



U.S. Department
of Transportation

Research and
Special Programs
Administration

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

JUL 2 - 2004

DOT-E 9271
(TENTH REVISION)

EXPIRATION DATE: April 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Union Pacific Railroad Company
Omaha, NE

(See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the deviation from car separation requirements for transportation in commerce of packages prescribed herein of Division 1.1, 1.2, 1.3 and 1.4 explosives. 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 shipping paper with the exemption number is waived; and § 172.302(c) in that marking the exemption number on the packaging is waived and § 174.85(d) Table in that deviation from car separation requirements is authorized, except as specified herein.

5. BASIS: This exemption is based on the application of Union Pacific Railroad Company dated August 21, 2002, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Various explosives particularly Rocket motor and spacecraft assemblies	1.1	As Appro- priate	As Appro- priate
	1.2		
	1.3		
	1.4		

7. SAFETY CONTROL MEASURES: Prescribed packaging is as defined in 49 CFR Part 173, Subpart C.

8. SPECIAL PROVISIONS:

a. The car separation requirements of § 174.85 are waived in lieu of the following:

- (1) Flatcars carrying loaded trailers or containers placarded EXPLOSIVES 1.1 or 1.2 may be placed next to flatcars loaded with trailers or containers placarded EXPLOSIVES 1.3 or 1.4 without a buffer car in between.
- (2) Flatcars in trailer-on flatcar or container-on-flatcar service with loads placarded EXPLOSIVES 1.1 or 1.2 may be placed next to non-placarded, loaded, specially equipped cars in trailer-on-flatcar service or container-on-flatcar service, or may be placed next to flatcars loaded with vehicles secured by means of a device designed for that purpose and permanently installed on the flatcar and of a type generally accepted for handling in interchange between railroads (i.e., bi-level and tri-level auto racks).
- (3) Flatcars with rocket motors, placarded EXPLOSIVES 1.1, 1.2, 1.3 or 1.4 in trailers with automatic refrigerator or heating apparatus in operation may be placed next to flatcars with rocket motors, placarded either EXPLOSIVES 1.1, 1.2, 1.3 or 1.4, in trailers with automatic refrigerator or heating apparatus in operation. This apparatus must conform to DOT Exemption 5022.

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- (4) Freight cars placarded EXPLOSIVES 1.1 or 1.2 may be placed next to a freight car placarded EXPLOSIVES 1.3 without a buffer car in between.

b. Carriers who receive packages covered by this exemption in interchange may transport the packages under the terms of this exemption provided a copy of this exemption is maintained at the carrier's principle place of business and is made available to a representative of the Department of Transportation upon request.

c. Sections 172.203(a) and 172.302(c) are waived.

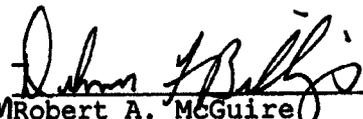
9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.
10. MODAL REQUIREMENTS: A current copy of this exemption or a current transcript of the complete text without the signature in a carrier provided document must be in the possession of a member of the train crew.
11. COMPLIANCE: Failure by a person 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 Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - 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 the exemption has expired or is otherwise no longer in effect.

12. **REPORTING REQUIREMENTS:** The carrier is required to report any incident involving fire, explosion, or 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

JUL 2 2004
(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.

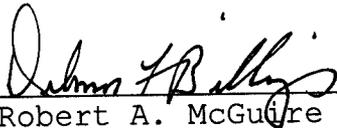
Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: WSchnoover/sln

OCT 19 2004

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
CSX Transportation, Inc. Jacksonville, FL	May 4, 2004	Jun 8, 2004	Apr 30, 2006
Florida East Coast Railway L.L.C St. Augustine, FL	Jul 15, 2004	Jul 28, 2004	Apr 30, 2006
The Burlington Northern and Santa Fe Railway Co. Topeka, KS	May 25, 2004	OCT 19 2004	Apr 30, 2006



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety