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

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

APR 6 2000

DOT-E 12451

EXPIRATION DATE: May 31, 2000

1. GRANTEE: Cape Fear Bulk
Wilmington, NC

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time transportation in commerce of the material described in paragraph 6 below, in an over-loaded, covered hopper rail car. This exemption provides no relief from any regulations other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.26 in that the lading of the rail car exceeds the gross weight or capacity authorized for the packaging and § 172.302(c) in that the rail car is not marked with the exemption number.

5. BASIS. This emergency exemption is based on Cape Fear Bulk's application dated April 5, 2000, submitted in accordance with § 107.117 and a determination that it is necessary in order to protect life and property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Sodium Nitrate	5.1	UN1498	III

7. SAFETY CONTROL MEASURES: Packaging prescribed is authorized in § 173.240(a) for certain low hazard solid materials. The over-loaded rail car's number is SIRX 460010.

8. SPECIAL PROVISIONS. "DOT-E 12451" must appear on the shipping papers.

9. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.

10. MODAL REQUIREMENTS. No additional requirements other than as required by the HMR.

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. 5101 et seq:

    - All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

    - Registration required by § 107.601 et seq., when applicable.

    Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

    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.

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. (Sections 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

Robert A. McGuire
Acting Associate Administrator for
Hazardous Materials Safety

APR 6 2000
(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.

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.

PO: AM(00)