U.S. Department
of Transportation

**Research and
Special Programs
Administration**

JUL 9 1998

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

DOT-E 12070
(FIRST REVISION)

EXPIRATION DATE: June 30, 2000

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: Boeing North American, Incorporated
Downey, CA

2. PURPOSE AND LIMITATION: This exemption authorizes the transportation in commerce of a Kill Vehicle (KV) Assembly containing a 1.4G explosive. The assembly is shipped in a specially designed non-DOT specification fiberglass laminated plywood packaging. 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 173.62 Packing instruction 140.

5. BASIS: This exemption is based on the application of Boeing North American dated June 22, 1998 in accordance with 49 CFR 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Fuse, igniter	1.4G	UN0103	II

7. PACKAGING AND SAFETY CONTROL MEASURES: Packaging prescribed is a reusable fiberglass laminated plywood box which is approximately 50 inches long x 40 inches wide x 71 inches high. The MK392-00074 shipping container is equipped with a shock attenuation system and mounting structure to secure the KV assembly during transportation.

8. SPECIAL PROVISIONS:

a. Persons who receive the packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with and a current copy of this exemption is maintained at each facility from which such reoffering occurs.

b. The KV Assembly will be transported between the Downey, California facility and Anaheim, California facility to Lockheed Martin Missile and Space (Esta facility), Sunnyvale, California by truck then to Kwajalein Missile range, Marshall Island by aircraft.

b. MARKING - The outside of the shipping container must be marked "DOT-E 12070".

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and cargo aircraft only.

10. 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.

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.

JUL 9 1998

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 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.:

JUL 9 1998

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(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.

Dist: FHWA, FAA
PO: am

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.

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 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.:

MAY 29 1998

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

(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: Docket Section, 202-366-5046.

Dist: FHWA
PO: PTOlson/CHHochman