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

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

MAY 2 1996

DOT-E 11335
(FOURTH REVISION)

EXPIRATION DATE: April 30, 1998
See Appendix A for PTE Expiration date(s)

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: Trinity Industries, Incorporated, Dallas, Texas (SEE APPENDIX A OF THIS EXEMPTION)

2. PURPOSE AND LIMITATION: This exemption authorizes the use of non-destructive testing techniques, in lieu of a hydrostatic test, to qualify repairs of DOT Specification tank car tank. This exemption provides no relief from any regulation other than as specifically stated.

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

4. REGULATIONS FROM WHICH EXEMPTED: The provisions of 49 CFR Appendix B to Subpart B of Part 107 entitled Packages, Containers, Shipments; and 173.31(c)(9).

5. BASIS. This exemption is based on Trinity Industry, Incorporated's application of March 1, 1996 submitted in accordance with 49 CFR 107.105. (SEE APPENDIX A OF THIS EXEMPTION)

6. HAZARDOUS MATERIALS (49 CFR 172.101): The proper shipping description authorized under the terms of this exemption shall be as specified in 49 CFR Part 172, an exemption issued under 49 CFR Subpart B of Part 107 or as authorized in accordance with 49 CFR 171.12 or 49 CFR 171.12a.

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

PACKAGING. Tank cars must conform to 49 CFR Parts 173 and 179 and successfully pass the initial hydrostatic test after construction. After passing the initial hydrostatic test, there is no requirement to perform a hydrostatic test to qualify a weld porosity repair if:

(a) The depth of a defect, including metal removed during the repair, does not exceed half the required tank thickness;

(b) Spacing of the defects may not be closer than that defined as acceptable for subsurface porosity in Appendix W of the Association of American Railroads Specifications for Tank Cars, M-1002; and

(c) The integrity of the repair is verified by the use of a nondestructive examination method according to Appendix W of the Association of American Railroads Specifications for Tank Cars, M-1002.

8. SPECIAL PROVISIONS. Persons who receive packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with, and a current copy of this exemption is maintained at each facility from which such reoffering occurs.

9. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.

10. MODAL REQUIREMENTS: None as a condition 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 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 49 CFR 107.601 et seq., when applicable.

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. (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.:

for Marilyn J. Morris

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

MAY 2 1996
(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.

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