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

JUN 17 1999

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

DOT-E 12255
(FIRST REVISION)

EXPIRATION DATE: **May 31, 2001**

1. GRANTEE: TI/Martin JAVELIN Joint Venture
Lewisville, Texas

2. PURPOSE AND LIMITATION: This exemption authorizes the transportation in commerce of a limited quantity compressed gas without shipping papers, marking, and labeling. This exemption provides no relief from any of the Hazardous Materials Regulations (HMR) 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 subparts C, D and E of Part 172.

5. BASIS: This exemption is based on the applications of TI/Martin JAVELIN Joint Venture, dated March 29, 1999, and April 29, 1999, and supplemental information dated April 13, 1999, and a support letter from the United States Department of Defense (DOD), dated April 15, 1999, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101): Helium, compressed, Division 2.2, UN 1046.

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - The non-DOT specification cylinder containing helium, compressed, must meet the requirements of § 173.306(a). The cylinder, part of and contained inside the JAVELIN Electronic Device, overpacked in the foam lined

polyethylene shipping/storage case, part number 13305402-509, must be as described in JAVELIN's application on file with the Office of Hazardous Materials Exemptions and Approvals.

b. OPERATIONAL CONTROLS - No additional requirements other than as required by the HMR.

8. SPECIAL PROVISIONS:

a. DOD personnel may offer the package for transportation in commerce provided they are in compliance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each location where each package is offered for transportation.

c. This exemption serves as a Competent Authority Approval (CA-9904012), issued by the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration (RSPA), of the United States Department of Transportation, in accordance with Part 1, Paragraph 1.1 of the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, cargo aircraft only, and passenger-carrying aircraft.

10. MODAL REQUIREMENTS: No additional requirements other than as required by the HMR.

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.

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 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. (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 at Washington, D.C.:

Ann Mazzullo 6/17/99

Alan I. Roberts (DATE)
for 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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