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

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

JUN 21 2002

DOT-E 12890
(FIRST REVISION)

EXPIRATION DATE: January 31, 2003

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: National Broadcasting Company, Inc.
Burbank, CA

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce for disposal, of small flexible solid materials such as personal protection equipment and paper products contaminated with or suspected to be contaminated with anthrax bacteria or spores, in a non-DOT specification packaging consisting of a bulk outer packaging and non-bulk inner packagings conforming to the provisions of this exemption. This exemption provides no relief from the Hazardous Materials Regulations (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.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.101 Table Column 8C in that bulk size outer packagings are not authorized for infectious substances, affecting humans, except as specified herein.

5. BASIS: This exemption is based on the application of the National Broadcasting Company, Inc. dated December 26, 2001 submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons or property. Additional information from Clean Harbors Environmental Services, Inc dated June 19, 2002.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Infectious substances, affecting humans (anthrax - contaminated solid material) See Note	6.2	UN2814	N/A

Note: The infectious substances authorized under this exemption are limited to solid materials, resulting from clean up operations at the NBC facilities in New York City, New York, that have been or are suspected to have been contaminated with anthrax bacteria or spores and that have been treated by a chemical disinfectant, but may still pose a hazard.

7. SAFETY CONTROL MEASURES:

a. LIMITATIONS ON SOLID MATERIALS THAT HAVE POTENTIALLY BEEN CONTAMINATED WITH ANTHRAX:

(1) This exemption authorizes the transportation in commerce of small flexible solid materials such as personal protection equipment and paper products that have been contaminated with or are suspected to have been contaminated with anthrax in a packaging system which consists of a bulk outer packaging - closed motor vehicle trailer (trailer) used exclusively for solid materials contaminated with or suspected to be contaminated with anthrax bacteria or spores, and non-bulk inner packagings. The inner packaging must be a plastic film bag conforming to paragraph 7.b.(2) of this exemption.

(2) Inner packagings must be placed into the trailer in such a manner as to minimize the risk of breakage.

b. PACKAGING: The following packaging system is authorized:

(1) Bulk Outer Packaging:

(i) Closed motor vehicle (Trailer): The Trailer is constructed of six sides having aluminum walls and ceiling with wood floors. The Trailer is lined with 6-mil plastic sheeting on the floor and walls up to the ceiling. The Trailer interior

surfaces, with the plastic sheeting, must be smooth, non-porous and free of cracks, crevices and other defects which could damage inner packages or obstruct decontamination operations.

(ii) Each opening in the trailer must be fitted with a closure that will prevent the intrusion of water during transportation operations.

(2) Inner Packaging:

(i) The inner packaging authorized is a plastic film bag which must be a minimum of 3 mils in thickness and must be certified by its manufacturer as being capable of passing the tests prescribed for tear resistance in ASTM D 1922-94a, titled Propagation Tear Resistance of Plastic Film, and for impact resistance in ASTM D 1709-97, titled Test Method For Impact Resistance by the Free Falling Dart Test. Each plastic film bag must have an impact resistance of 165 grams and a tearing resistance of 480 grams in both the parallel and perpendicular planes with respect to the length of the bag.

(ii) The inner packaging must be closed with a minimum of entrapped air and sealed securely by taping or tying the plastic to prevent the release of any material from the bag when inverted.

c. OPERATIONAL CONTROLS:

(1) A current copy of this exemption at each location where the material is offered for transportation.

(2) Prior to placement of the solid material in the inner packaging the material must be treated with a disinfectant that is recommended by the Centers for Disease Control and Prevention for use as a disinfectant for anthrax bacteria and spores.

(3) After the inner packaging is sealed, the exterior surface of the inner packaging must be treated with the disinfectant.

(4) Prior to loading into the Trailer, the inner packaging must be placed into a second plastic bag as specified in paragraphs 7.b.(2)(i) and (ii) above. After the second plastic bag is sealed, the exterior surface must be treated with the disinfectant.

(5) The doors on the Trailer used to transport the material authorized by this exemption must be closed and locked except during loading and unloading.

(6) Prior to transportation, the carrier must perform an external visual inspection of the transport vehicle to determine that it is closed and free of leakage.

(7) The carrier must transport a loaded vehicle to a final destination that is authorized by applicable laws for storage, treatment or disposal of such materials, without unnecessary delay from the time the carrier's motor vehicle leaves the grantee's premises.

(8) The carrier must have a written spill response plan that includes provisions for the decontamination of spilled materials and for personal protective equipment to be carried on the vehicle and used to protect its employees from contact with infectious materials in any form.

(9) The carrier must respond to any release of hazardous material that occurs during transportation. The response must include complete removal of any spilled material and decontamination of the release site and vehicle surfaces involved.

(10) Each Trailer must be decontaminated after each delivery of solid materials that have been contaminated with or are suspected to have been contaminated with anthrax bacteria or spores, prior to reuse.

8. SPECIAL PROVISIONS:

a. The outside of each motor vehicle Trailer must be plainly and durably marked "DOT-E 12890" in two inch letters and numerals and with identification numbers in the manner specified for a bulk packaging in §§ 172.302(b), (c) and 172.331.

b. In addition to marking the required identification number on the motor vehicle Trailer as specified in § 172.332, each side and each end must be marked "BIOHAZARD" in letters at least two inches high on a contrasting background.

c. In addition to the holder, this exemption also authorizes Clean Harbors to offer the hazardous material described in this exemption. Transportation must be by a private or contract carrier in a motor vehicle dedicated to exclusive use for the transportation of solid materials that have been contaminated with or are suspected to have been contaminated with anthrax bacteria or spores and which have been treated with a disinfectant. No other ladings or packages may be combined on the vehicle with these materials.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption aboard each 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.
- 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 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. The emptying of the contents of the Cart at a treatment or disposal facility does not constitute a release under this paragraph.

Issued in Washington, D.C.:

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUN 21 2002
(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: RRP/sln