OCT 16 1997

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 11973

EXPIRATION DATE: December 31, 1997

1. GRANTEE: UXB International
Ashburn, VA

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the one-time transportation in commerce of certain Division 1.1D waste explosive substances together on the same vehicle with certain waste Division 4.1 waste solids containing flammable liquid, subject to the packaging and special provisions prescribed herein. This exemption provides no relief from any regulation other than as specifically stated herein.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 172.320, 173.54(a), 173.56(b), 173.57 and 177.848(d), insofar as Division 1.1 explosives may not be transported in the same motor vehicle with Division 4.1 flammable solids.

5. BASIS: This emergency exemption is based on the application of UXB International dated September 26, 1997, submitted in accordance with 49 CFR 107.117 and a determination that it is necessary in order to protect life and property.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Waste Substances, explosive, n.o.s.(waste explosive contaminated sludges, metal sleeves, sampling and packaging materials, desensitized with not less than 40 weight percent of water-alcohol mixture)	1.1D	UN0475	II
Substances, explosive, n.o.s.(explosive sludges containing Diazodinitrophenol, PETN, RDX, HMX and PBX-5, desensitized with not less than 40 weight percent of water-alcohol mixture)	1.1D	UN0475	II
Waste Solids containing flammable liquid, n.o.s.(denatured alcohol and petroleum based oils)	4.1	UN3175	II

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING -
(I) All Division 1.1D explosive substances shall be desensitized with not less than 40 weight percent of a 50-50 mixture by weight of ethyl alcohol or isopropyl alcohol or ethylene glycol and water and packaged according to Packing Instruction 110(a) or (b) as published in the Federal Register under Docket HM-215B on May 6, 1997, or Packing Method E-3 in the 49 CFR 173.62(c) Table.

(ii) Division 4.1 solids containing flammable liquid shall be packaged according to 49 CFR 173.212.

7. b. TESTING - Desensitized explosive substances shall be tested prior to transport to ensure that the content of the desensitizing water-alcohol mixture in the explosive substances authorized is not less than 40 percent by weight.

8. SPECIAL PROVISIONS:

MARKING - In addition to the markings required in 49 CFR

Section 172 Subpart D, each outer packagings shall be marked "DOT-E 11973" in letters at least 2 inches high on a contrasting background.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS:

a. A copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption..

b. This exemption authorizes the one-time shipment, by contract or private carrier, of the materials specified in Paragraph 6,between the Ross Incineration Services plant site in Grafton, Ohio, and the final waste disposal facility.

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 fire, explosion or 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.:

OCT 16 1997

(DATE)

Alan I. Roberts
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.

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

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