U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DEC 11 1997

DOT-E 12008

EXPIRATION DATE: May 31, 1998

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: Asarco, Incorporated
New York, New York

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the filling and offering of tank cars, containing a class 8 material, after the expiration of their retest date. 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(a)(3) and 180.509(c)(3)(iii).

5. BASIS: This emergency exemption is based on Asarco, Incorporated's application of November 24, 1997, submitted in accordance with 49 CFR 107.117 and a determination that it is necessary to prevent serious economic loss.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/Number**	**Identification Number**	**Packing Group**
Corrosive liquids, n.o.s. (contains sulfuric acid)	8	UN 1760	III

7. PACKAGING(S) and SAFETY CONTROL MEASURES: - Packagings prescribed are eight DOT Specification 111A100W5 tank cars, with reporting marks and numerals ASTX 6001, 6005, 6007, 6008, 6014, 6017, 6018, and 6020.

8. SPECIAL PROVISIONS:

a. The tank cars are operated in dedicated service between ASARCO facilities within a distance of approximately 51 miles.

b. MARKING - Each tank car shall be marked"DOT-E 12008 " in letters and numerals at least four inches high on a contrasting background above the specification marking.

9. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.

10. MODAL REQUIREMENTS:

The Federal Railroad Administration is to be notified of any unusual incident such as derailment or exterior tank damage occurs during the movement by contacting:

Federal Railroad Administration
Office of Safety Assurance and Compliance
RRS-12, Mail Stop 25
400 Seventh Street, S.W.
Washington, D.C. 20590
(202) 632-3348 or 632-3373

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 law, 49 U.S.C. Section 5101 et seq:

- 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.

Each "Hazmat employee", as defined in 49 CFR 171.8, who performs a function subject to this exempiton must receive training on the requirements and conditions of this exemption in addition to the training required by 49 CFR 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. (49 CFR 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 also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued at Washington, D.C.: DEC 11 1997

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, 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.

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