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

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

JAN 1 3 2005

Mr. Edward J. Posivak
WMG, Inc.
16 Bank Street
Peekskill, NY 10566

Dear Mr. Posivak:

Attached is the 3rd revision of DOT-E 13297. Please note that minor editorial corrections were made in paragraph 7.c.3 by adding "and" between "marked" and "labeled" and paragraph 7.b.6 by adding the word "use" between "exclusive" and "under".

Sincerely,

Delmer F. Billings
Director
Office of Hazardous Materials
Exemptions and Approvals

U.S. Department
of Transportation

**Research and
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400 Seventh Street, S.W.
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DOT-E 13297
(THIRD REVISION)

EXPIRATION DATE: March 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: WMG Inc.
Peekskill, NY

2. PURPOSE AND LIMITATIONS:

a. This exemption authorizes the manufacture, marking, sale and use of a specially designed device containing Class 7 radioactive materials. The device is an Intact Vessel Head Transport System (IVHTS) to be used to transport commercial nuclear power plant reactor vessel heads with the control rod drive mechanisms attached. This exemption authorizes the IVHTS to be classified as low specific activity material (LSA-II) conforming with all regulations applicable to a DOT specification IP-2, except as specified herein, and transported as a non-specification packages under a transport plan which provides an equivalent level of safety to the packages and procedures specified in Title 49 of the Code of Federal Regulations. 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:

a. 49 CFR § 173.403 insofar as the IVHTS and its contents containing Low Specific Activity and Surface Contaminated Object radioactive material may be considered LSA-II.

b. 49 CFR § 173.427(a), (b) and (c) insofar as the requirement that LSA-II must be transported in authorized packaging is waived. The reactor heads specified in the exemption application are authorized to be transported in non-specification packages under a specified transport plan which provides the equivalent safety to the packages and procedures required by the HMR.

c. 49 CFR § 173.465(c) and (d) in that modified mechanical testing is acceptable.

5. BASIS: This exemption is based on the application of WMG Inc. dated September 17, 2003, and the technical information submitted November 21, 2003 and January 12, 2004 in accordance with § 107.105 and the public proceeding thereon. Additional letters dated November 16, 2004 and December 21, 2004 were also submitted.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Radioactive material, low specific activity (LSA-II) *non fissile or fissile excepted*	Class 7	UN3321	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The IVHTS must be as described in WMG, Inc. documentation on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

b. OPERATIONAL CONTROLS -

(1) Transportation is limited to the continental United States and its coastal waterways.

(2) The specific activity of the IVHTS shall be less than $4.45E^{-7}A_2/g$. A_2 is to be defined in accordance with § 173.433.

(3) The total activity of the IVHTS shall not exceed $5A_2$. A_2 is to be defined in accordance with § 173.433.

(4) The IVHTS shall meet the requirement for fissile material - exceptions, in accordance with § 173.453.

(5) Package preparation and transportation shall be conducted in accordance with the contents of the model Transportation and Operating Plans provided to OHMEA.

(6) The IVHTS shall be consigned as exclusive use under the provisions of 49 CFR § 173.427(a)(6)(i)-(v) including placarding.

c. COMMMUNICATIONS -

(1) The Office of Hazardous Material Exemptions and Approvals shall be notified prior to IVHTS commencement of transportation and upon completion of transit.

(2) The outside of the IVHTS package shall be plainly and durably marked "DOT-E 13297". Letters and numerals shall be at least 0.25 inches wide and 4.0 inches high.

(3) The outside of the IVHTS package shall be marked and labeled according to the applicable provisions of 49 CFR Part 172 for bulk packaging.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

b. A person who is not a holder of this exemption, but 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 offered for transportation in conformance with this exemption and the HMR.

c. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

d. Each packaging manufactured under the authority of this exemption must be either: (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured; or (2) marked with a registration symbol designated by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.

e. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and cargo vessel.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel or 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:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, Parts 171-180.
- 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.
- 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: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or

Issued in Washington, D.C.:

for Robert A McGuire
Associate Administrator for
Hazardous Materials Safety

JAN 1 3 2005
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: JSW/AM