U.S. Department
of Transportation

**Research and
Special Programs
Administration**

MAY 29 1998

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

DOT-E 12080

EXPIRATION DATE: **June 30, 1998 or upon completion of one shipment whichever occurs first**

1. GRANTEE: Incendere, Inc.
   Norfolk, VA

2. PURPOSE AND LIMITATION:

   a. This emergency exemption authorizes the one-way, one-time transportation in commerce of partially burned solid regulated medical waste in two non-DOT specification steel roll-off containers, loaded in an enclosed 53' medical waste trailer. This exemption provides no relief from any Hazardous Materials Regulation 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 consumer use, 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 171.8, 172.101 Table column 8(c) and 173.197 in that a non-DOT specification bulk packaging is authorized, and the marking requirement of §§ 172.302(b) and (c).

5. BASIS: This exemption is based on the application of Incendere, Inc. dated May 21, 1998, and supplemental information dated May 26, 1998, submitted in accordance with 49 CFR 107.117 and a determination that it is necessary to prevent significant injury to persons or property.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Regulated Medical Waste (*solid form only*)	6.2	UN3291	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are two (2) 40 cubic yard capacity metal open-topped roll-off containers. Each container is 24' long x 7'-8" wide x 8'-6" high. Each roll-off containers must be covered with a tarpaulin securely fastened and must be enclosed in a 53' trailer.

b. OPERATIONAL CONTROLS -

(1) The quantity of partially burned solid lading must not exceed 22 tons.

(2) The trailer must be fully closed and locked during transportation.

(3) No liquid lading is authorized.

8. SPECIAL PROVISIONS:

a. This exemption is for the one-way, one-time transportation from Glenns, Virginia to Phoenix Services, Inc., Baltimore Maryland.

b. Transportation must be by private motor carrier.

c. The marking requirements specified in §§ 172.302 (b) and (c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

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

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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, Washington, DC 20590-0001, Attention: Docket Section, 202-366-5046.

Dist: FHWA
PO: PTOlson/CHHochman