

January 16, 2004



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

DOT-E 13351

EXPIRATION DATE: April 30, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Waste Technology Services, Inc.
Niagara Falls, NY
2. PURPOSE AND LIMITATION:
 - a. This emergency exemption authorizes the one-time, one-way transportation for disposal of solidified sodium metal and liquid potassium-sodium alloy in non-specification packaging. 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. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 173.201 and 173.211 in that a non-specification packaging is not authorized.
5. BASIS: This emergency exemption is based on the December 11, 2003 application of The Wicks Group, PLLC on behalf of Waste Technology Services submitted in accordance with § 107.117 in order to prevent severe economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Sodium	4.3	UN1428	PG I
Potassium sodium alloys	4.3	UN1422	PG I

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The prescribed packaging are eight sodium weighing process units/reservoirs and one conical shell K-cell reactor. These units must be packed as follows:

1) The reactor and reservoirs must be overpacked in a 600-gallon non-specification polyethylene bin complying with Environmental Protection Agency Regulation 40 CFR § 761.65 and the requirements of the HMR.

i. The K-cell reactor will be placed in a non-specification bin with no other units.

ii. The weighing process units/reservoirs will be packed two to a non-specification bin for transportation.

2) Prior to being packed into the non-specification bins, each weighing process unit/reservoir or the K-cell reactor must be filled with either an inert gas or mineral oil and sealed to prevent moisture intrusion.

3) The weighing process units/reservoirs or the K-cell reactor must be securely restrained within the non-specification bin to prevent movement during transportation.

b. OPERATIONAL CONTROLS -

1) Transportation of the units is one-way one time, for cleaning and disposal from the Cabot Performance facility in Boyertown, PA to SET Environmental, in Houston, TX. There shall be no intermediate stops for loading or unloading of additional materials.

2) Transportation shall be by motor vehicle operated by Hazmat Environmental Group and under the exclusive use of Waste Technology Services.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

c. The non-specification bins must be plainly and durably marked "DOT-E 13351".

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle only.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard the motor vehicle used to transport packages covered by this exemption.

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:

o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

o 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.:



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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: MAZZULLO