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

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

OCT 3 2003

DOT-E 11180
(ELEVENTH REVISION)

EXPIRATION DATE: **September 30, 2005**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Affival, Incorporated
Amherst, NY

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of metal tubing which contains hazardous materials listed in paragraph 6 of this exemption and exempts the metal tubing from the packaging, marking, labeling, and placarding requirements of the Hazardous Materials Regulations. 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.

c. Party status will not be granted to this exemption.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Part 172 Subparts D, E, and F in that the metal tubing is exempt from marking, labeling, and placarding; § 173.24(c), and Subparts E and F of Part 173 in that the packaging is not authorized, except as specified herein.

5. BASIS: This exemption is based on the application of Affival, Incorporated dated September 24, 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
Aluminum powder, coated; Silicon powder, amorphous; sulfur; Titanium sponge granules *or* Titanium sponge powders; Flammable solid, inorganic, n.o.s.; Flammable solid, toxic, inorganic, n.o.s.; or Metal powders, flammable, n.o.s., as appropriate	4.1	UN1309, UN1346, UN1350, UN2878, UN3178, UN3179 or UN3089, as appro-priate	III
Antimony or tellurium and any other material classed in Division 6.1, Packing Group III acknowledged in writing by the Office of Hazardous Materials Exemptions and Approvals prior to the first shipment	6.1	As appro-priate	III
Calcium	4.3	UN1401	II
Generic or specific materials listed in Table 172.101 that meet the definition of 4.3, Packing Group III.	4.3	As appro-priate	III
Sulfur or Environmentally hazardous substances, solid, n.o.s., as appropriate	9	NA1350 or UN3077, as appro-priate	III

7. SAFETY CONTROL MEASURES:

PACKAGING - The hazardous material must be in the core of a metal tube and the seam of the tube must be sealed with a vapor tight double overlapped locked seam (identified in drawing 11B1, submitted by the applicant on August 5, 1994 on file the Office of Hazardous Materials Exemptions and Approvals).

a. The tube is limited to a maximum diameter of 25 mm (1 inch) and cannot exceed 1 kg (2.2 pounds) of hazardous material per meter.

b. The tube is limited to 10,000 meters per reel or cage.

c. The ends of the tube must be sealed with a suitable vapor tight cap.

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 modification or change is made to the package or its contents and it is reoffered for transportation in conformance with 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 reel or cage must be marked with "DOT-E 11180" in letters at least 2 inches high on a contrasting background.

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 and 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 the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving fire, explosion or 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 incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

Ann Mazzullo

Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

OCT 3 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.

PO: SW/AM