FEB 16 1996

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 11639

EXPIRATION DATE: **March 1, 1996**

1. GRANTEE: Consolidated Rail Corporation, Philadelphia, PA

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the one-time transportation in commerce of a DOT Specification 105A500W tank car, containing approximately 58 tons of Chlorine, a Division 2.3 material, meeting all DOT requirements except that tank car has jacket, sill, coupler, and safety appliance damage. 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 Part 107, Appendix B to Subpart B, Paragraph (1); 172.302(c); 173.29(a); 173.31(a); and 174.3.

5. BASIS. This emergency exemption is based on Consolidated Rail Corporation's application of February 5, 1996, 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 (Written Class) class number	Identification number	Packing Group
Chlorine	2.3	UN1017	NA

7. PACKAGING(S) AND SAFETY CONTROL MEASURES: Packaging prescribed is a DOT Specification 105A500W tank car, ACFX 86273, meeting all DOT requirements except that the tank car has jacket, sill, coupler, and safety appliance damage.

8. SPECIAL PROVISIONS.

a. Tank car ACFX 86273 must be loaded onto a flat car and be properly blocked and braced.

b. Shipment is authorized from Fonda, New York, to ICI Canada Inc., Becancour, Province of Quebec, a distance of approximately 420 miles, utilizing the most direct route via the Consolidated Rail Corporation Railroad and the Canadian National Railroad.

c. MARKING - The marking requirement of 49 CFR Part 107, Appendix B to Subpart B, paragraph (1) and 172.302(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.

10. MODAL REQUIREMENTS. The Federal Railroad Administration is to be notified if any unusual incident occurs during the movement by contacting:

Federal Railroad Administration
Office of Safety
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 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(s) 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.:

J. Suzanne Hedgepeth
for Alan I. Roberts
Associate Administrator
For Hazardous Materials Safety

FEB 16 1996
(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