U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAR 19 2004

DOT-E 13521

EXPIRATION DATE: April 30, 2004

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

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-way, one-time transportation in commerce of a damaged DOT specification cylinder, packaged inside of a salvage cylinder meeting all the requirements of DOT-E 9781 (7th rev.)except that the damaged cylinder contains Sulfur dioxide. 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 §§ 173.301(f), 173.304a(a)(2) and 180.209.

5. BASIS: This emergency exemption is based on the application of Brenntag Mid-South, Inc., dated March 18, 2004 submitted in accordance with § 107.117 and a determination that it is necessary in order to prevent significant injury to persons and property.

MAR 19 2004

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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

7. SAFETY CONTROL MEASURES: All the requirements of DOT-E 9781 (7th rev.) must be met except that the grantee of this exemption may use the packaging to transport a damaged DOT specification cylinder containing Sulfur dioxide.

8. SPECIAL PROVISIONS:

a. This exemption only authorizes the one-time, one-way transportation, by private motor vehicle, from Springfield, MO to Henderson, KY.

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

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 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.
- 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.

- o 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.:

MAR 19 2004
(DATE)

for 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: AM