JUN 11 1993

U.S. Department of Transportation

Research and Special Programs Administration

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

DOT-E 11038

EXPIRATION DATE: July 1, 1993

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: Mallard Transportation Company
Tulsa, Oklahoma

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the transportation of certain DOT Class 112 tank cars, containing the materials identified in paragraph 6, meeting all DOT requirements except that the tank cars have air brake equipment support attachments welded directly to the tank shell and 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 173.31(a)(7) and 179.100-16.

5. BASIS. This emergency exemption is based on Mallard Transportation Company's application of June 8, 1993, 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 or Division	Identification number	Packing Group
Butane	2.1	UN 1011	N/A

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are DOT 112S340W tank cars on file with the AAHMS, meeting all DOT requirements (49 CFR 100-299), except that the tank cars are equipped with air brake equipment support attachments welded directly to the tank shell.

b. TESTING - No specific testing requirements as a term of this exemption.

c. MARKING - Tank cars must be marked DOT-E 11038 in four inch letters on a contrasting background above the DOT Specification number.

8. SPECIAL PROVISIONS.

a. Tank cars will move between points of origin and destination as designated and described in the application. If further transportation is necessary to effect repairs, the applicant shall notify the Federal Railroad Administration (FRA) at the phone numbers shown below, prior to the movement, of the proposed destination, route and duration.

b. Additional tank cars, not previously identified, may be transported under the terms of this exemption, provided that prior approval is granted by the Associate Administrator for Safety, Federal Railroad Administration, at the address identified below. Application to include additional cars must include specific information concerning tank car reporting marks, current location, contents, destination, proposed route and duration.

b. Persons who receive packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with, and a current copy of this exemption is maintained at each facility from which such reoffering occurs.

9. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.

10. MODAL REQUIREMENTS:

a. After effecting repairs, and prior to release from the repair facility into transportation, the applicant, or car owner, shall transmit to the FRA (at the address shown below) or by facsimile (FAX 202-366-7136) the appropriate Association of American Railroads Form (i.e. Form 4-2 or R-1) indicating that the tank cars were modified in accordance with §179.100-16.

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 Hazardous Materials Transportation Act:

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

- Any use or application of this exemption, including display of its number, when the exemption has expired or it is otherwise no longer in effect unless a regulation has been amended making the exemption no longer necessary.

- Registration required by 49 CFR 107.601 et seq., when applicable.

12. REPORTING REQUIREMENTS.

a. The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.)

b. The Federal Railroad Administration (FRA) is to be notified if any unusual incident such as tank car derailment or exterior tank car damage occurs during the movement by contacting the:

Federal Railroad Administration
Office of Safety, RRS-12
400 Seventh Street, S.W.
Washington, D.C. 20590
(202) 366-9178 or 366-0549

Issued at Washington, D.C.:

Suzanne Hedgepeth

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

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(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.

Dist: FRA