U.S. Department
of Transportation

**Research and
Special Programs
Administration**

DEC 16 1999

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

DOT-E 10536
(THIRD REVISION)

EXPIRATION DATE: December 31, 2001

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: U.S. Department of Energy (DOE)
Washington, DC

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

2. PURPOSE AND LIMITATION: This exemption authorizes the DOE and its contractors to transport various kinds of explosives with a DOE Interim Hazard Classification. This exemption provides no relief from any Hazardous Materials 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 §§ 172.301(c), 173.56, 175.30, and 46 CFR § 146.20-13.

5. BASIS: This exemption is based on the application of the DOE dated October 4, 1999 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
The proper shipping name or generic description for each explosive, as appropriate*	1.1, 1.2, 1.3, 1.4	As appro-priate	As appro-priate

*** These are explosive materials and explosive devices that have been classed by DOE on an interim basis.**

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7. SAFETY CONTROL MEASURES:

a. **Authorized Explosives**. An explosive authorized to be transported under the provisions of this exemption is a new explosive covered by a written DOE Interim Hazard Classification that has been supported by tests as prescribed in the Explosive Hazard Classification Procedures contained in DOD TB 700-2 and has been issued not more than one year before the date of transportation of the explosive.

b. **Classification of Explosives**. Each DOE Interim Hazard Classification of an explosive must be approved (by signature) by one of the following persons:

Director, Safety Program Division
U.S. Department of Energy
Albuquerque Operations Office
Albuquerque, New Mexico 97185

Program Manager, Hazardous Materials Transportation
U.S. Department of Energy
San Francisco Operations Office
Oakland, CA 94612

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 modifications or changes are made to the package 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.

c. This exemption authorizes transportation of new explosives covered by DOE Interim Hazard Classification of such explosives when offered by DOE contractors under commercial bills of lading.

d. Packages are not required to be marked with the exemption number.

exemption number.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel and cargo aircraft only.

10. MODAL REQUIREMENTS:

a. A copy of this exemption must be carried aboard each cargo vessel, aircraft or motor vehicle used to transport packages covered by this exemption. The shipper must furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

b. A copy of the DOE Interim Hazard Classification must be carried aboard each motor vehicle, cargo vessel, and aircraft used to transport explosives covered by this exemption.

c. Shipments by cargo aircraft may only be transported by an air carrier authorized by an exemption to carry explosives. The air carrier, exemption held by the carrier, and type of explosive to be carried, must be identified to and approved in writing, by the Office of Hazardous Materials Exemptions and Approvals, prior to each shipment.

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:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

- 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 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 at Washington, D.C.:

Ann Mazzulla 12/16/99

for Alan I. Roberts (DATE)
Associate Administrator
for Hazardous Materials Safety

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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, SW, Washington, DC 20590

Dist: FHWA, FAA, FRA, USCG
PO: sdc