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

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

JAN 16 2003

DOT-E 13193

EXPIRATION DATE: **January 31, 2003**

1. GRANTEE: Delta Air Lines
Atlanta, GA

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of Division 1.4S ammunition that exceeds the quantity limitations authorized for passenger-carrying aircraft on two separate Department of Defense charter flights. This exemption provides no relief from the Hazardous Materials Regulations 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. The safety analyses did not consider the hazards and risks associated with use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.101 Column 9A in that the quantity limitation is exceeded for the material listed in paragraph 6; and Subparts D and E of Part 172.

5. BASIS: This emergency exemption is based on the application of Delta Airlines dated January 16, 2003, submitted in accordance with § 107.117 and a determination that it is necessary for immediate national security purposes.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identification Number	Packing Group
Cartridges for weapons, inert projectile	1.4S	UN0012	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are military specification packagings authorized for the material.

b. OPERATIONAL CONTROLS - Two Delta Charter Coordinators must accompany each flight and take responsibility for validating the proper loading and stowage of the hazardous materials.

8. SPECIAL PROVISIONS:

a. The authorization in this exemption is limited to the following:

1) Transportation is authorized aboard Delta charter flight #9870 scheduled to depart San Francisco International Airport, CA on January 16, 2003 to Riverside, CA.

2) Transportation is authorized aboard Delta charter flight #9872 scheduled to depart Louisville, KY on January 17, 2003 with an intermediate stop at the Baltimore Washington International Airport going to Kuwait City, Kuwiat.

b. Aside from the crew operating each aircraft, each flight must be chartered and used exclusively by Military Personnel of the Department of Defense.

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

d. Subparts D and E of Part 172 are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Passenger-carrying aircraft.

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 shall 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. 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 incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

JAN 1 6 2003

Robert A. McGuire (DATE)
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: DL