DOT-E 9657
(FIFTH REVISION)

EXPIRATION DATE: October 31, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. **GRANTEE:** Noranda, Inc.
   Toronto, Ontario, Canada
   (U.S. Agent: NorFalco LLC
   Independence, OH)

   (See Appendix A to this document for a list of additional grantees)

2. **PURPOSE AND LIMITATION:**

   a. This exemption authorizes the transportation in commerce
   of certain DOT Specification 111A100W2 tank cars equipped
   with bottom outlets. 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 § 172.101, SP B83
   and § 179.201-1 in that bottom outlets are prohibited on
   tank cars transporting sulfuric acid in concentrations over
   65.25 percent, except as specified herein.

5. **BASIS:** This exemption is based on the application of
   Noranda, Inc. dated October 28, 2002, submitted in
   accordance with § 107.109.
HAZARDOUS MATERIALS (49 CFR § 172.101):

<table>
<thead>
<tr>
<th>Proper Shipping Name/ Hazardous Materials Description</th>
<th>Hazard Class/ Division</th>
<th>Identification Number</th>
<th>Packing Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sulfuric acid with more than 51 percent acid</td>
<td>8</td>
<td>UN1830</td>
<td>II</td>
</tr>
</tbody>
</table>

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are DOT Specification 111A100W2 tank cars, equipped with internal ball valves and integral skids.

b. OPERATIONAL CONTROLS - Prior to transportation, a copy of each drawing related to the AAR approval must be on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

8. SPECIAL PROVISIONS:

a. Each tank car must be plainly marked “DOT-E 9657” near the DOT tank specification marking in four-inch letters on a contrasting background.

b. The tank cars must be transported in train load lots (unit train configuration).

c. Tank cars which require maintenance enroute may move on regular freight trains to destination once repaired.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: This exemption imposes no additional modal requirements.

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 seg:

   o 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 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. (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  
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.

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