U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

NOV 1 2 2004

DOT-E 13252
(FIRST REVISION)

EXPIRATION DATE: September 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: U.S. Department of Defense
Defense National Stockpile Center (DNSC)
Ft. Belvoir, VA

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of mercury in non-specification reusable metal packagings overpacked in wooden crates without individually marking and labeling the inner packagings. 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. The safety analyses did not consider the hazards and risks associated with 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 Subpart D - Marking, and Subpart E - Labeling, in that the individual non-specification packagings are not required to be marked or labeled.

5. BASIS: This exemption is based on the application of the Department of Defense dated May 6, 2003 submitted in accordance with § 107.105 and the public proceeding thereon, and additional information dated September 30, 2004.

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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**
Mercury	8	UN2809	PGIII

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The prescribed packaging is as follows:

(1) A non-specification metal receptacle meeting the requirements of § 173.164(d)(2) overpacked in;

(2) A wooden crate with approximate dimensions of: 36" x 36" x 20". The crate drawing, dated February 5, 1962, is on file with the Office of Hazardous Materials Exemptions and Approvals.

b. OPERATIONAL CONTROLS - The crates shall be transported:

(1) From Oak Ridge, TN to an intermediate DNSC facility for repackaging or to the consolidation facility.

(2) By private or contract carrier in exclusive use of the DNSC or the Department of Energy (DOE).

(3) No other materials will be present on the vehicle during transport.

(4) The trailers shall be fitted with a secondary form of containment in case of leakage during transport.

(5) Loading and unloading of the mercury will be accomplished by DNSC or DOE personnel or their contractors.

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. No risk assessment is required as a condition of this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle only.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel, aircraft or motor vehicle 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, 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 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.:

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(DATE)

for Robert A. McGuire
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.

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