



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

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

JUL 30 2004

Holders of Exemption DOT-E 9528

Dear Exemption Holders:

Exemption DOT-E 9528 (Fourth Revision) authorizes the transportation of Class 3 hazardous materials in aerospace ground mechanical equipment.

In accordance with 49 CFR § 107.121(b) and after re-evaluation of the exemption, I intend to terminate DOT-E 9528 because it is unnecessary. Since DOT-E 9528 was granted, provisions have been incorporated into the Hazardous Materials Regulations (HMR) that provide the same relief as the exemption.

Specifically, the relief provided by the exemption is currently authorized in § 173.220(b)(4) of the HMR.

You have the opportunity to demonstrate why I should not terminate this exemption. Please respond within 30 days of receipt of this letter to show cause why the exemption should not be terminated. If you have any questions, please call Mr. Ryan Posten at (202) 366-4535.

Sincerely,

Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

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U.S. Department  
of Transportation

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Administration

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

JUL 1 - 2004

DOT-E 9528  
(FOURTH REVISION)

EXPIRATION DATE: January 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: U.S. Department of Defense  
Ft. Eustis, VA

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

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain Class 3 hazardous materials specified in paragraph 6 below in nonself-propelled aerospace ground equipment. 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 § 173.220(b)(1),  
except as specified herein.

5. BASIS: This exemption is based on the application of the U.S. Department of Defense dated January 27, 2004 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Fuel, aviation, turbine engine	3	UN1863	I, II, III
Gasoline	3	UN1203	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are the fuel tanks of nonself-propelled aerospace ground equipment such as generators, compressors, air conditioners and aircraft starting units. The fuel tanks must be securely closed and provide enough outage to prevent them from being liquid full at or below 130°F. If wet storage batteries are included in the shipment, they must be protected against short circuits and spillage of electrolyte.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered 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 reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle or rail freight.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by 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. 5101 et seq:

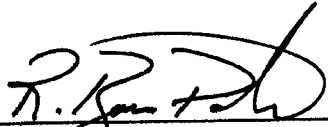
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required 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

JUL 1 - 2004  
Date

Continuation DOT-E 9528 (4th Rev.)

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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.

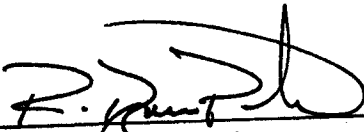
Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: alb

JUL 1 - 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
EDSI Fallbrook, CA	Jun 16, 2004	JUL 1 - 2004	Jan 31, 2006



for Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety