U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUN - 9 2004

DOT-E 13221
FIRST REVISION

EXPIRATION DATE: August 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: ToxCo, Inc.
Oak Ridge, TN

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the one-way, transportation in commerce of certain solidified sodium and solidified lithium hydride in non-specification bulk and non-bulk packages for disposal. This exemption provides no relief from the Hazardous Materials Regulations (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 §§ 173.211, 173.242 and 173.244 in that non-specification bulk and non-bulk packages are authorized.

5. BASIS: This exemption is based on the application of ToxCo dated January 21, 2004, submitted in accordance with § 107.109 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Sodium	4.3	UN1428	PG I
Lithium hydride	4.3	UN1414	PG I

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are non-DOT specification non-bulk and bulk packages fabricated from aluminum with nominal wall thicknesses of approximately one-half inch. Only packages with ID numbers listed in the exemption application on file with the Office of Hazardous Materials Exemptions and Approvals may be transported under the terms of this exemption.

b. OPERATIONAL CONTROLS

(1) Materials and prescribed packagings above may only be shipped one-way for disposal from the U.S. Department of Energy's Oak Ridge Facility, Oak Ridge, TN to ToxCo Inc., K-1310 Powerhouse Rd., Oak Ridge, TN. a distance of approximately 7 miles.

(2) Non-bulk packages will be transported in either twenty or forty foot fully enclosed freight containers. Bulk packages will be transported on drop deck trailers and covered with waterproof tarps or in fully enclosed freight containers.

(3) All packages will be securely blocked and braced prior to transportation.

(4) Transportation will be by private or contract carrier under the exclusive use of ToxCo, Inc.

(5) ToxCo, Inc. personnel will escort all shipments.

(6) Damaged packages may not be transported under the terms of this exemption.

8. SPECIAL PROVISIONS:

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

b. Each packaging must be marked in accordance with §§ 172.301(c) and 172.302(b)and(c).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

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.
- Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- 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 this 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 incident involving the package and shipments made under the terms of this exemption.

Issued in Wasington, D.C.:

JUN 9 2004

Date

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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.

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