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

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

DEC 2 0 2002

DOT-E 12953
(FIRST REVISION)

EXPIRATION DATE: May 31, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Westinghouse Electric Company
Pittsburgh, PA

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of ^{235}U contaminated materials as fissile excepted materials even though the materials may not meet all the requirements for fissile excepted material found in § 173.453. The materials authorized under this exemption have been approved as fissile excepted material by the Nuclear Regulatory Commission. 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:

a. 49 CFR § 173.453 in that the ^{235}U contaminated material listed on the revised material license issued to Westinghouse Electric Company by Nuclear Regulatory Commission in an April 15, 2002 letter may be considered as fissile exempt material even though it may not be listed.

b. 49 CFR § 172.203(a) marking exemption number on the shipping paper, and §§ 172.301(c) and 172.302(b)and(c) for marking the exemption on the package.

5. BASIS: This exemption is based on the application of Westinghouse Electric Company dated February 11, 2002, and additional information dated April 25, 2002 and September 17, 2002 submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Radioactive material, low specific activity (LSA-I) *non fissile or fissile excepted*	7	UN2912	N/A
Radioactive material, surface contaminated objects (SCO-I or SCO-II) *non fissile or fissile excepted*	7	UN2913	N/A

7. SAFETY CONTROL MEASURES:

a. Transportation of the fissile excepted material authorized by this exemption must be in full conformance with Safety Condition S-7 of the U.S. Nuclear Regulatory Commission License Number SNM-33 Amendment No. 41 dated April 15, 2002 on file with the Office of Hazardous Materials Exemptions and Approvals.

b. Transportation vehicles used must be dedicated to exclusive use for the transportation of the fissile excepted material.

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

b. The marking requirements of §§ 172.203(a), 172.301(c) and 172.302(b) and (c) are waived.

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

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by 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:

    - All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR 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 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.:

R. Ryan Parker

For Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

DEC 20 2002
(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: RB/AM