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

MAR 30 2001

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

DOT-E 12666

EXPIRATION DATE: April 30, 2001

1. GRANTEE: Gourmet Gas Plus
Boca Raton, FL

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time transportation in commerce of a freight container containing packagings of nitrous oxide that are incorrectly labeled. 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 § 172.301(c) in that each packaging is not required to be marked with the exemption number; and § 172.400 in that the primary and subsidiary hazard warning labels on the packages containing nitrous oxide are not in compliance with those required in the HMR.

5. BASIS: This emergency exemption is based on the application of Gourmet Gas Plus dated March 26, 2001, submitted in accordance with § 107.117 and a determination that it is necessary in order to preclude serious economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Nitrous oxide	2.2	UN1070	n/a

7. SAFETY CONTROL MEASURES:

PACKAGING - Packaging is as prescribed for Nitrous oxide.

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

b. The package will be transported from Terminal Island, Port of Long Beach, CA to Santa Fe Springs, CA where the incorrect labels will be removed and replaced with labels that conform to the HMR.

c. The one-way transportation of the freight container will be made by Weber Distribution, a private contract carrier with a satisfactory safety rating.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

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.
- 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 J. Suzanne Hedgepeth

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

MAR 30 2001
(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.

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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: AM