



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

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

**JUL 16 2003**

DOT-E 7573  
(ELEVENTH REVISION)

EXPIRATION DATE: June 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: U.S. Department of Defense (DOD)  
Ft. Eustis, VA
2. PURPOSE AND LIMITATION:
  - a. This exemption authorizes the transportation in air commerce of the hazardous materials described herein, which are not otherwise authorized for shipment by cargo aircraft or are in quantities greater than those authorized for shipment by cargo aircraft. 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 Parts 172 and 175, except as specified herein.
5. BASIS: This exemption is based on DOD's application dated June 26, 2003, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

<b>Proper Shipping Name/ Hazardous Materials Description</b>	<b>Hazard Class/ Division</b>	<b>Identi- fication Number</b>	<b>Packing Group</b>
Military explosives and ammunition/as appropriate per § 172.101	1.1, 1.2, 1.3, 1.4 and 1.5, as appropriate	As appropriate	As appropriate
Other hazardous materials/as appropriate per § 172.101	As appropriate	As appropriate	As appropriate

7. SAFETY CONTROL MEASURES:

a. Authorized Hazardous Materials. Hazardous materials authorized by this exemption are limited to materials authorized to be transported by common carrier, by motor vehicle in conformance with 49 CFR Parts 107 and 171-180.

b. Authorized Airports.

(1) Airports authorized by this exemption are limited to U.S. military bases and civil airports within the jurisdiction of the United States of America.

(2) The DOD must have advance permission from the owner or operator of civil airports being used where the material is to be loaded or unloaded or where the aircraft is to land while the material is on board. The DOD will notify the Office of Hazardous Materials Exemptions and Approvals (OHMEA) (or other designated agency) of airfields used under the exemption.

(3) When the destination is changed after departure because of weather or other unforeseen circumstances, permission from the owner or operator of the alternate airport must be obtained as soon as practicable.

c. Loading and Stowage of Materials.

(1) Loading and stowage of military explosives (including ammunition) and other hazardous materials aboard aircraft must be in accordance with procedures specified in Air Force Regulation AFJMAN 24-204. All loading and unloading operations under this exemption

must be monitored by a qualified DOD representative or a technician qualified in accordance with 14 CFR 121.433a or AFJMAN 24-204 to ensure compliance with the prescribed procedures of AFJMAN 24-204.

(2) During loading and unloading, no person may smoke or carry a lighted cigarette, cigar or pipe, or operate any device capable of causing an open flame within 50 feet of the aircraft.

(3) Unless emergency conditions prescribe otherwise, the loading and unloading of the aircraft must be conducted at a safe distance from heavily populated areas, and from any place of human abode or assembly. However, at an airport where the airport owner, operator or authorized representative thereof has designated a specific location for loading or unloading, explosives may not be loaded or unloaded at any other location.

d. Operational Requirements.

(1) Operation of the aircraft during take-off, enroute, and landing must be conducted at a safe distance from heavily populated areas.

(i) Before movement of the aircraft prior to take-off, the pilot of the aircraft shall notify the control tower of the class(es) of explosives(s) (including ammunition) on board.

(ii) The pilot of the aircraft, prior to entering an airport traffic area, must notify the control tower of the class(es) of explosive(s) (including ammunition) on board and request this information be relayed to the appropriate airport officials.

(iii) When under radar control during the approach and landing phase, the pilot must request appropriate vectors so as to avoid heavily populated areas.

(2) No persons other than required flight crew members and mission essential personnel may be carried on the aircraft. Prior to take-off, all crew members will be instructed in proper procedures to be followed during an emergency involving hazardous materials.

(3) No fueling operations of the aircraft may be conducted during the loading and unloading of explosives.

(4) Fuel tanks of vehicles and self-propelled equipment will not exceed 50% of their capacity. Equipment (other than self-propelled) will be drained to the maximum extent possible.

8. SPECIAL PROVISIONS:

a. This exemption applies only to transportation in air commerce of explosives and other hazardous materials deemed essential to national defense via DOD contract airlift services and civil air operators under contract to the Air Mobility Command (AMC).

b. Prior to its use, approval for use of this exemption must be obtained from the HQ AMC, Director of Operations or designated representative.

c. The aircraft to be used must be those contract airlift services and civil air operators under contract to AMC. DOD must maintain on file with the OHMEA, an up-to-date list naming each carrier used under this exemption.

d. When requested by OHMEA, DOD will obtain and provide to OHMEA a copy of the manual required by 14 CFR 121.133(a) from each air carrier used under this exemption.

e. Except as otherwise stated in this exemption, the following regulations do not apply to operations performed in conformance with this exemption: 49 CFR Parts 172 and 175.

f. Shipping papers (including the certifications required by § 172.204 as implemented by AFJMAN 24-204) are required for all hazardous material carried under this exemption.

g. This exemption authorizes transportation of hazardous materials in aircraft of United States registry in domestic and international air commerce. It does not grant authority to use foreign controlled airspace or airports outside the United States.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo aircraft only.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each aircraft used to transport packages covered by this exemption. The shipper shall furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.
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 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 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 incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

  
Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

JUL 16 2003  
(DATE)

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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