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

JAN 4 1999

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

DOT-E 12201

EXPIRATION DATE: **January 17, 1999**

1. GRANTEE: Wills Trucking (Agent for Safety Kleen Corp.)
   La Porte, TX

2. PURPOSE AND LIMITATION:

   a. This emergency exemption authorizes the transportation in commerce of two covered gondola railcars, CHTT 286504 and LRWN 6004, containing a class 9 material that exceed the maximum lading weight as marked in the cars by approximately 9,000 and 12,000 pounds respectively. This emergency 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. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 173.24b(d)(2).

5. BASIS: This emergency exemption is based on the application of Wills Trucking, as agent for Safety Kleen Corp. dated December 15, 1998, submitted in accordance with 49 CFR 107.117 and a determination that the exemption is necessary to prevent serious economic loss.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Polychlorinated biphenyls	9	UN2315	II

7. SAFETY CONTROL MEASURES:

PACKAGING - Packaging authorized is a sift-proof, covered gondola car authorized for polychlorinated biphenyl contaminated soil by 49 CFR 173.241, per special provisions 9 and 81 of 49 CFR 172.102, except that the railcars exceed the maximum lading weight as marked on the cars by approximately 9,000 and 12,000 pounds respectively.

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. Rail movement is authorized from the cars' present location in Englewood, Texas to the grantee's loading facility in La Porte, Texas via UPRR to destination.

d. The shipping paper shall be marked with "DOT-E 12201" on the shipping papers in accordance with 49 CFR 172.203(a).

c. The requirement in 49 CFR 172.302(c) to mark the exemption number on bulk packaging is waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS:

a. Prior to transportation under the conditions of this exemption, the grantee shall ensure that the railcar is inspected to determine that it complies with all other applicable regulatory requirements and is in safe condition for transportation.

b. The grantee of this exemption shall ensure that all carriers are provided with a copy of this emergency exemption.

c. No later than 45 days from the date of issuance of this exemption, the grantee shall forward a report to the address below identifying the facility where the railcars were loaded, the causal factors and all other pertinent findings related to the overloading condition and the actions taken to prevent a recurrence.

Federal Railroad Administration
1120 Vermont Avenue
Mail Stop 25, 6th Floor
Washington, DC 20590
Att'n: Kevin Blackwell

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 at Washington, D.C.:

JAN 4 1999

(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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

Dist: FRA
PO: KB/am