



U.S. Department
of Transportation

Research and
Special Programs
Administration

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

AUG 4 2004

DOT-E 12613
(THIRD REVISION)

EXPIRATION DATE: December 31, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: NOVA Chemical Corporation
Red Deer, Alberta, Canada
(U.S. Agent: Logistics Rail Asset Management,
Decatur, Alabama)
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the manufacturing, marking, sale and use of DOT Specification 112J340W tank cars that have a maximum gross weight on rail of 286,000 pounds, for the transportation in commerce of the materials described in paragraph 6 below. 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 § 172.203(a) in that marking the exemption number on the shipping paper is waived; § 173.31(c)(1); and § 179.13 in that the gross weight limitation for a tank car is exceeded.

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5. BASIS: This exemption is based on the application of NOVA Chemical Corporation dated December 17, 2002 submitted in accordance with § 107.109 and an additional application dated March 15, 2004, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic impact.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identification Number	Packing Group
Flammable liquid, n.o.s.	3	UN1993	I
Petroleum Distillates, n.o.s.	3	UN1268	I

7. SAFETY CONTROL MEASURES:

a. PACKAGING:

(i) Packaging prescribed are DOT Specification 112J340W tank cars constructed under Certificate of Construction number L006080A and L046015A.

(ii) Each tank must conform to the Association of American Railroads Standard S-259, dated January 5, 1995, or the AAR Standard S-286-2002, January 1, 2004, Manual of Standards of Recommended Practices Section CIII, 2.5 effective October 1, 2003, and the following requirements:

Betterments	Type of Features
Puncture Resistance	Head thickness 0.608 AAR TC-128 Grade B Normalized, plus ½-inch thick ASTM A572 Grade 50 full-head jackets Shell thickness 0.608 AAR TC-128 Grade B Normalized
Controlling	Cardwell Westinghouse Mark 50

Longitudinal Loadings	
Structural Worthiness	Trinity Type 23 underframe having a one million mile fatigue life calculated by applying an overall load factor of 1.09.
Track Worthiness	Barber S-2-D "advanced" trucks
Pressure Relief Device	Reclosing pressure relief device
Service Equipment Protection	Each car has a protective housing conforming to 49 CFR 179.100-12
Maintenance Program Development	See paragraph 8(e)

(iii) Each tank may be loaded to a maximum gross weight on rail not to exceed 286,000 pounds, provided that the tank is not loaded in excess of the amount authorized per §173.24b.

b. MARKING: (1) Each tank car operating under the terms of this exemption must be marked "DOT-E 12613" in four-inch letters and numerals on a contrasting background above the DOT Specification number.

c. Each tank car must be stenciled "Flammable Liquid, n.o.s." or "Petroleum Distillates, n.o.s." in accordance with § 172.302(b) and Appendix C of the AAR Specification for Tank Cars.

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. Each tank car may be operated only under controlled interchange conditions, as specified in the AAR Interchange Rules. Transit routes shall be agreed to, in writing, by participating railroads. The written acceptance shall be

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submitted to the Associate Administrator for Hazardous Materials Safety (AAHMS) at the address specified at the end of this exemption prior to the first offering on each route.

d. Marking the exemption number on the shipping papers as required in § 172.203(a) is waived.

e. The applicant shall file a copy of their complete maintenance program for any car operating under the terms of this exemption.

The program shall be filed with the Federal Railroad Administration, at the address indicated in paragraph 10 prior to offering a tank car under the terms of this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.
10. MODAL REQUIREMENTS: The Federal Railroad Administration is to be notified if any unusual incident occurs during the movement by contacting the:

Federal Railroad Administration
Hazardous Materials Division
RRS-12, Mail Stop 25
1120 Vermont Avenue, N.W.
Washington, D.C. 20590

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 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 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 Washington, D.C.:



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Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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(DATE)

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.

PO: dl