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

JUN 18 1998

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

DOT-E 2136
(THIRD REVISION)

EXPIRATION DATE: MAY 31, 2000

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: Department of Defense (DOD)
Washington, DC

2. PURPOSE AND LIMITATION: This exemption authorizes the transportation in commerce of certain radioactive materials with explosives in DOD approved containers, loaded by DOD personnel, without carrier inspection. This exemption provides no relief from any regulation other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 173.1, 173.3(a), 173.7(c), 174.3, 174.10, 174.90(a), 174.104, 177.801 and 177.802.

5. BASIS: This exemption is based on the application of DOD dated May 30, 1996, submitted in accordance with 49 CFR 107.109.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
As specified in 49 CFR 172.101*	see note	as appropri ate	as appropr iate

* The materials are radioactive materials with explosives subject to security considerations, classed as Division 1.1 and 1.2 explosives.

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed are specially designed metal containers incorporating protective devices and covers, complying with 49 CFR 173.7(a).

8. SPECIAL PROVISIONS:

a. Rail cars must be certified in accordance with § 174.104, except that the rail carrier shall not inspect the lading, nor execute Certificate No. 2.

b. DOD shipper must, instead of the railroad representative's signature, write or stamp on the car certificate: "FINAL INSPECTION MADE UNDER DOT EXEMPTION NO. 2136."

c. DOD is also exempted from the requirements of §§ 173.1(b), 174.3(a), 177.81 and 177.802 of the designated regulations relating to the requirements for marking, labeling, description, and the methods of manufacturing, packaging and storage, or the loading and staying thereof, shall not be open to inspection except when authorized by the DOD. The DOD must ensure that the loading and staying of all cars and vehicles is such as to prevent shifting of the lading under normal transportation conditions.

d. Provisions of § 174.10(a) as they apply to interior of cars and lading at interchange points are hereby waived.

e. Rail cars containing shipments as described above must be transported under military escort and be placed in trains according to § 174.90(a), except that when the train length permits, they must be placed not closer than five cars from any other placarded rail cars in the train in which they are transported. The rail cars occupied by escorts may be placed next to but must be behind the rail cars containing the shipment. Shipments made by highway must be transported under military escort.

f. Rail cars and motor vehicles containing shipments consisting of radioactive materials with explosives must be placarded EXPLOSIVES. When cars or vehicles contain explosives and radioactive materials, sufficient advice must be furnished to the carrier of the materials, or hazards involved, to ensure that proper precautions for safe carriage or accident prevention can be arranged.

g. Except as provided herein, DOD must require that all shipments made under this exemption will be in accordance with DOD's instructions and directives covering shipments of radioactive materials with explosives.

h. Trailer-on-flat-car service is not authorized.

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

10. MODAL REQUIREMENTS: A copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption. Also, for shipments by rail, a copy of this exemption must accompany the shipping papers.

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. Section 5101 et seq:

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

Each "Hazmat employee", as defined in 49 CFR 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 49 CFR 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 loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (49 CFR 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 at Washington, D.C.:

Ann Mazzullo 6/18/98

for Alan I. Roberts (DATE)
Associate Administrator
for Hazardous Materials Safety

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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.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

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