



DEC 4 2003

DOT-E 9232
(TENTH REVISION)

EXPIRATION DATE: November 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: U.S. Department of Defense
Fort Eustis, Virginia
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of certain hazardous materials described herein subject to the limitations and special requirements specified herein. 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.
5. BASIS: This exemption is based on the application of the U.S. Department of Defense dated October 20, 2003 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Hazardous materials as listed and described in § 172.101	As appropriate	As appropriate	As appropriate

7. SAFETY CONTROL MEASURES:

a. Authorized Aircraft. The aircraft to be used must be (1) U.S. civil aircraft operated by a Civil Reserve Air Fleet (CRAF) carrier, (2) U.S. civil aircraft, not in the CRAF Program, operated by a carrier identified in accordance with the provision of paragraph 8.f. of this exemption or (3) Foreign-flag aircraft made available to the United States Government (USG) to support deployment of U.S. Armed Forces.

b. Authorized Hazardous Materials. Hazardous materials authorized by this exemption are limited to materials authorized to be transported by motor vehicle in conformance with 49 CFR Parts 171-180.

c. Operational Requirements.

(1) The DOD must have advance permission from the owner or operator of each manned airport where the material is to be loaded or unloaded or where the aircraft is to land while the material is on board.

(2) Prior to its use, the name of each airport being used in moving Division 1.1, 1.2 and 1.3 explosives must be designated by DOD for use under this exemption and must be provided to the Office of Hazardous Materials Exemptions and Approvals (OHMEA) accompanied by a copy of the airport operator's written approval (Note: This latter requirement should be accomplished by preplanning which results

in predesignation of airports and designated locations at airports for loading and unloading of explosives).

(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.

(4) Each shipment moving under this exemption must be accompanied by a DOD representative at all times except aboard aircraft operated by air carriers approved under DOT-E 7573.

(5) Loading and stowage of military explosives (including ammunition) and other hazardous materials within aircraft must be in accordance with procedures specified in AFR 71-4. All loading and unloading operations under this exemption must be monitored by a qualified DOD representative to ensure compliance with the prescribed procedures of AFR 71-4.

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

(7) 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.

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

(9) Fuel tanks of vehicles may not be filled to more than 75% of their capacity.

(10) Additional fuel may be carried in 5 gallon packagings meeting or equivalent to DOT Specification 51. This paragraph does not apply to diesel fuel which may be carried in any packaging meeting DOD specifications.

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

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

b. 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.

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

(12) Except for hazardous materials authorized aboard passenger-carrying aircraft, no person other than a required flight crewmember, an FAA inspector, the shipper or consignee of the material or a representative of the shipper or consignee so designated in writing, military forces necessary for execution of a contingency action, or a person necessary for handling the material may be carried on the aircraft. Prior to take-off, all crewmembers will be instructed in proper procedures to be followed during an emergency involving hazardous materials.

8. SPECIAL PROVISIONS:

a. This exemption applies only to emergency movements during (1) a declared National Emergency or (2) in defense crisis conditions which require (i) the activation of any stage of the CRAF Program or (ii) the

use of Foreign-flag aircraft made available to the USG or (iii) the rapid deployment of U.S. Armed Forces.

b. 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.

c. Shipping papers are required for all hazardous materials carried under this exemption.

d. This exemption authorizes transportation of hazardous materials in aircraft of United States registry or in aircraft of foreign registry operating within the jurisdiction of the United States. It does not grant authority to use foreign controlled airspace or airports outside the United States.

e. U.S. civil aircraft operated by carriers not in the CRAF program, must be operated by carriers approved by DOD and identified on an up-to-date list which DOD must maintain on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

f. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo-aircraft only and passenger-carrying aircraft. (See exemption DOT-E 3498 for authorized surface transportation).

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 must furnish a current 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:

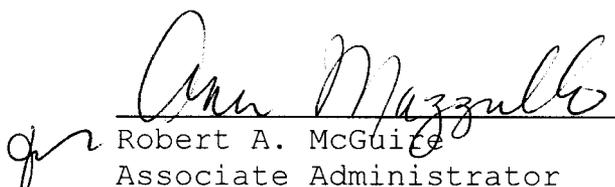
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Registration required by § 107.601 et seq., when applicable.

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, explosion 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.:



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.

PO: sdc