U.S. Department
of Transportation

**Research and
Special Programs
Administration**

JUL 2 4 2003

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

DOT-E 13104
(FIRST REVISION)

EXPIRATION DATE: September 30, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Consumers Energy
Charlevoix, MI

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of one steam drum from the Big Rock Point Nuclear Plant in Charlevoix, MI to the Envirocare of Utah low level waste facility in Clive, UT. 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: 49 CFR § 173.403 in that the fixed and non-fixed contamination levels for SCO-II are waived and § 173.427(a) in that the steam drum is authorized to serve as its own non-specification packaging.

5. BASIS: This exemption is based on the application and technical dated submitted by Consumer Energy on August 7, 2002 and November 21, 2002 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, surface contaminated objects (SCO-II) *non fissile or fissile excepted*	7	UN2913	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING -

(1) The steam drum and its closures must be as described in the exemption application and technical data referenced in paragraph 5.

(2) The contamination levels and radionuclides present on the steam drum must be consistent with the levels identified in Consumers Energy's application.

(3) Prior to shipment, contamination surveys must be conducted. External surfaces with non-fixed contamination in excess of DOT requirements must be decontaminated or treated with a waterproof fixative or paint.

b. OPERATIONAL CONTROLS -

(1) This exemption authorizes the one-time, one-way transport in commerce of one Combustion Engineering steam drum as a non-specification package from Charlevoix, MI to the Envirocare of Utah low level waste facility in Clive, UT.

(2) The steam drum must be classed as a Class II, surface contaminated object (SCO-II) and consigned as exclusive use under the provisions of § 173.427(a)(6).

(3) The transport plan, included as part of the original application, must be followed.

c. MARKING -

(1) The package must be plainly and durably marked "DOT-E 13104" in accordance with § 172.301(c).

(2) The package must be marked, labeled, placarded in accordance with the provisions of § 173.427(a)(6) for SCO required to be shipped as exclusive use. If appropriate, the package must also be stenciled with the letters "RQ".

8. SPECIAL PROVISIONS: A current copy of this exemption must be maintained at each facility where the steam drum is offered for transportation.

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 the steam drum.

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.:

JUL 24 2003
(DATE)

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.

PO: RB/am