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

JUN 19 1995

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

DOT-E 11478
(FIRST REVISION)

EXPIRATION DATE: July 5, 1995

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: PVS Chemicals, Incorporated, Buffalo, New York

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the shipment of two DOT Specification 111A100W-2 tank cars, containing a class 8 material, poisonous by inhalation, meeting all DOT requirements except that the tank car is suspected of being overloaded. 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 173.24b(a)(1)

5. BASIS. This emergency exemption is based on PVS Chemicals, Incorporated's application of June 2, 1995, submitted in accordance with 49 CFR 107.113, and a determination that it is necessary for the protection of life and property and supplemental letter dated June 14, 1995.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

| Hazardous materials description/proper shipping name | Hazard Class/Division | Identification number | Packing Group |
|---|---|---|---|
| Sulfuric acid, fuming *greater than or equal to 30 percent free sulfur trioxide* | 8 | UN 1831 | I |

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are two DOT Specification 111A100W-2 tank cars, PROX 60103 and PROX 60104 meeting all DOT requirements except that the tank cars have been overfilled with approximately 5,560 pounds of product (approximately 350 gallons).

b. TESTING - Upon arriving at an unloading facility, an accurate amount of product must be determined and that information must be supplied to the Federal Railroad Administration.

8. SPECIAL PROVISIONS.

a. Shipment of the tank cars is authorized from the United States-Canadian border at Buffalo, New York, to return to the original shipper, PVS Chemicals, Incorporated, Buffalo, New York, utilizing the shortest and most direct route via Canadian National Railway and Consolidated Rail Corporation.

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
Hazardous Materials Division, 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 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 incident involving the package and shipment made under the terms of this exemption.

Issued at Washington, D.C.:

J. Suzanne Hedgepeth

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

JUN 19 1995
(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