NOV -5 1998

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

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

DOT-E 12141

EXPIRATION DATE: December 15, 1998

1. GRANTEE: Birmingham Southeast, LLC, Cartersville, Georgia

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the one-time transportation in commerce of a Class 9 material in a covered hopper rail car that exceeds the maximum gross weight on rail by approximately 4,100 pounds. This exemption provides no relief from any regulations other than as specifically stated.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 173.24b(d)(2), 172.203(c) and 172.302(c).

5. BASIS. This emergency exemption is based on Birmingham Southeast, LLC's application of September 10, 1998, submitted in accordance with 49 CFR 107.117 and a determination that the exemption is necessary to prevent a significant economic loss.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/Division	Identification Number	Packing Group
Hazardous waste solid, n.o.s. (K061)	9	UN 3077	III

For n.o.s. entries, the requirements of 49 CFR 172.203(k) must be met.

7. PACKAGING(S) AND SAFETY CONTROL MEASURES:

PACKAGING: Packaging authorized is a sift-proof covered hopper rail car (ACFX 27345) authorized for the shipment of the hazardous material in 49 CFR Part 173 except that the railcar exceeds the maximum gross weight on rail by approximately 4,100 pounds.

8. SPECIAL PROVISIONS: This exemption authorizes a one-time shipment of a rail car (ACFX 27345) from Louisville, Kentucky to Oregon, Ohio via the most direct routing.

9. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.

9. MODAL REQUIREMENTS. Not as a requirement of this exemption.

10. 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person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

11. 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(s) of this exemption must inform the AAHMS, in writing, of any incidents involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

J. Suzanne Hedgepeth

for Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

NOV -5 1998
(DATE)

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.

NOV -5 1998

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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