



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUL 30 2004

DOT-E 11761
(NINTH REVISION)

EXPIRATION DATE: May 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Vulcan Chemicals
Birmingham, Alabama

(See Appendix A of this document for a list additional grantees)
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of certain DOT specification and AAR specification tank cars, containing a residue of Class 8 materials, that have been inspected prior to offering under a modified inspection program. 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 marking the exemption number on the tank cars is waived; and 173.31(d)(1)(vi) in that an inspection of the pressure relief device is required.

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5. BASIS: This exemption is based on the application of Vulcan Chemicals dated July 20, 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
Caustic alkali liquids, n.o.s.	8	UN1719	II, III
Ferric chloride, solution	8	UN2582	III
Ferrous chloride, solution	8	NA1760	II
Fluorosilicic acid	8	UN1778	II
Hydrochloric acid	8	UN1789	II
Phosphoric acid	8	UN1805	III
Potassium hydroxide, solution	8	UN1814	II
Propionic acid	8	UN1848	III
Sodium hydrosulfide	8	UN2949	II
Sodium hydrosulfide, solution	8	NA2922	II
Sodium hydroxide, solution	8	UN1824	II
Sulfuric acid with more than 51 percent acid	8	UN1830	II

7. SAFETY CONTROL MEASURES:

- a. PACKAGING - Packagings prescribed are DOT and AAR specification tank cars authorized by the Hazardous Materials Regulations for use in the shipment of the hazardous materials identified in paragraph 6 above.
- b. MARKING - The marking requirements of § 172.302(c) are waived.
- c. RETESTING - Each tank car operating under the terms of this exemption must be retested in accordance with the regulations specified in § 180.509 no later than the due date of their next hydrostatic tank test.

d. OPERATIONAL CONTROLS -

(1) Tank cars operating under the terms of this exemption must contain residue at no more than 3 percent of the total volume.

(2) Prior to offering, the shipper must conduct the visual inspection of each car in accordance with § 173.31(d)(1)(vi) except that the frangible disk is not required to be removed for inspection. All other applicable requirements of § 173.31 must be complied with.

8. SPECIAL PROVISIONS:

a. 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 changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

b. 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: Rail freight.

10. MODAL REQUIREMENTS: This exemption poses no additional modal requirements.

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 incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

Robert A. McGuire
Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUL 3 0 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.

PO: FRA/AM

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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
ATOFINA Chemicals, Inc. Philadelphia, PA	Jun 22, 2004	Jul 20, 2004	May 31, 2006
Allied Universal Corp. Miami, FL	Jul 23, 2004	OCT 7 2004	May 31, 2006
Brenntag Southeast, Inc. Durham, NC	Jul 13, 2004	Jul 30, 2004	May 31, 2006
Brenntag Southwest Longview, TX	Aug 5, 2004	Aug 11, 2004	May 31, 2006
Celanese Acetate, LLC Rock Hill, SC	Aug 27, 2004	Sept 8, 2004	May 31, 2006
Celanese Ltd. Dallas, TX	Aug 10, 2004	Aug 17, 2004	May 31, 2006
Chemical Formulators, Inc. Tampa, FL	Sep 29, 2004	OCT 7 2004	May 31, 2006
Chemtrade Logistics, Inc. Sudbury, Ontario, CA (U.S. Agent: Chemtrade Logistics, Inc., Chicago, IL)	Jul 15, 2004	Jul 28, 2004	May 31, 2006
Dow Chemical Company, The Midland, MI	Jul 26, 2004	Jul 30, 2004	May 31, 2006
DuPont Dow Elastomers c/o DuPont Company Wilmington, DE	Jul 23, 2004	OCT 7 2004	May 31, 2006
E.I. DuPont de Nemours & Company Wilmington, DE	Jul 23, 2004	OCT 7 2004	May 31, 2006
Eastman Chemical Company Kingsport, TN	Jul 13, 2004	Jul 28, 2004	May 31, 2006
Eli Lilly & Company Clinton, IN	Aug 3, 2004	Aug 11, 2004	May 31, 2006

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Company Name City/State	Application Date	Issue Date	Expiration Date
Falconbridge Inc. (Former Grantee: Falconbridge Ltd.) Toronto, Ontario, CN (U.S. Agent: NorFalco LLC Independence, OH)	Jun 3, 2004	Jun 29, 2004	May 31, 2006
Harcros Chemicals, Inc. Kansas City, KS	Jun 21, 2004	Jul 20, 2004	May 31, 2006
International Paper Erie, PA	Aug 31, 2004	Sept 8, 2004	May 31, 2006
INVISTA S.a.r.l (Former Grantee: DuPont Textiles & Interiors) Wilmington, DE	Sep 24, 2004	OCT - 7 2004	May 31, 2006
Jones-Hamilton Co. Walbridge, OH	Jul 7, 2004	Jul 28, 2004	May 31, 2006
Marsulex, Inc. Sudbury, Ontario, CN (U.S. Agent: Marsulex, Inc., Toledo, OH)	Jul 15, 2004	Sept 8, 2004	May 31, 2006
MeadWestvaco Corp. Dayton, OH	Jul 1, 2004	Jul 20, 2004	May 31, 2006
NorFalco LLC (Former Grantee: Noranda DuPont LLC) Independence, OH	Jun 3, 2004	Jun 29, 2004	May 31, 2006
NorFalco Sales Inc. Mississauga, Ontario, CN (U.S. Agent: NorFalco LLC, Independence, OH)	Jun 3, 2004	Jun 29, 2004	May 31, 2006
Noranda Inc. (Former Grantee: Noranda-DuPont LLC.) Toronto, Ontario, CN (U.S. Agent: NorFalco LLC, Independence, OH)	Jun 3, 2004	Jun 29, 2004	May 31, 2006
PPG Industries Pittsburg, PA	Jul 29, 2004	Aug 11, 2004	May 31, 2006

Company Name City/State	Application Date	Issue Date	Expiration Date
Occidental Chemical Corporation Pasadena, TX	Jun 23, 2004	Jul 20, 2004	May 31, 2006
Olin Corporation Charleston, TN	Jul 30, 2004	Aug 11, 2004	May 31, 2006
Reagent Chemical & Research Inc. Port Arthur, TX	Aug 11, 2004	Aug 24, 2004	May 31, 2006
Rowell Chemical Corporation Hinsdale, IL	Aug 25, 2004	Sept 8, 2004	May 31, 2006
Univar USA, Inc. Kirkland, WA	Jul 13, 2004	Jul 28, 2004	May 31, 2006
UOP LLC Des Plaines, IL	Aug 27, 2004	Sep 10, 2004	May 31, 2006
US Borax Inc. Boron, CA	Sep 15, 2004	Sep 24, 2004	May 31, 2006

Robert A. McGuire
 bⁿ Robert A. McGuire
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 Hazardous Materials Safety