SEP 29 1998

U.S. Department of Transportation

**Research and Special Programs Administration**

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

DOT-E 12151

EXPIRATION DATE: October 31, 1998

1. GRANTEE: Energetic Solutions, Inc.
Dallas, Texas

2. PURPOSE AND LIMITATION: This exemption authorizes the one-time transportation in commerce of Ammonium nitrate in two hopper type rail car which exceed the authorized weight limitations. This exemption provides no relief from any regulations other than as specifically stated.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 172.302(c), marking the exemption number on the package and 173.24b (d)(2).

5. BASIS. This exemption is based on Energetic Solution, Inc's. application of September 23, 1998, submitted in accordance with 49 CFR 107.117 and a determination that it is necessary to prevent significant injury to persons or property.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

| Hazardous Materials Description | | | |
|---|---|---|---|
| Proper Shipping Name | Hazard Class/Division | Identification Number | Packing Group |
| Ammonium Nitrate | 5.1 | UN 1942 | III |

7. SAFETY CONTROL MEASURES: Packagings prescribed are two hopper-type rail cars identified by serial numbers UP 084031 and GVSR 525050. Numbers: UP 084031 and GVSR 525020

8. SPECIAL PROVISIONS.

a. The shipping paper must be marked with the exemption number "DOT-E 12151".

b. The marking requirement of 49 CFR 173.302(c) is waived.

c. This exemption authorizes a one time shipment of car #UP 084031 from St. Louis, MO to Martin, KY and car #GVSR 525020 from St. Louis, MO to Charlestown, WV.

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 laws:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by 49 CFR 107.601 et seq., when applicable.

Each "hazmat employee", as defined in 49 CFR 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 49 CFR 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 unless a regulation has been amended making the exemption no longer necessary.

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. (49 CFR 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 incidents involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

SEP 29 1998
(DATE)

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

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.

Dist: FRA