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

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

DEC 17 2003

DOT-E 13274

EXPIRATION DATE: November 30, 2005

1. GRANTEE: Department of Defense
Ft. Eustis, VA

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the continued use of seven DOT specification tank cars for the transportation of hazardous materials beyond the due date of the periodic retest. 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 §§ 173.31(a)(3) and 180.509(l)(2) in that a tank car that is overdue for inspection may not be loaded with hazardous materials and offered for transportation, except as provided herein, and 172.302(c) in that the marking requirement is waived.

5. BASIS: This exemption is based on the Department of the Army's application dated August 6, 2003, submitted in accordance with 49 CFR 107.105 and public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Dinitrogen tetroxide, liquefied	2.3	UN1067	N/A

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. Packagings prescribed are seven (7) DOT specification 105J500W tank cars with the following reporting marks: DODX 7002, 7003, 7006, 7009, 7010, 7011, and 7012. The tank cars meet all DOT requirements, except that they are overdue for periodic tests and maintenance.

b. All seven tank cars are operating under AAR Certificate of Construction Number A-929024 and under Competent Authority CA-9404010.

c. The seven tank cars were constructed in 1993 and are due a periodic test and maintenance in 2003.

d. Four of the seven tank cars built under the Certificate noted above were, in accordance with that Certificate, initially built to a DOT 105J300W specification for hydrazine service. DOD must convert the cars to DOT 105J500W specification cars by changing the pressure relief device prior to using them in dinitrogen tetroxide service.

8. SPECIAL PROVISIONS.

a. Description: The Department of Defense has authorization to use the subject tank cars identified in paragraph 7 of this exemption until December 31, 2005 before re-qualifying them under the provisions of 49 CFR Part 180.

b. Compliance: DOD shall ensure that each of the tank cars identified in paragraph 7 receive scheduled maintenance in accordance with Subpart F of Part 180, DOT-E 12095, and the owner's specific requirements prior to expiration of this exemption.

c. Routing and use: DOD may only use the tank cars on routes identified in its "Rail Emergency Response Plan for the Transportation of Dinitrogen Tetroxide" dated September 1, 1998, as amended.

d. Marking: The marking requirements of § 172.302(c) are waived.

e. Transportation is authorized from Westvāco Corporation, Charleston, South Carolina, to Olin Corporation, Charleston, Tennessee, a distance of approximately 515 miles, utilizing the most direct route via the Norfolk Southern Corporation. Note the restriction on routing in paragraph 8.c.

9. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.

10. MODAL REQUIREMENTS:

The Federal Railroad Administration (FRA) is to be notified if any unusual incident occurs during the movement by contacting the:

Federal Railroad Administration
Office of Safety, RRS-12
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 the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

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

- 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.:

DEC 17 2003

for Robert A. McGuire (DATE)
Associate Administrator
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, 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/Phemister