U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

APR 12 1991

DOT-E 10578

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 one-time-only shipment of scrap metal, contaminated with a small amount of radioactive material, contained in a gondola 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 David J. Joseph Company's application of April 5, 1991, submitted in accordance with 49 CFR 107.113, and a determination that it is necessary for protection of life and property.

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 (CSXT 703119).

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

c. The State of Michigan Department of Public Health/Division of Radiological Health (Mr. David Minnaar 517-335-8210) and the State of Pennsylvania's Department of Environmental Resources (Mr. Jim Yusko 412-645-7100) shall be notified in advance to allow for monitoring of the shipment while being off-loaded at destination.

10. EXPIRATION DATE. June 30, 1991.

Issued at Washington, D.C.

APR 12 1991

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(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.