

February 17, 2004



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

DOT-E 11989
(FIFTH REVISION)

EXPIRATION DATE: January 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Department of Defense (DOD)
Fort Eustis, Virginia
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the stowage of certain Division 1.1, 1.2 and 1.4 explosives, in the same freight container with Compressed Helium, a Division 2.2 material, on board vessels of the United States Air Force's Afloat Prepositioned Fleet (APF). 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 § 172.504 and § 176.83(a), (d) and (f) wherein certain placarding and stowage requirements are waived as specified herein.
5. BASIS: This exemption is based on the application of the Department of Defense dated December 22, 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
Bombs, with bursting charge	1.1D	UN0034	II
Fuzes, detonating, with protective features	1.4D	UN0410	II
Fuzes, detonating, with protective features	1.2D	UN0409	II
Helium, compressed	2.2	UN1046	n/a

7. SAFETY CONTROL MEASURES:

a. PACKAGING - This exemption applies only to guided bombs (GBU) model GBU-24 (utilizing the MK-84 or BLU-109 2,000 pound bomb and model GBU-27 (utilizing the BLU-109 2,000 pound bomb) and specifies the manner in which the component parts of each specific mode may be loaded into the same ISO container.

Guided Bomb Model Number	Component Item
GBU-24 (BLU-109)	BLU-109, 2000 pound bomb, 1.1D, UN0034; FMU -143 Fuze, 1.4D, UN0410, WGU-39 guidance control unit containing compressed helium
GBU-24 (MK-84)	MK-84, 2000 pound bomb, 1.1D, UN0034; FMU-139 Fuze, 1.2D, UN0409; WGU-39 guidance control unit containing compressed helium
GBU-27 (BLU-109)	BLU-109, 2000 pound bomb, 1.1D, UN0034; FMU-143 Fuze, 1.4D, UN0410; WGU-39 guidance control unit containing compressed helium

b. Packaging must be in accordance with the following as detailed in the exemption application.

Component Item	Packaging
BLU-109, 2000 pound bomb	CNU-416/E Shipping and Storage Pallet
MK-84	Standard Bomb Shipping and Storage Pallet
FMU-139/143 Fuzes	Inside barrier bags which are placed within 20mm shipping and storage cans
WGU-39 guidance control unit	CNU-371/E Shipping and Storage Container

c. OPERATIONAL CONTROLS -

(i) Loading, blocking and bracing of the component items must be in 20 foot ISO containers in accordance with the United States Army Defense Ammunition Center and School (USADACS) drawings as follows:

- GBU-24 (BLU-109): USADACS Drawing 19-48-8720-SP15M14
- GBU-24 (MK-84): USADACS Drawing 19-48-8719-SP15M13
- GBU-27 (BLU-109): USADACS Drawing 19-48-8721-SP15M15

Containers must meet all applicable requirements in Title 49 Part 176.

(ii) Freight containers subject to the provisions of this exemption need not be placarded with the non-flammable gas placard.

8. SPECIAL PROVISIONS:

a. This exemption serves as a Competent Authority Approval (CA-2004010018) issued by the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration (RSPA), of the United States Department of Transportation, in accordance with Section 7.9 of the International Maritime Organization Dangerous Goods (IMDG) Code.

- b. A current copy of this exemption must be maintained at each facility where the package is offered for transportation.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicles, cargo vessel.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel used to transport packages covered by this exemption.
- a. The only vessels to which this exemption applies are vessels of the United States Air Force's Afloat Prepositioned Fleet (APF). APF cargo vessels are vessels under the control of the Military Sealift Command that are specially designed and constructed to meet the need for carrying large amounts of military cargoes above and below deck. The vessels are equipped with a system to provide climate control (both temperature and humidity) of the cargo holds and deck spaces to protect the quality of the munitions.
- b. The freight containers transported in accordance with the terms of this exemption must be stowed in cargo holds or spaces of the vessel which are climate-controlled (temperature and humidity).
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 this 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 incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



for 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: KFW/sln