U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JAN 19 2005

DOT-E 11072
(SEVENTH REVISION)

EXPIRATION DATE: December 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Department of Defense
Fort Eustis, Virginia

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of explosive materials containing white phosphorus of Class 1, compatibility group H stored in shipborne steel barges instead of stored in steel portable magazines or freight containers. This exemption provides no relief from any Hazardous Materials Regulation (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 § 176.84(c)(2), Note 14E and § 176.174(b)(1).

5. BASIS: This exemption is based on the application of Department of Defense dated January 10, 2005, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi- fication Number**	**Packing Group**
Ammunition, incendiary, white phosphorus, *with burster, expelling charge or propelling charge*	1.2H	UN0243	II
Ammunition, incendiary, white phosphorus, *with burster, expelling charge or propelling charge*	1.3H	UN0244	II
Ammunition, smoke, white phosphorus *with burster, expelling charge or propelling charge*	1.2H	UN0245	II
Ammunition, smoke, white phosphorus *with burster, expelling charge or propelling charge*	1.3H	UN0246	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The white phosphorus smoke ammunition must be packaged in accordance with 49 CFR § 173.62(E-130).

b. The packaged ammunition must be pelletized, loaded, blocked and braced in accordance with Technical Manual 55-607 of NAVSEA OP3221 Rev. 2, Page 10-5 submitted with the application.

8. SPECIAL PROVISIONS:

This exemption applies to shipborne steel barge operations only.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo vessel.

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10. MODAL REQUIREMENTS:

a. A current copy of this exemption must be carried aboard each cargo vessel used to transport packages covered by this exemption.

b. No hazardous materials, other than materials in Division 1.4S, may be stowed in the barges with Class 1 materials of Compatibility Group H.

c. The inner sides and floor of each barge must be tightly sheathed with wood and free of any protruding metal projections such as nails or screws.

d. The hatch covers of the barge must be steel.

e. The hatch covers of the barge must be sealed as described in the application.

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.
- 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.
- 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: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:

JAN 19 2005

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

(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: KFW/sln