U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JAN 2 1 2003

DOT-E 12595
(FIFTH REVISION)

EXPIRATION DATE: **May 31, 2003**

1. GRANTEE: Marsulex Inc.
North York, Ontario, Canada
(U.S. Agent: Marsulex, Inc., Toledo, OH)

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

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of sulfur dioxide in a tank car using Division 2.3 international placards. 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 § 171.12a (b)(5)(iii); and § 172.302(c) in that marking the tank car with the exemption number is waived; and § 172.540 in that placards that do not comply with the HMR are not authorized except as specified herein.

5. BASIS: This exemption is based on the application of Marsulex, Inc., dated October 1, 2002, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Hydrogen sulfide	2.3	UN1053	n/a
Sulfur dioxide	2.3	UN1079	n/a

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging is prescribed in 49 CFR Part 173, Subpart B for the materials listed in paragraph 6 above.

b. MARKING - "DOT-E 12595" must appear on the shipping papers.

8. SPECIAL PROVISIONS:

a. Each tank car is authorized to continue being placarded in accordance with the Transportation of Dangerous Goods Regulations issued by the Government of Canada when being transported loaded from Canada into the United States and other such points within the United States as a residue tank car.

b. 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: Rail freight.

10. MODAL REQUIREMENTS: None other that as required by the HMR.

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: 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.:

JAN 21 2003

Robert A. McGuire
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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: FRA/dl