U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

OCT 12 1999

DOT-E 10860
(SEVENTH REVISION)

EXPIRATION DATE: January 31, 2001

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Defense Technology and Procurement Agency, Berne, Switzerland
(U.S. Agent: Embassy of Switzerland, Washington, D.C.)

2. PURPOSE AND LIMITATION: This exemption authorizes the transportation in commerce certain explosive materials, which are forbidden or exceed the quantity limitations authorized for shipment by cargo aircraft only. This exemption provides no relief from any regulation other than as specifically stated.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.101 table, column (9B); § 175.30.

5. BASIS. This exemption is based on the Defense Technology and Procurement Agency application dated January 2, 1999 and supplemental letter dated April 16, 1999 submitted in accordance with § 107.109 and supplement letter dated September 22, 1999.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Igniters (EX-9807128)	1.4G	UN0325	II
Igniters (EX-8905245) and (EX-8301040)	1.4S	UN0454	II
Articles, Pyrotechnic for technical purposes (EX-9512060)	1.3G	UN0430	II
Charges propelling (Ex-9004227)	1.3C	UN0272	II
Charges, propelling, for cannon (EX-9811051)	1.2C	UN0414	II
Charges, shaped, commercial *without detonator* (EX-9708084), (EX-9708085), (EX-9708086), (EX-9903382) and (EX-9903383)	1.1D	UN0059	II
Fuzes, detonating *with protective features* (EX-9605050)	1.2D	UN0409	II
Powder, smokeless (EX-9511011)	1.3C	UN0161	II
Rocket motors (EX-9512058)	1.2C	UN0281	II
Rocket motors (EX-9807128) (EX-8006007A)	1.1C	UN0280	II
Rockets, *with a busting charge* (EX-9005134), (EX-9005135) and (EX-9611229)	1.2E	UN0182	II
Rockets, *with a bursting charge* (EX-8807570), (EX-9204344), (EX-9512059) and (EX-9611228)	1.1E	UN0181	II
Rockets, *with inert head* (EX-9611230)	1.3C	UN1083	II
Substances explosives, n.o.s. (EX-9208099)	1.3C	UO0477	II

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Igniters (EX-8905245) and (EX-8301040)	1.4S	UN0454	II
Articles, Pyrotechnic for technical purposes (EX-9512060)	1.3G	UN0430	II
Warheads, rockets *with bursting charge* (EX-9005134)	1.2D	UN0287	II
Warheads, rocket *with bursting charge*	1.1E	UN0286	II

and other explosives which are specifically identified to and acknowledged in writing by the Office of Hazardous Materials Exemptions & Approvals (OHMEA) prior to shipment. All explosives must have been approved pursuant to § 173.56.

For the N.O.S. entries above, the requirements of § 172.203(k) must be met.

7. PACKAGING & SAFETY CONTROL MEASURES:

a. PACKAGING - DOT Specification 4A1 steel containers not to exceed 28 rockets per shipment.

b. MARKING - Each container must be marked "DOT-E 10860".

c. The carrier must conform to the requirements of § 175.320(b).

8. SPECIAL PROVISIONS.

a. Prior to each shipment, the name of the air carrier, types of explosives to be transported including the proper shipping name, classification and EX approval number and the destination point within the United States must be identified to and acknowledged in writing by OHMEA.

b. Packaging, marking, and labeling are as prescribed in the ICAO Technical Instructions.

c. A copy of the air bill must be forwarded to the OHMEA within 10 days after completion of each shipment made under this exemption.

d. This exemption does not grant authority to use foreign controlled airspace or airports outside the United States.

9. MODE OF TRANSPORTATION AUTHORIZED. Cargo aircraft only.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each aircraft used to transport packages covered by this exemption. The shipper must furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

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, 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 this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS. The carrier is required to report any incident involving fire, explosion, 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 of this exemption must inform AAHMS, in writing, of any incidents involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

OCT 12 1999

Alan I. Roberts
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.

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

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, SW, Washington, DC 20590-5046.

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