



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

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

JUN 12 2003

DOT-E 13078

EXPIRATION DATE: May 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: E.I. DuPont de Nemours & Company
Wilmington, DE
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of certain Division 2.2 gases in approximately 198 DOT Class 112 and 114 tank cars without the use of head shields or thermal protection. 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) and (g) in that additional information requirements for shipping papers are waived; and §§ 173.31(b)(3)(i), 173.31(b)(4)(i) and 179.18 in that the use of tank cars which do not meet the thermal protection or head shield requirements is not authorized except as specified herein.
5. BASIS: This exemption is based on the application of E.I. DuPont de Nemours & Company dated July 16, 2002, submitted in accordance with § 107.105 and the public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Chlorodifluoromethane or Refrigerant gas R 22	2.2	UN1018	n/a
1,1,1,2-Tetrafluoroethane or Refrigerant gas R 134a	2.2	UN3159	n/a
1-Chloro-1,2,2,2-Tetrafluoroethane or Refrigerant gas R 124	2.2	UN1021	n/a
Dichlorotetrafluoroethane or Refrigerant gas R 114	2.2	UN1958	n/a

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed are approximately 198 DOT 112 and 114 specification tank cars which would not otherwise comply with the head shield or thermal protection requirements after July 1, 2006. The tank cars must be in dedicated service for refrigerant, dispersant and blowing agent gases.

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 modification or change is made to the package or its contents 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 operating under the terms of this exemption must be plainly and durably marked "DOT-E 13078" in four-inch letters and numerals on a contrasting background above the DOT specification designation.

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d. Within one month of the issuance of this exemption, DuPont must submit the serial numbers for all tank cars authorized under this exemption. The report must be submitted in writing to the Office of Hazardous Materials Exemptions and Approvals (OHMEA), and must include the age of the cars and the material of construction (normalized or non-normalized).

e. DuPont must notify the OHMEA when tank cars authorized under this exemption are removed from hazardous materials service. Reports of cars removed from service must be submitted in writing at least annually until no cars remain in service.

f. Tank cars constructed of TC128-B non-normalized steel must be removed from hazardous materials service by January 1, 2015. Continued shipment of non-normalized steel tank cars under this exemption will not be authorized beyond this date.

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, NW
Washington, DC 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 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 Washington, D.C.:



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: FRA/am