



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

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

NOV 5 2003

DOT-E 10458
(FOURTEENTH REVISION)

EXPIRATION DATE: July 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

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

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

2. PURPOSE AND LIMITATION:

- a. This exemption authorizes the use of DOT Specification 111A100W2 tank car tanks loaded with the hazardous materials identified in paragraph 6 below, to remain attached to transfer connections when the unloading process is discontinued. 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 § 172.302(c) in that the marking requirement is waived; and § 174.67(i) and (j) in that tank cars are not allowed to stand with unloading connections attached after unloading, except as specified herein.

5. BASIS: This exemption is based on the application of Marsulex Incorporated dated July 4, 2003, and a supplemental letter dated October 14, 2003 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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Proper Shipping Name/ Hazardous materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Sulfuric acid with more than 51% acid	8	UN1830	II
Sulfuric acid, fuming with less than 30% free sulfuric trioxide	8	UN1831	I
Sulfuric acid, spent	8	UN1832	II
Sulfur dioxide	2.3	UN1079	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are DOT Specification 111A100W2 tank car tanks.

b. OPERATIONAL CONTROLS - The provisions of this exemption are applicable at the following Marsulex facilities: Oregon, Ohio and Whiting, Indiana; and the following Chemtrade Logistics facilities: Cleveland, Ohio; Chicago, Illinois; Cairo, Ohio; Kalama, Washington; and Leeds, North Carolina.

c. An employee who is familiar with the nature and properties of the material being unloaded must be made responsible for unloading.

d. The employee responsible for unloading must be instructed on the procedures to be followed during unloading and, in the event of an emergency, has the authority and ability to halt the flow of product and take emergency actions.

e. When an electronic or mechanical monitoring device is used, the device must be capable of immediately halting the flow of product or alerting an employee responsible for unloading in the event of an emergency.

f. The electronic or mechanical monitoring device must provide immediate notification of any malfunction to the person responsible for unloading, or the device must be checked hourly for malfunction. In the case of

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malfunction, the device will no longer be relied upon, and instead the individual responsible for unloading will constantly observe the unloading process.

8. SPECIAL PROVISIONS:

a. Any manually operated switch providing access to the track on which the equipment is located must be lined against movement to that track and locked with a non-railroad effective locking device.

b. A derail (one that is capable of restricting access to that portion of track within the area on which the tank car tanks are located) must be positioned at least 50 feet from the end of the equipment to be protected by the caution sign. The derail must be locked in the derailing position with a non-railroad effective locking device by the employee performing the unloading/loading operation.

c. Written safety procedures must be on file with the Office of Hazardous Materials Exemptions and Approvals and at each location where the unloading is performed and must contain at least the following:

- monitoring of the transfer process [see paragraphs 7(c), (d), and (e)]
- employee safety
- unloading/loading procedures
- movement of tank cars adjacent to unloading/loading tracks
- testing and maintenance of system components
- emergency measures

d. The marking requirements of § 172.302(c) are waived.

e. All unloading connections must be unhooked at the close of business.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: None as a requirement of 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 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(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.:

Robert A. McGuire

for Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

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(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.

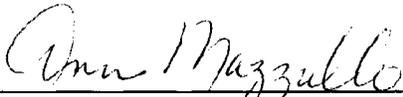
Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: WSchoonover/ALB

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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 Canada (U.S. Agent: Chemtrade Logistics, Inc. Chicago, IL)	7/4/2003	9/15/2003	7/31/2005



Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety