



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

SEP 24 2004

DOT-E 12800
(SECOND REVISION)

EXPIRATION DATE: August 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: U. S. Department of Energy (DOE)
Germantown, MD
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of closed top gondola cars, as Type-2 industrial packages (IP-2), containing LSA-II material from the Fernald Closure Project (FCP) at the DOE Fernald Site in Fernald, Ohio, to the Envirocare of Utah, Inc. disposal facility near Clive, Utah. This exemption provides no relief from the 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 § 172.302(a)(1) and §§ 172.310(a), (b) and (c), as they pertain to package marking requirements; § 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 20, 2004, submitted in accordance with § 107.105, and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are closed-top gondola rail cars constructed and modified in accordance with drawings, specifications and photographs 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.

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

(3) 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 utilized.

(4) Shipments must be made in compliance with § 173.427, paragraphs (a)(6)(i) through (a)(6)(v).

(5) Each rail car must be stenciled or otherwise marked on both sides with the words "RADIOACTIVE-LSA", and in the case that the rail car contains a hazardous substance, with the letters "RQ". These markings must be removed or covered during transport in which the contents are not as stated.

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(6) The size of the markings in 7.b(3) and (5) must be in accordance with the requirement in § 172.302(b)(1).

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

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: The rail carrier must maintain a current copy of this exemption on file during transportation.

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.

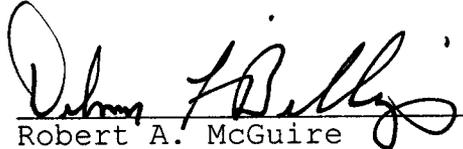
No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

- 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.:

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 Robert A. McGuire
 Associate Administrator for
 Hazardous Materials Safety

(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: FDF/AM