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

JUL 27 2000

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

DOT-E 12514

EXPIRATION DATE: September 30, 2000

1. GRANTEE: SMI Steel
Cayce, South Carolina

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time, one-way transportation in commerce of a rail hopper car, containing Hazardous waste, solid, n.o.s., Class 9, that exceeds the maximum gross weight by 3,200 pounds. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.302(c) in that marking the exemption number on the rail hopper car is waived; and §§ 173.24b(d)(2) and 173.26 in that the lading of the rail car exceeds the maximum weight authorized.

5. BASIS: This emergency exemption is based on the application of SMI Steel, dated July 25, 2000, submitted in accordance with § 107.117 and a determination that it is necessary to protect life and the environment.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Hazardous waste, solid, n.o.s.	9	UN3077	III

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed meets the requirements of § 173.240(a) for the material listed in paragraph 6. The over-loaded hopper car's serial number is CSXT 245011.

b. MARKING - "DOT-E 12514" must appear on the shipping papers.

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be maintained at the facility where the hopper car is offered for transportation.

b. The one-time, one-way transportation of the rail hopper car will be from New Orleans, Louisiana to Rockwood, Tennessee via Norfolk Southern.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: No additional requirements other than as required by the HMR.

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 § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 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 §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

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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. (Sections 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 in Washington, D.C.:

J. Suzanne Hedgepeth

Robert A. McGuire
Acting Associate Administrator for
Hazardous Materials Safety

JUL 27 2000
(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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: FRA/am