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

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

DEC 26 2002

DOT-E 13189

EXPIRATION DATE: July 31, 2003

1. GRANTEE: Department of the Army
Holston Army Ammunition Plant
Kingsport, TN

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of certain Class 8 hazardous materials in four DOT specification tank cars which are overdue for periodic inspection. 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 emergency 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 §§ 171.2(c), 173.31(a)(3), 180.509(l)(2), in that a tank car overdue for periodic inspection may not be filled with a hazardous material and transported, except as provided herein, and § 173.301(c) in that the packaging need not be marked with the exemption number.

5. BASIS: This emergency exemption is based on the application of Department of the Army, Holston Army Ammunition Plant, dated December 18, 2002, submitted in accordance with § 107.117 and a determination that it is necessary for immediate national security purposes.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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| Hazardous Materials Description | | | |
|---|---|---|---|
| Proper shipping name | Hazard Class/ Division | Identi-fication Number | Packing Group |
| Acetic anhydride | 8 | UN1715 | II |
| Acetic acid, glacial | 8 | UN2789 | II |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed are four (4) DOT 111A100W6 stainless steel tank cars built by Procor in 1992. The tank cars have the following reporting marks: USAX 18599, USAX 18600, USAX 18601, USAX 18602. The tank cars are operating under AAR Certificate of Construction Number A-918811-A, dated December 20, 1991.

b. TESTING - The tank cars identified above must receive scheduled maintenance in accordance with Subpart F of Part 180, DOT-E 12095, and the owner's specific requirements before the expiration of this exemption.

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. The transportation of the tank cars identified in this exemption is only authorized for national security purposes.

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

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: None as a requirement of this exemption.

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.:

Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

DEC 2 6 2002
(DATE)

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