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

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

JAN 22 2003

DOT-E 12126
(THIRD REVISION)

EXPIRATION DATE: May 31, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Nitrochem LLC
Newell, Pennsylvania
(Former grantee: LaRoche Industries, Incorporated)

(See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain class 8 materials, in DOT Class 120J tank cars with a maximum gross weight on rail greater than 263,000 pounds but not greater than 286,000 pounds. This exemption provides no relief from any Hazardous Materials Regulation (HMR) 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 §§ 172.203(a); 179.13; and 173.31(c)(1), except as specified herein.

5. BASIS: This exemption is based on the application of Nitrochem LLC, dated May 29, 2002, submitted in accordance with 49 CFR 107.109.

JAN 22 2003

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identification Number	Packing Group
Corrosive liquids, n.o.s. (contains ammonia and ammonia nitrate)	8	UN1760	III
Nitric acid *other than red fuming, with not more than 70 percent nitric acid*	8	UN2031	II
Mixed Acid *see* Nitrating acid mixture *with more than 50 percent nitric acid*	8	UN1796	I

7. PACKAGING:

a. Packaging prescribed are DOT Specification 120J200W tank cars constructed of ASTM A240, Type 304L stainless steel constructed under Certificate of Construction numbers L-988808-B, L-988809-C, and L-996011. Each tank may be loaded to a maximum gross weight on rail not to exceed 286,000 pounds, provided that the tank is not loaded in excess of the amount authorized per § 173.24b.

b. Tank cars constructed under Certificate of Construction number L-996011 are not authorized by this exemption for nitric acid.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

c. Each tank car must meet the Association of American Railroads (AAR) Standard S-259, dated January 5, 1995, and may be operated only under controlled interchange conditions, as specified in the AAR Interchange Rules. Transit routes must be agreed to, in writing, by participating railroads. The written acceptance must be submitted to the Associate Administrator for Hazardous Materials Safety (AAHMS) at the address specified at the end of this exemption prior to the first offering on each route.

d. The shipping paper requirement of § 172.203(a) is waived.

e. The applicant must file a copy of their complete maintenance program (see Appendix U of the Association of American Railroads Manual of Standards and Recommended Practices, M-1002, dated January, 1996) for any car operating under the terms of this exemption. The program must be filed with the Federal Railroad Administration, at the address indicated in paragraph 10 prior to offering a tank car under the terms of this exemption.

f. MARKING - Each tank car operating under the terms of this exemption must be marked "DOT-E 12126" in four inch letters and numerals on a contrasting background above the DOT Specification number.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: The Federal Railroad Administration is to be notified if any unusual incident occurs during the movement by contacting the:

Federal Railroad Administration
Hazardous Materials Division
RRS-12, Mail Stop 25
1120 Vermont Avenue, N.W.
Washington, D.C. 20590
(202) 493-6229 or 493-6247

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.

Each "Hazmat employee", as defined in 49 CFR 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 49 CFR 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. (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 incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

Ann Mazzullo

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JAN 22 2003
(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.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: SCHOONOVER/GONZALEZ/sln