MAY 10 1996

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 11695

EXPIRATION DATE: June 9, 1996

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: Montana Rail Link
Missoula, Montana

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the movement, for purposes of cleaning and repair, of four DOT Specification 105A500W1 tank cars, ACFX 85824, ACFX 88550, UTLX 28622 and GPBX 715, and one DOT specification 111A100W1 tank car, GATX 16194, which do not meet the DOT specifications due to damage sustained in a derailment.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 173.31(a), 179.100-6 and 179.200-6.

5. BASIS: This emergency exemption is based on Montana Rail Link, Inc.'s application of May 7, 1996, and supplemental information dated May 9, 1996, submitted in accordance with 49 CFR 107.113 and the determination that movement is essential 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
Residue/Potassium Hydroxide Solution	8	UN 1814	II
Residue/Chlorine	2.3	UN 1017	n/a

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are DOT Specification 111A and 105A tank cars authorized for the respective products as indicated in paragraph 6. except that the tank car shells have been punctured or damaged as a result of a derailment.

b. MARKING - The provisions of 49 CFR Part 107, Appendix B, Subpart B are hereby waived.

c. SECUREMENT - All the tanks cars covered by this exemption must be adequately secured to the respective flatcars they have been loaded on.

8. SPECIAL PROVISIONS.

a. Persons who receive packages covered by this exemption may accept and transport them provided no modifications or changes are made to the packages, all terms of this exemption are complied with, and a copy of this exemption is attached to the shipping papers.

b. Cars must be transported to qualified repair facilities.

c. Valves and plug must remain in place at all times while car is in transportation until reaching the repair facility.

d. The required routing for flatcars HTTX 93152, ATSF 95515, OTTX 97096 and HTTX 93764, loaded with tank cars ACFX 85824, ACFX 88550, UTLX 28622 and GPBX 715, respectively, will be from Missoula, Montana to Georgia Pacific Corp., Bellingham, Washington, a distance of approximately 620 miles, via route of MRL-Spokane, WA-BN to destination. The routing for flatcar HTTX 97978, loaded with GATX 16194, will be from Missoula, Montana to Orange, Texas, a distance of approximately 2100 miles, via route of MRL-Laurel, MT-BN-Houston, TX-MP.

9. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.

10. MODAL REQUIREMENTS:

a. The Federal Railroad Administration is to be notified if any unusual incident such loss of product. This notification should be directed to:

Federal Railroad Administration
Office of Safety, RRS-12
Hazardous Materials Division
400 Seventh Street, S.W.
Washington, D.C. 20590
(202) 366-9252 or 366-0523

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. Section 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR 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. 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. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipment made under the terms of this exemption.

Issued at Washington, D.C.:

MAY 10 1996
(DATE)

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

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.