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

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

DOT-E 10572
(FIRST REVISION)

MAY 3 1991

1. The David J. Joseph Company, St. Louis, Missouri is hereby granted an emergency exemption from certain provisions of this Department's Hazardous Materials Regulations to offer for transportation in commerce the hazardous materials described in paragraph 3 below subject to the limitations and special requirements specified herein. This exemption authorizes the second movement of contaminated scrap iron from Minnequa, CO back to Great Bend, KS, as this car was rejected a second time for low level radioactive material contamination. This exemption authorizes the one-time-only shipment of scrap iron contaminated with a small amount of radioactive material contained in a gadola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements, and provides no relief from any regulations other than as specifically stated.

2. BASIS. This emergency exemption is based on The David J. Joseph Company's application of April 1, 1991, submitted in accordance with 49 CFR 107.113, and a determination that it is necessary for protection of life and property and supplemental letter dated April 26, 1991.

3. HAZARDOUS MATERIALS (Descriptor and class). Scrap metal with a small quantity of unknown radioactive material, classed as radioactive material.

4. PROPER SHIPPING NAME (49 CFR 172.101). Radioactive material, n.o.s.

5. REGULATION AFFECTED. 49 CFR Part 107, Appendix B to Subpart B, Paragraph (1); 49 CFR 172.203(d), Subparts D, E, F, and G of Part 172.

6. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.

7. SAFETY CONTROL MEASURES.

a. Packaging prescribed is a gondola rail car (ATSF 169372).

b. The radioactive material is not readily dispersable, eliminating the need for additional containment.

c. The State of Kansas Department of Health & Environment (Mr. Harold Spiker 913-296-1561) and the State of Colorado Department of Health (Mr. Robert Quillin 303-331-8480) shall be notified in advance to allow for monitoring of the shipment while being off-loaded at destination.

8. SPECIAL PROVISIONS.

a. Shipment must be between CF&I Steel in Minnequa, Colorado, to Acme Pipe & Steel, Great Bend, Kansas, using the most direct route available via the Colorado & Wyoming-Minnequa, Colorado-ATSF delivery, a distance of approximately 334 miles.

b. The marking, labeling, placarding, and emergency communication requirements of Subparts D, E, F, and G of 49 CFR Part 172 are waived.

c. The additional shipping paper requirements for radioactive materials in 49 CFR 172.203 (d) are waived except for the following hazardous material descriptive entry, "Radioactive material, n.o.s., UN 2982, scrap metal with a small amount of radiation, DOT-E 10572. The radiation levels outside the gondola car are of no radiological concern as determined by officials of the State of Colorado and the United States Department of Transportation."

d. The package marking requirement specified in Appendix B to Subpart B of 49 CFR Part 107, paragraph (1) is waived. The other provisions of Appendix B must be met.

e. The Federal Railroad Administration is to be notified if any unusual incident, such as a derailment, occurs during the movement by contacting the:

Federal Railroad Administration
Office of Safety, RRS-12
400 Seventh Street S.W.
Washington D.C. 20590
(202) 366-9178 or 366-0549

9. REPORTING REQUIREMENTS. In addition to the reporting requirements of 49 CFR 171.15, any abnormal occurrence in transportation must be reported to the Associate Administrator for Hazardous Materials Safety as soon as practicable.

10. EXPIRATION DATE. May 31, 1991.

Issued at Washington, D.C.

Suzanne Hedgepeth

for Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

MAY 3 1991
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. Attention: Exemptions Branch.

Dist: FRA.