FEB 16 1996

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 11641

EXPIRATION DATE: **March 31, 1996**

1. GRANTEE: Sun Company, Inc., Philadelphia, Pennsylvania

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the one-time transportation in commerce of a DOT Specification 111A100W1 tank car, containing a residual amount of Xylenes, with defective interior heater coils, to remain capped to prevent leakage while in transportation.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 174.9(b) and 174.67(k)

5. BASIS. This emergency exemption is based on Sun Refining and Marketing Company's application of February 9, 1996, submitted in accordance with 49 CFR 107.113, and a determination that it is necessary for the protection of life and property.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

| Hazardous Materials Description/Proper Shipping Name | Hazard Class (Written Class) Class Number | Identification Number | Packing Group |
|---|---|---|---|
| Xylenes | 3 | UN 1307 | III |

7. PACKAGING(S) and SAFETY CONTROL MEASURES: Packaging prescribed is a DOT Specification 111A100W1 tank car, NATX 81174, meeting all DOT requirements except that the interior heater coil are defective which will remain capped to prevent leakage during transportation.

8. SPECIAL PROVISIONS.

a. Car must be transported to the nearest qualified repair facility.

b. Interior heater coil caps must remain in place at all times while car is in transportation until reaching repair facility.

c. MARKING - The provisions of 49 CFR Part 107, Appendix B, Subpart B paragraph (1) and 172.302(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.

10. MODAL REQUIREMENTS: The Federal Railroad Administration is to be notified if any unusual incident such loss of product. This notification should be directed to:

Federal Railroad Administration
Office of Safety, RRS-12
Hazardous Materials Division
400 Seventh Street, S.W.
Washington, D.C. 20590
(202) 366-9252 or 366-0523

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. Section 5101, et seq.:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by 49 CFR 107.601 et seq., when applicable.

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 unless a regulation has been amended making the exemption no longer necessary.

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. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipment made under the terms of this exemption.

Issued at Washington, D.C.:

FEB 16 1996
(DATE)

Alan I. Roberts
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.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

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