



U.S. Department
of Transportation

Research and
Special Programs
Administration

400 Seventh Street, S.W.
Washington, D.C. 20580

MAR 17 2004

DOT-E 868
(NINTH REVISION)

EXPIRATION DATE: February 28, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

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

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

2. PURPOSE AND LIMITATION: This exemption authorizes exceptions to requirements for carrier inspection of the method of manufacture, inspection of the packaging, inspection of the vehicle, etc., for the transportation in commerce of certain Division 1.1 through 1.3 explosives, subject to the limitations and special requirements herein. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.3(a), § 173.7(a), § 174.9, § 174.104(f) and § 177.801, except as specified herein.
5. BASIS: This exemption is based on the application of the U.S. Department of Defense dated February 22, 2004, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/Hazardous Materials Description --	Hazard Class/Division	Identification Number	Packing Group
Division 1.1 through 1.3 Military ammunition and explosives subject to security considerations	1.1, 1.2 and 1.3	as appropriate	as appropriate

7. SAFETY CONTROL MEASURES:

- a. Explosives must be packaged in accordance with § 173.62 or containers of equal or greater strength and efficiency as required by DOD regulations.
- b. Explosives must be loaded, blocked and braced by DOD or DOD shipper listed on Appendix A of this exemption.
- c. Execution of car certificate No. 2 by the rail carrier or his/her representative is not required. Alternatively, the DOD shipper must write or stamp on the car certificate "FINAL INSPECTION MADE UNDER DOT-E 868."
- d. If breakage of seals is deemed necessary for any reason, the carrier must follow the instructions furnished by the consignor at the time of shipment.

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 change 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. The relief provided in this exemption is limited to shipments made by or made for the U.S. Department of Defense. This exemption does not authorize its use for commercial purposes such as mining and gas exploration.

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9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and rail freight. Trailer-on-Flat-Car service is not authorized.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption. For shipments by rail, a current copy of this exemption must accompany the shipping papers.
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.

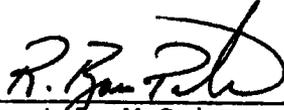
Each "Hazmat employee" as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when 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 incidents 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

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(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.

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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
Ordnance Systems Inc. Kingsport, TN	Mar 22, 2004	Jun 08, 2004	Feb 28, 2006
United Technologies/Pratt & Whitney San Jose, CA	Jun 30, 2004	JUL 1 2 2004	Feb 28, 2006

Robert A. McGuire
 Robert A. McGuire
 Associate Administrator for
 Hazardous Materials Safety

JUL 1 2 2004

Date