



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

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

SEP 25 2003

DOT-E 12378
(FIFTH REVISION)

EXPIRATION DATE: August 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Federal Express Corporation
Memphis, TN
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce, by air, of dry ice prepared in accordance with the International Civil Aviation Organization's (ICAO) Technical Instructions. This exemption applies only to the notification-to-pilot requirements of § 175.33 and 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 §§ 172.203(a), 172.301(c) in that marking the exemption number on shipping papers and packagings is waived, and § 175.33, in that the quantity for each package listed on the notification-to-pilot is waived, except as specified herein.
5. BASIS: This exemption is based on the application of Federal Express dated August 11, 2003, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Dry ice	9	UN1845	III

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is as required by the ICAO Technical Instructions except that when 49 CFR prescribes more stringent packaging requirements than the packagings authorized by the ICAO Technical Instructions, the packaging used must conform to the requirements in 49 CFR.

b. Without regard to the exceptions provided for in § 175.10, Federal Express will inform flight crews of dry ice being transported in the following method:

Dry Ice, 9, UN1845, III (total amount of Dry ice (in kg)) being transported in each compartment and on each flight.

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be maintained at Federal Express Corporate Headquarters and made available to a DOT representative upon request.

b. The marking requirements in §§ 172.203(a) and 172.301(c) are waived.

c. Persons under subcontract operating under exclusive use for Federal Express are authorized to use this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo aircraft only.10. MODAL REQUIREMENTS: None, except as provided in 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:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o 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.

Issued in Washington, D.C.:



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

SEP 25 2003

(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.

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