U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUL 1 3 2004

DOT-E 13558

EXPIRATION DATE: December 31, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Boeing Corporation
Mesa, AZ

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the one-time transportation in commerce of certain waste Division 1.1, 1.2, 1.3 and 1.4 articles in their original Department of Defense packagings which may not have been tested in accordance with the performance-oriented packaging standards (POP) of the Hazardous Materials Regulations (HMR). This exemption provides no relief from the HMR 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 §§ 173.62(c)Table and § 178.3 in that Class 1 articles require outer packagings which meet UN performance-oriented packaging.

5. BASIS: This exemption is based on the application of Boeing Corporation dated March 30, 2004 and additional information dated June 17, 2004. in accordance with § 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**
Waste Cartridges for weapons (EX2003070296)	1.1E	UN0006	II
Waste Cartridges for weapons (EX2003070256-257,-259; EX2003070278-081)	1.2E	UN0321	II
Waste Cartridges for weapons, inert projectile (EX2003070271)	1.2C	UN0328	II
Waste Rocket motors (EX2003070285-290, -292)	1.3C	UN0186	II
Waste Cartridges for weapons, inert projectile (EX2003070251-252, -258, -262, -269, -272-277, -280)	1.4C	UN0339	II
Waste Fuzes, detonating (EX2003070281-284)	1.4D	UN0410	II
Waste Cartridges for weapons, inert projectile (EX2003070246, -248, -249)	1.4S	UN0012	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - All packagings which have not been POP-tested shall be inspected for ruggedness and structural integrity immediately prior to transport. Any damaged or structurally flawed packagings may not be transported under this exemption.

b. OPERATIONAL CONTROLS - This exemption only authorizes a one-time shipment of all the articles listed in paragraph 6 above on one motor vehicle from Mesa, AZ to an explosives waste disposal facility in Joplin, MO with no intermediate stops. The entire load shall be placarded as Division 1.1E.

8. SPECIAL PROVISIONS: A current copy of this exemption must be maintained at the facility where the package is offered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle only.

10. MODAL REQUIREMENTS: A current 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. 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- Registration required by § 107.601 et seq., when applicable.

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, including display of its number, when this 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. (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 in Washington, D.C.:

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUL 1 3 2004
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.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: scw