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

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

SEP 11 2003

DOT-E 12756
(FIRST REVISION)

EXPIRATION DATE: July 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

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

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce for disposal purposes of not more than 500 gram quantities of forbidden and/or unapproved explosive, self-reactive and/or organic peroxide materials by private vehicle for short distances in a specially designed bomb-disposal trailer. 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 § 172.101 Table in that transportation is authorized for certain substances listed as "forbidden"; §§ 173.54, 173.56(b) and 173.57 in that transportation is authorized for certain Class 1 explosive substances and articles which have not been examined, approved or do not meet the acceptance criteria; § 173.124(a)(ii) in that transportation is authorized for certain Division 4.1 self-reactive substances which are not listed in the Table in § 173.224 and have not been examined or approved; and § 173.128(c) and (d) in that transportation is authorized for certain Division 5.2 organic peroxide substances which are not in the Table in § 173.225 and have not been examined or approved.

5. BASIS: This exemption is based on the application of U.S. Department of Energy (USDOE) dated August 20, 2003 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Proper Shipping Name/ Hazardous Materials Description | Hazard Class/ Division | Identi-fication Number | Packing Group |
|---|---|---|---|
| Substances, explosive, n.o.s. | 1.1A | UN0473 | II |
| Self-reactive liquid type B, temperature controlled or<br>Self-reactive solid type B, temperature controlled | 4.1 | UN3231<br>UN3232 | II<br>II |
| Self-reactive liquid type B or<br>Self-reactive solid type B | 4.1 | UN3221<br>UN3222 | II |
| Organic peroxide,type B, liquid, temperature controlled or<br>Organic peroxide type B, solid, temperature controlled | 5.2 | UN3111<br>UN3112 | II<br>II |
| Organic peroxide,type B, liquid or<br>Organic peroxide type B, solid | 5.2 | UN3101<br>UN3102 | II<br>II |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is non-DOT specification triple packaging system described as follows:

Inner Packaging: Receptacles, glass, metal, plastic, with securely sealed closures, sufficiently cushioned to prevent any movement during transport.

Intermediate Packaging: Boxes or drums (fiberboard, metal or plastic).

Outer Packaging: Non-specification, specially designed bomb disposal trailer and lid (Hurd Bomb Trailer Model 300) built according to the drawings and specifications included in the exemption application on file with the Office of Hazardous Materials Exemptions and Approvals.

b. OPERATIONAL CONTROLS -

(1) The outer packaging may not contain more than 500 grams net weight of the forbidden or unapproved materials identified in paragraph 6. above per shipment.

(2) Transportation is authorized by private carriage from the USDOE Oak Ridge Reservation to a treatment or disposal facility destination within a 35 air mile radius of the USDOE Oak Ridge Reservation.

(3) When transporting suspected or known thermally unstable materials, the Self Accelerating Decomposition Temperature (SADT) shall first be determined on each substance and sufficient refrigeration shall be provided during transport to maintain the temperature of these materials least 20°C below their SADT during the transport, including the interval from first loading of the bomb-disposal trailer to its unloading at the disposal facility.

8. SPECIAL PROVISIONS: A current copy of this exemption must be maintained at each facility where the package is offered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS:

a. A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

b. The bomb-disposal trailer (outer packaging) must be plainly and durably "DOT-E-12756" as specified in §§ 172.302(b) and (c).

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 this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving explosion, fire or 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.:

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

SEP 11 2003
(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: SCWatson/sln