

February 9, 2004



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

DOT-E 9346
(FOURTEENTH REVISION)

EXPIRATION DATE: October 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: American Refining Group, Inc.
Bradford, PA

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

2. PURPOSE AND LIMITATION:

- a. This exemption authorizes the setting of the hand brake and blocking a wheel in both directions of the first and last cars of a series of coupled tank cars prior to unloading. 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 § 174.67(a)(2).

5. BASIS: This exemption is based on the application of American Refining Group Inc. dated January 9, 2004, 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
Benzene	3	UN1114	II
Evaluated temperature liquid, n.o.s., at or above 100C and below its flash point	9	UN3257	III
Fuel Oil (No.1, 2, 3, 4, 5, or 6)	Combustible liquid	NA1993	III
Petroleum Oil	3	UN1270	I, II, III
Petroleum Crude Oil	3	UN1267	I
Sodium hydroxide solution	8	UN1824	II
Sulfur, molten	9	NA2448	III
Sulfuric acid	8	UN1830	II
Sulfuric acid fuming, with less than 30 percent free sulfur trioxide	8	UN1831	I
Sulfuric acid, spent	8	UN1832	II

7. SAFETY CONTROL MEASURES:

PACKAGING - Packaging prescribed are DOT and non-DOT Specification tank cars authorized for the products indicated above. Packagings must be equipped with efficient hand brakes which must comply with the Railroad Safety Appliance Standards in 49 CFR Part 231.

8. SPECIAL PROVISIONS:

- a. The hand brake must be set and at least one wheel blocked in both directions on the first and last car of a series of tank cars coupled together or being unloaded.

- b. For grades exceeding 0.5 percent, the following table must be used to determine the percentage of additional hand brakes to be applied:

Grade (Percent)	Percentage of cars to have hand brakes applied
> 0.5 ≤ 0.6	17
> 0.6 ≤ 0.7	20
> 0.7 ≤ 0.8	23
> 0.8 ≤ 0.9	26
> 0.9 ≤ 1.0	29

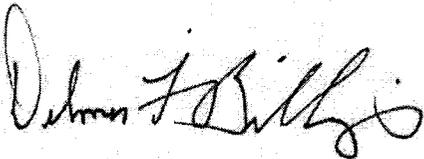
9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.
10. MODAL REQUIREMENTS: The Federal Railroad Administration is to be notified if any unusual incident such as derailment of exterior tank car damage, occurs during the movement by contacting the:
- Federal Railroad Administration
Office of Safety Assurance & Compliance
RRS-12, Mail Stop 25
1120 Vermont Ave., N.W.
Washington, D.C. 20590
(202) 493-6247 or 493-6229
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 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 the 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 of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipment made under the terms of this exemption.

Issued in Washington, D.C.:



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.

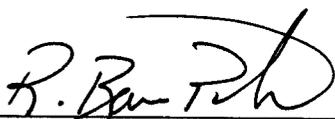
Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: sln

APR 15 2004

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Chemtrade Logistics, Inc. North York, Ontario, CN (U.S. Agent: Chemtrade Logistics, Inc. Chicago, IL)	Nov 06, 2003	Nov 21, 2003	Oct 31, 2005
Consumers Energy Company Essexville, MI	Dec 10, 2003	Feb 09, 2004	Oct 31, 2005
Honeywell International, Inc. Morristown, NJ	Dec 23, 2003	Feb 09, 2004	Oct 31, 2005
IMC Phosphates Company Mulberry, FL	Nov 06, 2003	Dec 01, 2003	Oct 31, 2005
INDSPEC Chemical Corporation Pittsburgh, PA	Jan 08, 2004	Feb 09, 2004	Oct 31, 2005
Kinder Morgan Materials Services (formerly Laser Materials Services) Sewickley, PA	Jan 16, 2004	Feb 09, 2004	Oct 31, 2005
Marsulex, Inc. North York, Ontario, CN (U.S. Agent: Marsulex, Inc. Toledo, OH)	Nov 05, 2003	Nov 21, 2003	Oct 31, 2005
Rhodia, Inc. Cranbury, NJ	Dec 15, 2003	Jan 08, 2004	Oct 31, 2005
U.S. Borax Boron, CA	Mar 30, 2004	APR 15 2004	Oct 31, 2005



Fu Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety