U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUL 2 0 2004

DOT-E 12368
(THIRD REVISION)

EXPIRATION DATE: June 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Elementis Chromium, L.P.
(FORMER GRANTEE: Occidental Chemical Corporation)
Corpus Christi, TX

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the manufacture, mark, sale and use of DOT Specification 111A100W1 tank cars that have a maximum gross weight on rail of 272,000 pounds, for the transportation a Division 5.1 solid material. 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 § 172.203(a) in that marking the shipping paper with the exemption number is waived; and § 179.13, except as specified herein.

5. BASIS: This exemption is based on the application of Elementis Chromium, L.P., July 12, 2004 submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Chromium trioxide, anhydrous	5.1	UN1463	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING:

(i) Packaging prescribed are DOT Specification 111A100W1 tank cars constructed under Certificate of Construction number L981031A.

(ii) Each tank must conform to the Association of American Railroads Standard S-259, dated January 5, 1995, and the following requirements:

Betterments	Type of Features
Puncture Resistance	Head thickness 0.5625 ASTM A516 Gr. 70 Shell thickness 0.5625 ASTM A516 Gr. 70
Controlling Longitudinal Loadings	Cardwell Westinghouse Mark 50
Structural Worthiness	ACF 300 underframe having a one million mile fatigue life calculated by applying an overall load factor of 1.09
Track Worthiness	Barber S-2-D "advanced" trucks
Pressure Relief Device	Nonreclosing pressure relief device (dry-bulk commodity)
Service Equipment Protection	Twenty- and twelve-inch reinforced nozzles, and shear rings on manway covers
Maintenance Program Development	See paragraph 8.(e)

(iii) Each tank may be loaded to a maximum gross weight on rail not to exceed 272,000 pounds, provided that the tank is not loaded in excess of the amount authorized per §173.24b.

(iv) The minimum allowable thickness, after any metal loss, is 0.452-inches in the shell and heads.

b. MARKING - Each tank car operating under the terms of this exemption must be marked "DOT-E 12368" in four inch letters and numerals on a contrasting background above the DOT Specification number.

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.

c. Each tank car may be operated only under controlled interchange conditions, as specified in the AAR Interchange Rules. Transit routes must be agreed to, in writing, by participating railroads. The written acceptance must be submitted to the Associate Administrator for Hazardous Materials Safety (AAHMS) at the address specified at the end of this exemption prior to the first offering on each route.

d. The requirement for marking the exemption number on the shipping paper in § 172.203(a) is waived.

e. The applicant must file a copy of their complete maintenance program for any car operating under the terms of this exemption. The program must be filed with the Federal Railroad Administration, at the address indicated in paragraph 10 prior to offering a tank car under the terms of this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: The Federal Railroad Administration must be notified if any unusual incident occurs during the movement by contacting the:

Federal Railroad Administration
Hazardous Materials Division
RRS-12, Mail Stop 25
1120 Vermont Avenue, N.W.
Washington, D.C. 20590

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 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 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.:

R. Ron Parker

Robert A. McGuire
for Associate Administrator for
Hazardous Materials Safety

JUL 2 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: WS/sln