SEP 30 2004

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 13939

EXPIRATION DATE: October 31, 2004

1. GRANTEE: Kuehne Chemical Company
South Kearny, NJ

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-way transportation in commerce of chlorine in a DOT Specification MC 331 cargo tank which developed a leak in one of the safety valves. The container is equipped with a Chlorine Institute Emergency "C-Kit" to prevent leakage during transportation. 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), 173.24(b)(1), 173.24(f), 173.315(c)(1) and 177.840(f).

5. BASIS: This emergency exemption is based on the application of Kuehne Chemical Company dated September 27, 2004, submitted in accordance with § 107.117 and a determination that it is necessary for the protection of life and the environment.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi- fication Number**	**Packing Group**
Chlorine	2.3	UN1017	hazard zone B

7. SAFETY CONTROL MEASURES - PACKAGING - Packaging prescribed is a DOT Specification MC-331 cargo tank which has a safety valve failure and is equipped with a Chlorine Institute Emergency "C-Kit" to prevent leakage during transportation.

8. SPECIAL PROVISIONS:

a. The DOT specification 331 cargo tank will be transported by the Kuehne Chemical Company, from Wilmington, DE to South Kearny, NJ, a distance of approximately 116 miles.

b. The cargo tank may not be placed back into service prior to the repair of the safety valve.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS:

a. A current copy of this exemption must be carried aboard the motor vehicle.

b. Drivers of the motor vehicle must be specifically trained in the hazards associated with the hazardous materials being transported and be knowledgeable in appropriate emergency response procedures.

c. Drivers of the motor vehicle must have the capability to contact the plant and appropriate emergency response organizations in the event of an accident or an emergency involving the hazardous materials being transported.

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.
- 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.
- 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.:

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.

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