tank car tank is equipped with a Chlorine Institute Emergency A-Kit or B-Kit, as appropriate, to prevent leakage during transportation. 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) and 172.302(c) in that marking the exemption number on the packaging is waived; and §§ 173.301(f) and 179.300-15 in that a pressure relief device is required on a DOT specification cylinder or multi-unit tank car tank except as specified herein, §§ 179.300-12(b), 179.300-13(a) and 179.300-14.

5. BASIS: This exemption is based on the application of Brenntag Mid-South, Inc., dated June 11, 2002, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Chlorine	2.3	UN1017	Hazard Zone B
Sulfur dioxide	2.3	UN1079	Hazard Zone C

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is:

(1) A DOT Specification 3A480 or 3AA480 cylinder which has developed a leak. The cylinder must be equipped with a Chlorine Institute Emergency "A-Kit" to prevent leakage during transportation; or

(2) A DOT Specification 106A500X multi-unit tank car tank which has developed a leak. The tank must be equipped with a Chlorine Institute Emergency "B-Kit" to prevent leakage during transportation.

b. OPERATIONAL CONTROLS -

(1) Each package must be blocked and braced to prevent movement during transportation.

(2) Emergency response information provided with the shipment and available via an emergency response telephone number must indicate that the packages are not fitted with pressure relief devices and provide appropriate guidance for exposure to fire.

(3) The driver of the transport vehicle must be instructed that when the vehicle is in an accident involving spilled fuel or fire, the vehicle must be

moved to a safe location unless moving the vehicle would directly endanger the driver or others.

(4) No cylinder or multi-unit tank car tank may leak hazardous materials during transportation.

8. SPECIAL PROVISIONS:

a. The packages authorized by this exemption must be transported by private motor carrier.

b. The marking requirements of §§ 172.301(c) and 172.302(c) are waived.

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 package 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:

a. 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.

b. Each year, the exemption holder must submit a written report to the office of Hazardous Materials Exemptions and Approvals. The report must include the number of cylinders and the tank car tanks transported under the terms of this exemption.

Issued in Washington, D.C.:

R. Ryan

NOV 12 2002

(DATE)

FR Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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.

PO: DL