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

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

JAN 31 2003

DOT-E 9649
(EIGHTH REVISION)

EXPIRATION DATE: June 30, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

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

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of munitions of Class 1 (explosive) hazard containing components manufactured of depleted uranium metal subject to the limitations and special requirements specified herein. This exemption authorizes radiation levels slightly higher than normal allowed for limited quantity radioactive materials and relief from certain marking requirements for the depleted uranium component of the packages. 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 §§ 173.421(a)(2) and (4), 173.422(a)(3), 173.426(c) and (d), except as specified herein.

5. BASIS: This exemption is based on the application of U. S. Department of Defense dated June 28, 2002, submitted in accordance with § 107.109 and additional information dated January 31, 2003.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi- fication Number**	**Packing Group**
Cartridges for weapons, inert projectile	1.2C	UN0328	II
Cartridges for weapons, inert projectile	1.3C	UN0417	II
Cartridges for weapons, inert projectile	1.4C	UN0339	II
Cartridges for weapons, *with bursting charge*	1.2E	UN0321	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Maximum radiation levels on any external surface of the package, overpack or unitized palletized group of packages may not exceed 2.5 millirem per hour (25 microsieverts per hour).

b. Packaging and safety controls during transportation must be appropriate to the explosive hazard of the product.

c. Safety procedures for the less significant radiological hazards and for the more significant explosive hazards, must be described in the operation and transportation instructions for the products and must satisfy the requirements of § 172.602. Both normal and accident conditions must be addressed in these documents.

8. SPECIAL PROVISIONS:

a. Packages are not required to bear a marking with the word "Radioactive" inside or on the package as specified in § 173.421(a)(4), and the shipper's notice referred to by § 173.422(a)(3) is not required.

b. The product description on shipping documents for each consignment transported under this exemption must include: a statement that the consignment contains depleted uranium metal, the exemption number "DOT-E 9649", and the identity and phone number of a Department of Defense authority familiar with both the explosive and radiological hazards of the product.

c. Each package, overpack or unitized/palletized group of packages must be conspicuously marked "DOT-E 9649" with figures at least 1" (2.5 cm) high.

d. Only those military services and contractors designated by the Department of Defense are authorized to operate under this exemption. Before a service within the Department of Defense offers or transports munition products under this exemption, that service must have on file with the Military Traffic Management Command (MTMC) a complete set of instructions and procedures that have been approved by MTMC as satisfying the documentation requirements of paragraphs 7(b) and 7(c) of this exemption. The MTMC must have on file the names of the contractors that the service has designated as authorized to make shipments under their instructions and procedures for the products under this exemption.

e. This exemption provides no relief from the applicable rules and regulations of any foreign country into or through which the consignments are to be transported.

f. Each person offering shipments under this exemption must provide a current copy of the exemption to the carrier as part of any required shipment documents.

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

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight 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, 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 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.:

JAN 31 2003

(DATE)

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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: RBoyle/sln