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

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

SEP 12 2002

DOT-E 13122

EXPIRATION DATE: October 31, 2002

1. GRANTEE: DPC Enterprises
Houston, TX

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time transportation in commerce of a DOT specification 106A500X multi unit tank car tank containing Sulfur dioxide. The tank developed a leak and is equipped with a Chlorine Institute Emergency "B" kit. 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 exemption number need not be marked on the package, and §§ 179.300-12(b), 179.300-13(a), 179.300-14.

5. BASIS: This emergency exemption is based on the application of DPC Enterprises dated September 11, 2002, submitted in accordance with § 107.117 and a determination that it is necessary in order to protect life and property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT specification 106A500X multi unit tank car tank which has developed a leak around the valve. The cylinder is equipped with Chlorine Institute Emergency "B" kit. The emergency kit must prevent leakage during transportation.

b. OPERATIONAL CONTROLS -

(1) The cylinder will be transported from DPC Enterprises facility in Tampa, Florida to Jones Chemicals in Jacksonville, Florida.

(2) The cylinder must be transported by a vehicle owned by DPC Enterprises. The shipment must be accompanied by personnel trained in how to proceed in the event an emergency.

8. SPECIAL PROVISIONS: 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 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: 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.:

SEP 12 2002

(DATE)

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