



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUN 28 2004

DOT-E 9317
(SEVENTH REVISION)

EXPIRATION DATE: May 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: The Dow Chemical Company
Lake Jackson, TX
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of a non-flammable gas, subject to the limitations and special requirements specified herein, in non-DOT specification skid mounted portable tanks to be transported on public highway between adjacent company properties. This exemption provides no relief from any 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 § 172.101 in that an alternative shipping description is authorized and § 173.315(a) in that specification packaging is required, except as specified herein.
5. BASIS: This exemption is based on the application of The Dow Chemical Company dated April 14, 2004, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description --	Hazard Class/ Division	Identi- fication Number	Packing Group
Chlorine (mixture consisting of 50% to 85% chlorine and various chlorinated organic compounds classed as a non-flammable gas -- Waste chlorine)	2.3	UN1017	N/A

7. SAFETY CONTROL MEASURES:

- a. PACKAGING - Prescribed packaging is a non-DOT specification uninsulated skid mounted portable tank with seven top openings and one bottom opening designed, constructed and certified in accordance with Section VIII of the ASME Code and Dow drawing D-17807 or ES-1-5048B014 on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). Each of the four tanks authorized must be made from SA 516-70 steel with 0.50 inch sidewall for a design pressure (MAWP) of 240 psi, water capacity of 750 gallons, and be equipped with pressure relief devices.
- b. TESTING - Each portable tank must be subject to external visual reinspection once each year, external visual inspection accompanied by thickness measurements every 2 years, and retested once every 5 years in accordance with §§ 180.603 and 180.605 as prescribed for DOT 51 portable tanks.

8. SPECIAL PROVISIONS:

- a. Drivers must have been instructed as to necessary safeguards and proper procedure in the event of unusual delay, fire, or accident.
- b. Transportation is limited to private carriage on public highway between adjacent company properties.
- c. MARKING - Each portable tank must be plainly marked on both sides near the middle, in letters at least two inches high on contrasting background, "DOT-E 9317."

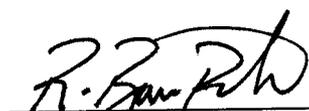
- d. Transportation is limited to private carriage on public highway between adjacent company properties.
 - e. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or change are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.
 - f. 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: Motor vehicle.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each 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:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o 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 incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



fa Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUN 28 2004

(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.

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