10591

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

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

MAY 6 1991

DOT-E 10591

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 transportation of a shipment of scrap metal, contaminated with a small amount of radioactive material, contained in crushed automobile bodies on a flatbed trailer, 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 15, 1991, April 29, 1991 and May 1, 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 C, D, E, F, and G of Part 172.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle.

7. SAFETY CONTROL MEASURES.

a. The crushed automobile bodies are secured to a flatbed trailer belonging to L. W. Miller (identification: 1987 Great Dane, Plate #73214B, Unit F25, VIN 1GRDM9026HM034501.)

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

c. The State of Colorado Radiation Control Division contact person (Mr. Chuck Mattson, 303-331-8486) shall be notified in advance to allow for monitoring of the shipment while being off-loaded at destination.

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8. SPECIAL PROVISIONS.

a. This exemption authorizes shipment from the NUCOR facility in Plymouth, Utah to the Van Gundy AMPCO facility in Grand Junction, Colorado.

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 hazardous material descriptive entry, "Radioactive material, n.o.s., UN 2982. Scrap metal with a small amount of radioactive material, DOT-E 10591. The radiation levels from this shipment are of no radiological concern to workers, public or the environment as determined by officials of the State of Utah 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 this Appendix must be met.

e. The Federal Highway Administration (FHWA) is to be notified if any unusual incident occurs, such as vehicular accidents, during the movement by contacting the:

Chief, Hazardous Materials Division
Office of Motor Carrier Field Operations
Federal Highway Administration
400 Seventh Street, S.W.
Washington, D.C. 20590
(202) 366-4415

f. A copy of this exemption must be on the motor vehicle during transportation of the materials covered by this exemption.

g. The motor carrier operating under the terms of this exemption must have a "Satisfactory" safety rating as prescribed in 49 CFR Part 385.

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. June 15, 1991.

Issued at Washington, D.C.

Joseph T. Hornsby

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

MAY 6 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: FHWA; Utah, State Department of Health; Colorado, Department of Health.