

March 1, 2004



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

DOT-E 12383
(SECOND REVISION)

EXPIRATION DATE: January 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Sealift Inc.
Oyster Bay, NY
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the stowage of closed steel freight containers of certain class 1 explosives, in the cargo hold adjacent to the machinery space, at a distance of less than three meters from the forward bulkhead of the machinery space. 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 § 176.116(e)(3) in that the cargo hold containing explosives is adjacent to the forward bulkhead of the machinery space at a distance less than three meters.
5. BASIS: This exemption is based on the application of Sealift, Inc. dated December 18, 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
Class 1 explosives	1.1, 1.2, 1.3, 1.5	As Appropriate	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The provisions of this exemption apply only to Class 1 materials when in closed freight containers and may not be used for the carriage of break-bulk cargo or cargo in open freight containers.

b. OPERATIONAL CONTROLS - When partial cargoes are loaded with Class 1 material, the Class 1 material must be loaded as far as practical from the machinery space bulkhead.

8. SPECIAL PROVISIONS: None as a requirement of this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo vessel.

10. MODAL REQUIREMENTS:

a. This exemption applies only to the vessels M/V "CAPT STEVEN L BENNETT" and M/V "MAJ BERNARD F FISHER" while they are operating under charter to the United States Navy Military Sealift Command.

b. The vessel's hold ventilation system must be maintained in the environmental or climate-controlled (temperature and humidity) mode.

c. A current copy of this exemption must be carried on-board each vessel when operating under the terms of 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:

- 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 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: USCG/KFW