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

APR 22 1999

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

DOT-E 12257

EXPIRATION DATE: July 23, 1999

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: DK Environmental
Los Angeles, California

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the one-time transportation in commerce of a class 9 material in a gondola rail car with a maximum gross weight greater than 263,000 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); 173.26 and 173.240(a).

5. BASIS. This emergency exemption is based on DK Environmental's application dated April 21, 1999, submitted in accordance with § 107.117 and a determination that it is necessary in order to protect life and the environment.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/Division	Identification Number	Packing Group
RQ Hazardous waste solid, n.o.s. (Nickel Hydroxide)	9	UN3077	III

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. PACKAGING - The packaging is a gondola rail car (G6L 6SH MP650887).

b. The shipment will originate in West Colton, CA and will end in Hobart, CA.

8. SPECIAL PROVISIONS. "DOT-E 12257" must appear on the shipping papers.

9. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.

10. MODAL REQUIREMENTS:

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

Federal Railroad Administration
Office of Safety Assurance and Compliance
Mail Stop 25, 400 Seventh Street, S.W.
Washington, D.C. 20590
(202) 493-6247 or 493-6229

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 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 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.:

APR 22 1999

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 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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