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

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

NOV 14 2002

DOT-E 9657
(FIFTH REVISION)

EXPIRATION DATE: **October 31, 2004**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Noranda, Inc.
Toronto, Ontario, Canada
(U.S. Agent: NorFalco LLC
Independence, OH)

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

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain DOT Specification 111A100W2 tank cars equipped with bottom outlets. 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 § 172.101, SP B83 and § 179.201-1 in that bottom outlets are prohibited on tank cars transporting sulfuric acid in concentrations over 65.25 percent, except as specified herein.

5. BASIS: This exemption is based on the application of Noranda, Inc. dated October 28, 2002, submitted in accordance with § 107.109.

HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Sulfuric acid *with more than 51 percent acid*	8	UN1830	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are DOT Specification 111A100W2 tank cars, equipped with internal ball valves and integral skids.

b. OPERATIONAL CONTROLS - Prior to transportation, a copy of each drawing related to the AAR approval must be on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

8. SPECIAL PROVISIONS:

a. Each tank car must be plainly marked "DOT-E 9657" near the DOT tank specification marking in four-inch letters on a contrasting background.

b. The tank cars must be transported in train load lots (unit train configuration).

c. Tank cars which require maintenance enroute may move on regular freight trains to destination once repaired.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: This exemption imposes 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:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

- 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.:

Ann Mazzulla

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

NOV 14 2002
(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: alb

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:

NOV 14 2002

Company Name City/State	Application Date	Issue Date	Expiration Date
E.I. DuPont de Nemours and Company, Inc. Wilmington, DE	9/25/2000	1/24/2001	12/31/2002
Falconbridge Limited Toronto, CN (U.S. Agent: NorFalco LLC Independence, OH)	10/28/2002	NOV 14 2002	10/31/2004
NorFalco LLC Independence, OH	10/28/2002	NOV 14 2002	10/31/2004
NorFalco Sales Inc. Mississauga, Ontario, Canada (U.S. Agent: NorFalco LLC Independence, OH)	10/28/2002	NOV 14 2002	10/31/2004
Westvaco Corporation Richmond, VA	1/2/2001	1/4/2002	12/31/2002

Ann Mazzullo

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety