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

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

DOT-E 10978
(SECOND REVISION)

AUG 11 1993

EXPIRATION DATE: November 30, 1993

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: Brimstone Group Limited, Atlanta, Georgia

2. PURPOSE AND LIMITATION: This exemption authorizes the one-time shipment of a DOT Specification tank car, containing molten sulfur, a class 9 material, which is in a solid state within the tank, and provides no relief from any regulations other than as specifically stated.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107, and 171-180

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 173.31(e); 174.9; 174.50

5. BASIS. This exemption is based on Brimstone Group Limited's application of July 14, 1993, submitted in accordance with 49 CFR 107.105, and supplemental letter dated July 27, 1993.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description/proper shipping name	Hazard Class	Identification Number	Packing Group
Molten sulfur	ORM-C	UN 2448	N/A

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. Packaging prescribed is a DOT specification tank car, meeting all DOT requirements (49 CFR Parts 100-299), except that tank car UTLX 79685 was involved in a fire. The product has been allowed to cool and solidify to prevent the release of product.

b. MARKING - Tank car UTLX 79685 must be marked DOT-E 10978 in four inch letters on a contrasting background above the DOT Specification number.

8. SPECIAL PROVISIONS.

a. Persons who receive packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with, and a current copy of this exemption is maintained at each facility from which such reoffering occurs.

b. Transportation for tank car UTLX 79685 is authorized from Galveston, Texas, to Union Tank Car, Ville Platte, Louisiana, a distance of approximately 350 miles, utilizing the most direct route via Missouri Pacific Railroad Company.

9. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.

10. MODAL REQUIREMENTS: The Federal Railroad Administration (FRA) is to be notified if any unusual incident such as derailment or exterior tank car damage occurs during the movement by contacting the:

Federal Railroad Administration
Office of Safety, RRS-12
400 Seventh Street, S.W.
Washington, D.C. 20590
(202) 366-9178 or 366-0549

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 Hazardous Materials Transportation Act:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, Parts 171-180.
- Any use or application of this exemption, including display of its number, when the exemption has expired or it is otherwise no longer in effect unless a regulation has been amended making the exemption no longer necessary.
- Registration required by 49 CFR 107.601 et seq., when applicable.

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 as soon as practicable. (49 CFR 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 also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued at Washington, D.C.:

AUG 11 1993

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(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.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Dist: FRA