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

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

JUL 3 2003

DOT-E 13261

EXPIRATION DATE: July 15, 2003

1. GRANTEE: BNSF Railway
Amarillo, TX

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time transportation in commerce of a DOT Specification 105J300W tank car tank that has developed a leak in one of the safety valves. The tank contains Anhydrous ammonia. 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 tank car tank is waived; and § 174.50 in that the approval by the Federal Railroad Administration is waived for the transportation of a tank car tank that is not in compliance with 49 CFR.

5. BASIS: This emergency exemption is based on the application of BNSF Railway dated June 27, 2003, submitted in accordance with § 107.117 and a determination that is it necessary in order to protect life and property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101): JUL 3 2003

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi- fication Number**	**Packing Group**
Ammonia, anhydrous	2.2	UN1005	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging is a DOT Specification 105J300W tank car tank authorized in the HMR for the transportation of Anhydrous ammonia. The tank developed a leak in one of the safety valves.

b. OPERATIONAL CONTROLS - The safety valve has water on top to scrub the gases.

c. Train crews will have notification of the transportation of the tank.

e. The tank car tank will be moved within a company plant but will cross a public crossing, which will be protected. The distance the tank car tank will travel is approximately 3 miles.

d. The transportation of the leaking tank car tank is necessary in order to repair the car in a less populated area.

8. SPECIAL PROVISIONS: A current copy of this exemption must be maintained at the facility where the package is offered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: No additional requirements other than those specified in 49 CFR.

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.

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.:

Robert A. McGuire
for Associate Administrator for
Hazardous Materials Safety

JUL 3 2003
(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.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: AM