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

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

AUG 20 2002

DOT-E 13016
(FIRST REVISION)

EXPIRATION DATE: September 30, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Carrier Transicold, a division of
Carrier Corporation
Syracuse, NY

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the manufacture, marking, sale and use of refrigeration monitoring, processing and metering equipment that controls the atmosphere within a sealed refrigeration container by releasing carbon dioxide gas from a DOT specification cylinder during transportation. 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. 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 § 172.301(c)in that the exemption marking requirements are waived; and § 173.24(b)(1) in that a controlled release of carbon dioxide gas from a DOT specification cylinder during transportation is authorized.

5. BASIS: This exemption is based on the application of Carrier Transicold dated July 25, 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**
Carbon dioxide	2.2	UN1013	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT specification cylinder authorized for carbon dioxide in the HMR.

b. REFRIGERATION EQUIPMENT - The refrigerating equipment authorized by this exemption is designated as an EverFresh Controlled Atmosphere Model 69NT40-489-100. The equipment functions as described in the application for exemption on file with the Office of Hazardous Materials Exemptions and Approvals.

c. OPERATIONAL CONTROLS -

(1) Prior to each cargo loading, the shipper must perform an inspection of the equipment and fill out the PRE-TRIP INSPECTION CHECKLIST as provided by the manufacturer. Pressure of carbon dioxide at the inlet to the refrigeration unit must be set at 20 psig.

(2) The refrigerated freight container must be equipped with a safety door interlock system to prevent the doors from being opened when the atmosphere in the container is deficient of oxygen.

(3) Prior to the opening of the freight container doors, the container must be vented in accordance with the venting procedure provided by the equipment manufacturer.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

b. A person who is not a holder of this exemption, but receives a package covered by this exemption, may reoffer it for transportation provided no modification or change is made to the package or its contents and it is offered for transportation in conformance with this exemption and the HMR.

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

d. A current copy of this exemption must be maintained at each facility where equipment is manufactured under this exemption. It must be made available to a DOT representative upon request.

e. The marking requirement of § 172.301(c) is waived.

f. This exemption serves as a Competent Authority Approval (**CA2002050012**) issued by the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration (RSPA), of the United States Department of Transportation, in accordance with Section 7.9 of the International Maritime Dangerous Goods (IMDG) Code.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, and cargo vessel.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel or 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, 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 also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued in Washington, D.C.

AUG 20 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.

PO: AM