U.S. Department
of Transportation

**Research and
Special Programs
Administration**

MAY 23 1994

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

DOT-E 11258

EXPIRATION DATE: June 23, 1994

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: ELF Atochem North America, Portland, Oregon

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the shipment of a DOT Specification 105A500W tank car, containing a division 2.3 material, meeting all DOT requirements except that the tank car has a defective vapor line valve and chlorine "C" kit attached. This exemption 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(b)(3); 179.100-12(c); and 179.100-13.

5. BASIS. This emergency exemption is based on ELF Atochem North America Company's application of May 21, 1994, submitted in accordance with 49 CFR 107.113, and a determination that it is necessary for the protection of life and property.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description/proper shipping name	Hazard Class/ Division	Identification number	Packing Group
Chlorine	2.3	UN 1017	N/A

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT specification 105A500W tank car, UTLX 27423, with a defective right vapor valve. The tank car has been equipped with a chlorine "C" kit to prevent to emmision of chlorine vapors.

b. MARKING - Tank car UTLX 27423 must be marked "DOT-E 11258" in four inch letters on a contrasting background above the DOT Specification number.

8. SPECIAL PROVISIONS.

a. Shipment of tank car UTLX 27423 is authorized from Burlington Northern Railroad Company's Aurora Yard, Aurora, Illinois, to Alexander Chemical, Kingsbury, Indiana, a distance of approximately 120 miles utilizing the most direct route via the Burlington Northern Railroad Company and the Norfolk Southern Corporation.

b. 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.

9. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.

10. MODAL REQUIREMENTS:

a. The Federal Railroad Administration (FRA) is to be notified if any unusual incident occurs during the movement by contacting the:

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

b. The manway protective housing cover, if remaining on the tank car, must be chained or otherwise fastened in the open position so that it cannot change position during transportation.

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.
- Registration required by 49 CFR 107.601 et seq., when applicable.

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 unless a regulation has been amended making the exemption no longer necessary.

12. REPORTING REQUIREMENTS.

a. 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.)

b. The Federal Railroad Administration (FRA) is to be notified if any unusual incident 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

Issued at Washington, D.C.:

J. Suzanne Hedgepeth
for Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

MAY 23 1994
(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