U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

AUG 17 1999

DOT-E 12313
(FIRST REVISION)

EXPIRATION DATE: September 30, 1999

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Environmental Technologies Corporation
Southhaven, MS

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time, one-way transportation in commerce of flammable and nonflammable liquefied refrigerant gases in DOT 39 specification cylinders that are not marked in accordance with the Hazardous Materials Regulations (HMR). This exemption provides no relief from the 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 §§ 172.202(a), 172.203(a), 172.301(a) and (c) in that the cylinders are not marked with the proper shipping name, and in that the exemption number is not required to be marked on the cylinders or shipping papers; and §§ 178.3(a) and 178.65(i), in that the DOT specification marking is not visible on the cylinders.

5. BASIS: This emergency exemption is based on the application of Environmental Technologies Corporation dated July 19, 1999, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons or property. An additional letter dated August 13, 1999 was also submitted.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper shipping name -- Hazardous materials description	Hazard Class/ Division	Identi- fication Number	Packing Group
Refrigerant gases, n.o.s.	2.2	UN1078	N/A
Refrigerant gases, n.o.s.	2.1	NA1954	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are approximately 6,500 30 lb. DOT Specification 39 cylinders containing flammable and nonflammable liquefied refrigerant gases. The cylinders are marked as containing Dichlorodifluoromethane, however the contents are various unknown refrigerant gases.

b. OPERATIONAL CONTROLS -

(1) One-time, one-way transportation of the cylinders is authorized from Savannah, Georgia to Environmental Technologies Corporation facilities in Hurst, Texas and Lakewood, New Jersey for repackaging or disposal of the gas.

(2) The cylinders will be transported by exclusive use motor vehicles.

(3) The cylinders must be overpacked in fiberboard corrugated boxes. The corrugated boxes must be securely attached to pallets. The maximum number of cylinders attached to a pallet may not exceed 40.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance wit this exemption and the HMR.

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

c. MARKING - The marking requirements of §§ 172.203(a) and 172.301(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried 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.

Issued at Washington, D.C.:

AUG 17 1999

(DATE)

For Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, 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.

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