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

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

OCT 9 1998

DOT-E 12160

EXPIRATION DATE: **December 31, 1998**

1. GRANTEE: BAX Global, Inc
Irvine, CA

2. PURPOSE AND LIMITATION:

   a. This emergency exemption authorizes the transportation in commerce of classes 1 through 9 without indicating on the shipping paper that the shipment is being made under the provisions of 49 CFR 171.11, or including the letters "ICAO", as currently required. This emergency exemption provides no relief from any Hazardous Materials Regulation (HMR) other than as specifically stated herein.

   b. The safety analyses performed in development of this emergency 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.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 171.11(d)(4)(ii), 172.203(a), 172.301(c) and 172.302(c).
Note: A current rulemaking under HM-215C (63 FR 44312) proposes to change this requirement to a recommendation by changing the word "must" to "should" in each place it appears in 49 CFR 171.11(d)(4)(ii).

5. BASIS: This emergency exemption is based on the application of the BAX Global, Inc. dated October 8, 1998, submitted in accordance with 49 CFR 107.117 and a determination that it is necessary to preclude serious economic loss.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
as appropriate	as appro- priate	as appro- priate	as appro- priate

For N.O.S entries, the requirements of 49 CFR 172.203(k) must be met.

7. 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. Except for the provisions of this exemption, all requirements of 49 CFR 171.11 must be met.

c. Other persons may use this exemption provided all the terms and conditions of the exemption are met and a current copy of this exemption is maintained at each facility from which a material covered by this exemption is offered.

8. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, cargo aircraft and passenger aircraft.

9. MODAL REQUIREMENTS: A 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.

10. 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.

11. 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.:

for Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

OCT 9 1998
(DATE)

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.

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

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