U.S. Department
of Transportation

Research and
Special Programs
Administration

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

DOT-E 10522

DEC 27 1990

1. David Joseph Company, St. Louis, Missouri is hereby granted an emergency exemption from certain provisions of this Department's Hazardous Materials Regulations to offer and transport a package prescribed herein of the hazardous materials described in paragraph 3 below in commerce subject to the limitations and special requirements specified herein. This exemption authorizes the one-time-only transportation of a shipment of scrap steel, contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements, and provides no relief from any regulations other than as specifically stated.

2. BASIS. This emergency exemption is based on David Joseph Company's application of December 19, 1990, submitted in accordance with 49 CFR 107.113, and a determination that it is necessary for protection of life.

3. HAZARDOUS MATERIALS (Descriptor and class). Scrap steel contaminated with small amounts of unidentified radio active materials, classed as radioactive material.

4. PROPER SHIPPING NAME (49 CFR 172.101). Radioactive material, n.o.s.

5. REGULATION AFFECTED. 49 CFR Part 107, Appendix B to Subpart B, Paragraph (1); 49 CFR 172.203(d), Subparts D, E, and F of Part 172.

6. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.

7. SAFETY CONTROL MEASURES.

a. Packaging prescribed is a gondola rail car (CNW 132426).

b. The radioactive material is not readily dispersable, eliminating the need for additional containment.

c. The shipment will be monitored while being off loaded by the State of Arkansas's Division of Radiation Control and Emergency Management personnel who may be contacted by telephone at (501) 661-2301.

8. SPECIAL PROVISIONS.

a. Shipment must be between the Nucor's facility in Blytheville, Arkansas and Rogers Iron and Metal, Rogers,

Arkansas, using the most direct route available via the Burlington Northern Railroad and the Arkansas and Missouri Railroad, a distance of approximately 300 miles.

b. The marking, labeling, and placarding requirements of Subparts D, E, and F of 49 CFR Part 172 are waived.

c. The additional shipping paper requirements for radioactive materials in 49 CFR 172.203 (d) are waived. The only hazardous material descriptive entry required on shipping papers is "Radioactive material, n.o.s., UN 2982, scrap metal with a small amount of radioactivity, DOT-E 10522."

d. The package marking requirement specified in Appendix B to Subpart B of 49 CFR Part 107, paragraph (1) is waived. The other provisions must be met.

e. The Federal Railroad Administration is to be notified if any unusual incident occurs, such as derailment or exterior tank damage, 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

9. REPORTING REQUIREMENTS. In addition to the reporting requirements of 49 CFR 171.15, any abnormal occurrence in transportation must be reported to the Associate Administrator for Hazardous Materials Safety as soon as practicable.

10. EXPIRATION DATE. March 1, 1991.

Issued at Washington, D.C.

DEC 27 1990

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, U.S. Department of Transportation, Washington, D.C. 20590. Attention: Exemptions Branch.

Dist: FRA.