U.S. Department
of Transportation

**Research and
Special Programs
Administration**

DEC 10 1996

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

DOT-E 11792

EXPIRATION DATE: **December 6, 1996**

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: Union Pacific Railroad Company
Stockton, CA

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the transportation in commerce of flatcar TTWX 979980 with three intermodal freight containers, USAA 016851 and 018436, containing a Division 1.1D material, meeting all DOT requirements except that the lading within the containers shifted during transportation and affected the integrity of the freight container and altered the securement of the lading.. This emergency exemption provides no relief from any regulation other than as specifically stated herein.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Section 174.61(a).

5. BASIS: This emergency exemption is based on Union Pacific Railroad Company's telephonic request of December 3, 1996, and subsequent application of December 5, 1996, submitted in accordance with 49 CFR 107.117 and a determination that it is necessary to protect life and property.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Bombs (with bursting charge)	1.1D	UN0034	II

7. PACKAGING AND SAFETY CONTROL MEASURES: Packaging prescribed is as required in 49 CFR Section 173.62 packing method E-106, meeting all DOT Specification requirements.

8. SPECIAL PROVISIONS:

a. Shipment of the freight containers on flatcar TTWX 979980 is authorized fro Union Pacific Railroad Company's railyard, Stockton, California to the Naval Weapons station (NWS), concord, California, a distance of approximately 45 miles utilizing the most direct route available via Union Pacific Railroad Company.

b. The maximum speed shall not exceed 24 mph.

c. An escort shall travel with the train transporting the shipment addressed by this emergency exemption.

d. All applicable train placement and buffer car requirements shall be adhered to.

e. All documentation used for the transportation of the shipment shall contain the following, "Moving under the authority of DOT-E 99999 per E.W. Pritchard, Staff Director, Hazardous materials division-FRA, Washington, DC." in accordance with the instructions given on December 3, 1996 in accordance with a verbal authorization for movement granted on that date.

f. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS:

a. The Federal Railroad Administration (FRA) is to be notified if any unusual incident occurs during the movement by contacting the:

Federal Railroad Administration
Office of Safety Assurance and Compliance, RRS-12
Hazardous Materials Division
400 seventh Street, S.W.
Washington, D.C. 20590
(202) 632-3348 or 632-3376 After hours 1-800-424-8802

b. Upon arrival of the shipment at the Concord Naval Weapons station facility, a representative of the Union Pacific Railroad Company shall notify the FRA at the phone numbers provided in section 10.a. 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 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 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 incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

DEC 10 1996

Alan I. Roberts
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.

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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