U.S. Department
of Transportation
**Research and
Special Programs
Administration**

NOV 15 1994

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

DOT-E 11349

EXPIRATION DATE: December 15, 1994

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: Merichem Company, Houston, Texas

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the transportation in commerce of a DOT Specification 111A100W1 tank car, containing a residual amount of a Class 8 material, meeting all DOT requirements except that the tank car has defective interior heater coils. 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 174.9(b); 174.67(k).

5. BASIS. This emergency exemption is based on Merichem Company's application of November 7, 1994 and supplemental information dated November 9, 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
Corrosive liquid, n.o.s. (sodium sulfide solutions)	8	UN 1760	II

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT specification 111A100W1 tank car, GATX 16943, with defective interior heater coils. The heater coil outlet caps have been secured to prevent the release of product.

b. TESTING - The interior heater coils of tank car GATX 16943 must be retested prior to the tank car being refilled.

c. MARKING - Tank car GATX 16943 must be marked "DOT-E 11349" in four inch letters and numerals on a contrasting background above the DOT specification number.

8. SPECIAL PROVISIONS.

a. Shipment of tank car GATX 16943 is authorized from Sun Refining and Marketing, Toledo, Ohio, to Rescar, Incorprated, Channelview, Texas, a distance of approximately 1601 miles utilizing the most direct route via Consolidated Rail Corporation and Union Pacific Railroad Company.

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 such as derailment of exterior tank car damage, 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

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 laws:

- 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.:

NOV 15 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.

Dist: FRA