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

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

SEP 3 2002

DOT-E 13056

EXPIRATION DATE: October 31, 2002

1. GRANTEE: American Type Culture Collection (ATCC)
Manassas, VA

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the one-time, one-way transportation in commerce of certain infectious substances in a special packaging transported and escorted by U.S. military personnel. 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 Part 172, Subpart C; the marking requirement in §§ 172.301(a), 172.301(b), and 172.301(c); and the packaging requirements in §§ 173.196(a), 173.196(b), and 173.196(d).

5. BASIS: This exemption is based on the application of American Type Culture Collection (ATCC) dated June 11, 2002, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi- fication Number**	**Packing Group**
Infectious substances, affecting humans, *(Risk Group 2 and 3 materials as defined in the U.N. Recommendations on the Transport of Dangerous Goods, Twelfth revised edition)*	6.2	UN2814	n/a

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is as follows:

(1) Infectious substances in the form of frozen or freeze-dried material, as listed in the exemption application, must be packed in sealed ampules, screw-capped vials, or water-tight bottles (primary receptacles) and overpacked in small boxes. The volume of culture material in each ampule or vial may not exceed 1.0 mL except for 8 bottles of 50 to 100 mL each. The filled boxes must be secured on inventory racks of a liquid nitrogen freezer which serves as the outer packaging.

(2) The liquid nitrogen freezer is constructed of double-wall stainless steel with vacuum insulation. The nitrogen freezer must be filled with sufficient liquid nitrogen prior to movement to keep the primary receptacles frozen at all times.

(3) The contents of the freezer must be secured against movement, and the freezer must be secured against movement in the transport vehicle. The freezer door must be secured with double locks to prevent opening during transportation.

b. OPERATIONAL CONTROLS -

(1) This exemption authorizes the transport of one (1) liquid nitrogen freezer containing infectious substances in small boxes from ATCC's facilities in Manassas, Virginia to a facility in Aberdeen Proving Ground, Maryland. The freezer contents must be prepared under ATCC supervision, and transported and escorted by the U.S. military personnel as outlined in th application for exemption.

(2) An itemized list of contents must be securely attached to the outside of the freezer.

(3) Emergency responders and equipment necessary to mitigate a spill must accompany the transport vehicle.

8. SPECIAL PROVISIONS:

a. The shipping paper requirements of 49 CFR Part 172 Subpart C and the marking requirements of 49 CFR 172.301(a), (b) and (c) are waived.

b. Emergency responders and escorts must have a copy of packing lists for the freezer.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A copy of this exemption must be carried aboard each motor vehicle used to transport the package 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 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 in Washington, D.C.:

SEP 3 2002

(DATE)

Robert A. McGuire
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.

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.

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