DEC 23 1994

U.S. Department of Transportation

**Research and Special Programs Administration**

DOT-E 11295

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

EXPIRATION DATE: January 31, 1995

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: Lucier Chemical Industries
Jacksonville Beach, Florida

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the transportation in commerce of a DOT Specification 111A100W5 tank car, containing a residue of a Class 8 material, which does not fully comply with all DOT requirements, and 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 Part 107, Appendix B to Subpart B; 172.302(c); 173.29(c)(2); 173.31(a).

5. BASIS. This emergency exemption is based on Lucier Chemical Industries' application of December 22, 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 |
|---|---|---|---|
| Fluorosilicic acid | 8 | UN 1778 | II |

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT Specification 111A100W5 tank car, ACFX 75145, with a hole in the bottom shell. The point of failure has been patched to prevent release of product.

b. TESTING - Tank car ACFX 75145 must be inspected and tested prior to the tank car being refilled.

c. MARKING - The exemption marking requirements of § 172.302(c) do not apply.

8. SPECIAL PROVISIONS.

a. Shipment of tank car ACFX 75145 is authorized from Oak Island, New Jersey to ACF Industries, Milton, Pennsylvania using the most direct route possible.

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

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 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 incidents involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

DEC 23 1994

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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