



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

MAY 3 - 2002

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

DOT-E 12800

EXPIRATION DATE: **April 30, 2004**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: U. S. Department of Energy (DOE)
Washington, DC
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of closed top gondola cars containing LSA-II material from the Fernald Environmental Management Project (FEMP) at the DOE Fernald Site in Fernald, Ohio, to the Envirocare of Utah, Inc. disposal facility near Clive, Utah. This exemption authorizes the closed top gondola cars to be classified as Type-2 industrial packages (IP-2) when transported under a transport plan which provides an equivalent level of safety to the packages and procedures specified in Title 49 of the Code of Federal Regulations. This exemption provides no relief from the Hazardous Material 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 § 173.411(b)(2) as it pertains to performance requirements for IP-2 packages.
5. BASIS: This exemption is based on the application of the U. S. Department of Energy dated July 31, 2001, and additional information dated October 30 and December 17, 2001 submitted in accordance with § 107.105 and the public proceeding thereon.

MAY 3 - 2002

Continuation of DOT-E 12800

Page 2

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Radioactive material, Low Specific Activity (LSA-II), non fissile or fissile-excepted	7	UN3321	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed are closed-top gondola rail cars constructed and modified in accordance with drawings, specifications and pictures provided with the DOE application for exemption on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). Under the terms of this exemption, these cars are classified as IP-2 packages.

b. OPERATIONAL CONTROLS -

(1) The closed-top gondola rail cars must be consigned as exclusive use, in accordance with § 173.427(b)(3)(i).

(2) Shipments must be made in accordance with the DOE Fernald Area Office Rail Operations Plan 10400-PL-0003, on file with OHMEA.

c. OPERATIONAL CONTROLS -

(1) Each rail car must be plainly and durably marked "DOT-E 12800" in accordance with § 172.302(c). This marking must be removed or covered during transport in which the exemption is not invoked.

(2) Each rail car must be stenciled with the words "FOR RADIOACTIVE MATERIALS USE ONLY" in accordance with § 174.715(b).

(3) Each rail car must be prepared for shipment in accordance with the provisions of § 173.427(a)(6) for LSA material required to be shipped as exclusive use.

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be maintained at each facility where the package is offered for transportation.

b. DOE must ensure that each rail carrier involved in the transportation of these packages is provided with a copy of the exemption.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: Prior to authorizing transport under this exemption, management of the rail carriers involved must ensure that they have a copy of this exemption on file for reference.

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 at Washington, D.C.:



Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

MAY 3 - 2002

(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.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, SW, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: FDF/KB/sln