



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

**APR 29 2004**

DOT-E 11075  
(SEVENTH REVISION)

EXPIRATION DATE: March 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Kerr-McGee Chemical LLC Corporation  
Oklahoma City, OK
2. PURPOSE AND LIMITATION:
  - a. This exemption authorizes the transportation of soils and debris contaminated with low levels of radioactive material (derived from natural thorium and uranium ores) in bulk closed rail cars from West Chicago, IL to a site near Clive, UT. This exemption provides relief from determining the class of materials in each rail car and from shipping paper, marking, labeling, placarding and notification requirements specified in the hazardous materials regulations. 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 §§ 171.15(a)(2) and 171.16 in that immediate telephonic and follow-up written notifications to DOT of released materials are required only if specified amounts are exceeded; §§ 172.202, 172.203(d) and 174.24 in that the required shipping documents need not contain the identification, hazard class and full description

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of the material in the rail cars; Part 172, Subpart D and Subpart F, and § 174.59 in that the information normally provided by marking and placarding is provided by the special marking on the rail cars required by the exemption; § 173.22(a)(1) in that the material in each rail car is not classed and offered in accordance with applicable provisions of Part 172 and Part 173; §§ 173.443(d) and 174.715 in that contamination controls for the dedicated-use rail cars are specified in the exemption; § 174.750 in that requirements for shipper and carrier reporting of releases are specified in the exemption; and § 172.602 in that alternate emergency response information is addressed in Section 8.a of this exemption.

5. BASIS: This exemption is based on the application of Kerr-McGee Chemical LLC Corporation (herein referred to as Kerr-McGee) dated December 19, 2003, submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/Division	Identifi- cation Number	Packing Group
Radioactive material, LSA, n.o.s.	Class 7	UN2912	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The closed vehicles used for the transport of the contaminated materials must be gondola rail cars fitted with durable covers as described in the Kerr-McGee documents on file with the OHMEA. The rail cars may not permit release of contents while in transportation.

b. TESTING AND CLASSIFICATION:

(1) Kerr-McGee must have radioassay data that identify the radionuclides and the amount of radioactivity for all the materials transported under this exemption. However, each rail car load does not require classification.

(2) The radiation levels on the external surface of the rail cars transporting the materials to the disposal site may not exceed 0.1 mSv/h (10 mrem/h).

c. MARKING AND PLACARDING - The marking and placarding required for rail cars carrying radioactive material LSA I is waived. Instead, each rail car must have a 30 cm x 45 cm (12 in x 18 in) poster or stencil that is readily visible, on opposite sides of the car in a background color contrasting the color of the car with the following information:

"LOW HAZARD, LOW LEVEL RADIOACTIVE MATERIALS IN ORE TAILINGS AND SOILS/DEBRIS

From clean-up program regulated by Illinois Dept. of Nuclear Safety.

Transported under U.S. Dept. of Transportation Exemption DOT-E 11075.

For information or emergency call CHEMTREC at 1-800-424-9300."

d. SHIPPING DOCUMENTS - The information on shipping documents does not need to satisfy §§ 172.202, 172.203(d), and 172.602. Carriers are exempted from § 174.24 to the extent addressed in paragraph 4 of this exemption. The information provided by Kerr-McGee and carried with the shipments must include, at a minimum, the following statements:

- Ore tailings, soils and debris containing small amounts of radioactive material with low radiological hazards.
- Shipment is under DOT-E 11075.
- In case of emergencies, fire fighting and first aid actions may be performed without concern for the low radiological hazard of the material.
- In case of emergencies call CHEMTREC at 1-800-424-9300.

8. SPECIAL PROVISIONS:

a. Kerr-McGee must prepare documents that contain, at a minimum, the following information:

- o a description of the physical and radiological properties of the material being transported;

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- o a description of appropriate actions by train crews under normal and accident conditions, emergency response actions to be taken by first responders (without radiological training), and emergency response actions to be taken by HAZMAT responders (with radiological training);
    - o a listing of the state radiation authorities for the states along the rail route who have the expertise and responsibility for dealing with transport of radioactive material; and
    - o name, address and phone number of the cognizant, responsible individual at Kerr-McGee.
  - b. Copies of the information described in paragraph (a) must be provided to: CHEMTREC, the management of the rail carrier, each of the state radiation authorities along the route, and the OHMEA.
  - c. Kerr-McGee must review the information described in paragraph (a) with the Illinois Dept. of Nuclear Safety before it is distributed as specified in paragraph 8.(b).
9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.
10. MODAL REQUIREMENTS:
- a. The rail carrier is exempted from carrying, in the locomotive, a current copy of this exemption and the shipping papers describing materials carried under this exemption, except as provided in Section 7.d.
  - b. During transport the rail car covers must be in place and the outside surfaces must be free of visual evidence of contaminated material. During return to West Chicago the empty rail cars may contain some residue of material from the last shipment.
  - c. Before rail cars are released from use under this exemption, Kerr-McGee must remove or obliterate the markings on the rail cars identified in paragraph 7(c) and must decontaminate the rail cars to levels as low as reasonably achievable and within the limits in § 173.443(a).

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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:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
  - o 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.
  - o 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:

- a. For reporting spills or releases of materials covered by this exemption, rail carriers are exempt from prompt reporting to DOT as stated in §§ 171.15(a)(2) and 171.16.
- b. For reporting of serious occurrences in transport not involving releases of material, i.e., occurrences described by § 171.15(a)(1), the occurrences must be promptly reported to DOT as required by that section and § 171.16.
- c. For all incidents in transport involving identified releases of material from the rail car during transport the rail carrier, at the earliest practical moment, must notify Kerr-McGee of the occurrence. If the quantity spilled or released exceeds 1,500lbs, or a reportable quantity (§ 172.101, Appendix A, Table 2), Kerr-McGee must report the occurrence as required to the DOT via the National Response Center as would normally be required of the carrier under §§ 171.15 and 171.16.

Issued in Washington, D.C.:



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(DATE)

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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  
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PO: RB/sdc