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

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

JAN 4 1999

DOT-E 12202

EXPIRATION DATE: January 30, 1999

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: Vicksburg Chemical Company
Vicksburg, Mississippi

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the transportation in commerce of two covered hopper railcars with reporting marks of KCS-5346 and ACFX-62630 that contain a class 5.1 material and exceed the maximum lading weight as marked on the railcars by approximately 8,000 and 2,700 pounds, respectively. This emergency exemption provides no relief from any regulation other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 173.24b(d)(2) and 172.302(c).

5. BASIS: This emergency exemption is based on the application of Vicksburg Chemical Company, dated December 29, 1998, submitted in accordance with 49 CFR 107.117 and a determination that it is necessary to prevent significant economic loss.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

| Proper shipping name -- Hazardous materials description | Hazard Class/ Division | Identi-fication Number | Packing Group |
|---|---|---|---|
| Potassium nitrate | 5.1 | UN1486 | III |

7. PACKAGING AND SAFETY CONTROL MEASURES:

PACKAGING - Packaging is a sift-proof covered hopper railcar that is authorized for the material by 49 CFR 173.240(a) that meets all applicable requirements except that they exceed the maximum lading weight as marked on the cars by approximately 8,000 and 2,700 pounds.

8. SPECIAL PROVISIONS:

a. Rail movement for railcar KCS-5346 is authorized from the car's present location in Montgomery, AL to the Florida Favorite facility in Clewiston, FL via CSXT and SCFX to destination.

b. Rail movement for railcar ACFX-62630 is authorized from the car's present location in Louisville, KY to the Arrow Terminals facility in Chillicothe, OH via CSXT, direct to destination.

c. Each shipping paper must bear the notation "DOT-E 12202" in accordance with 49 CFR 172.203(a).

d. The marking requirement in 49 CFR 172.302(c) to mark the exemption number on the bulk package is waived.

e. A person who is not a holder of this emergency exemption and who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS:

a. Prior to transportation under the conditions of this emergency exemption, the holder(grantee)shall ensure that the railcars are inspected to determine that they comply with all other applicable regulatory requirements and are in safe condition for transportation.

b. The holder (grantee) of this emergency exemption shall ensure that all carriers involved with the movement of the railcars addressed in this exemption are provided with a copy of this exemption.

c. No later than 45 days from the date of issuance of this emergency exemption, the holder (grantee) shall forward a report to the address below identifying the facility where the railcars were loaded, the causal factors and all other pertinent findings relating to the overloading condition and the actions taken to prevent a recurrence.

Federal Railroad Administration
1120 Vermont Avenue
Mail Stop 25, 6th Floor
Washington, D.C. 20590
Attn: Kevin R. Blackwell

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.

Each "Hazmat employee", as defined in 49 CFR 171.8, who performs a function subject to this exemption 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 inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

JAN 4 1999

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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