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

MAY 9 - 2002

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

DOT-E 13006

EXPIRATION DATE: June 30, 2002

1. GRANTEE: DXI Industries, Inc.
Houston, TX

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-way transportation in commerce of Clorine in a DOT Specification 106A500 tank car tank which has a leak. The container is equipped with a Chlorine Institute Emergency "B-Kit" as a precautionary measure. 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 § 172.302(c) in that the marking requirement is waived; and §§ 173.24(b), 179.300-12(b), 179.300-13(a) and 179.300-14.

5. BASIS: This emergency exemption is based on the application of DXI Industries, Inc., dated May 8, 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 |
|---|---|---|---|
| Chlorine | 2.3 | UN1017 | Hazard Zone B |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - DOT Specification 106A500 tank car tank which has a leak. The tank car is equipped with a Chlorine Institute emergency "B-Kit" to prevent a leakage during transportation.

b. The tank must be braced and blocked to prevent movement during transportation.

8. SPECIAL PROVISIONS: The tank will be transported by DXI Industries from San Antonio, TX to the DXI Industries, Inc. facility in Houston, TX.

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 cylinder 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: 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.:

J. Suzanne Hedgepeth

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

MAY 9 - 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 this exemption are permitted. Any alteration of this exemption is prohibited.

PO: AM