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

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

SEP 20 2002

DOT-E 12397
(FIRST REVISION)

EXPIRATION DATE: August 31, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Astaris, LLC
St. Louis, Missouri

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of 20 DOT specification 111A100W6 tank car tanks, containing a Class 8 material, with an extended requalification interval. 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) in that marking the exemption number on shipping papers is waived; and § 180.509(1)(2), in that the requalification interval is extended.

5. BASIS: This exemption is based on the application of Astaris LLC, dated August 5, 2002 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Phosphoric acid	8	UN1805	III

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are DOT specification 111A100W6 tank car tanks with reporting letters and numerals, AFSX 15501 through AFSX 15520, inclusive.

b. TESTING - Each tank car shall be requalified in accordance with the provisions of § 180.509 no later than December 31, 2005.

c. MARKING - Each tank car operating under the terms of this exemption shall be marked "DOT-E 12397" in letters and numerals at least 4 inches high on a contrasting background above the specification markings. In addition, each tank car shall be stenciled with the next inspection interval, as specified in paragraph 7.b. above, in accordance with Appendix C of the Association of American Railroads Specification for Tank Cars, M-1002, dated January 1, 1996.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may re-offer it for transportation provided no modifications or changes are made to the package and it is re-offered 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 re-offered for transportation.

c. Additional description requirements in § 172.203(a) for shipping papers is waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: None other than as required by the HMR.

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. Section 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 the 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.:

R. Ryan Parker

Robert A. McGuire
For Associate Administrator for
Hazardous Materials Safety

SEP 20 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.

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: WS/AM