NOV - 6 1995

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 11587

EXPIRATION DATE: January 1, 1996

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: Destec Energy, Incorporated
Terre Haute, Indiana

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the transporation in commerce of a DOT Specification 111A100W1 tank car, containing a class 9 material, meeting all DOT requirements except that the tank car is overweight. 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 173.31(a); 173:24b(d)(2); 173.24b(a)(3); and 174.3.

5. BASIS: This emergency exemption is based on Destec Energy, Incorporated's application of October 27, 1995, submitted in accordance with 49 CFR 107.113, and a determination that it is necessary to prevent serious economic loss.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description/proper shipping name	Hazard Class/ Division	Identification number	Packing Group
Sulfur, molten	9	NA 2448	III

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT Specification 111A100W1 tank car, TGIX 534, meeting all DOT specification requirements except that the tank car has been overloaded with a class 9 material.

8. SPECIAL PROVISIONS:

Shipment of tank car TGIX 534 is authorized from Destec Energy, incorporated, Terre Haute, Indiana, to PCS Phosphate, Lee Creek, North Carolina, a distance of approximately 600 miles utilizing the most direct route available via CP Rail System and CSX Transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS:

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

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

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. 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.

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 of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipment made under the terms of this exemption.

Issued at Washington, D.C.:

NOV - 6 1995
(DATE)

Alan I. Roberts
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.

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