U.S. Department
of Transportation

**Research and
Special Programs
Administration**

NOV 22 1993

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

DOT-E 11140

EXPIRATION DATE: January 1, 1994

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: Liquid Carbonic Industries Corporation, Oak Brook, IL

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the transportation in commerce of a Carbon dioxide and Ethylene oxide mixture (ethylene oxide 10% by weight or volume) classed as a Division 2.2 instead of Division 2.1 based on the mixture meeting the test criteria for a non-flammable gas. This exemption provides no relief from any regulation other than as specifically stated herein.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Section 172.101 Table, Column (2).

5. BASIS. This exemption is based on Liquid Carbonic Industries Corporation's application dated October 1, 1993, submitted in accordance with 49 CFR 107.113 and a determination that it is necessary to preclude a serious economic loss.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description/proper shipping name	Hazard Class/ Division	Identification number	Packing Group
Carbon dioxide and ethylene oxide mixtures (with not more than 10% ethylene oxide by weight or volume)	2.2	UN1952	N/A

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - DOT Specification 3A or 3AA cylinders containing the mixture identified in paragraph 6 which meets the definition of a Division 2.2 (nonflammable gas).

b. MARKING - In addition to the marking required by 49 CFR Part 172, Subpart D and Part 178, each cylinder must be plainly and durably marked "DOT-E 11140".

8. SPECIAL PROVISIONS.

a. Persons who receive the packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with and a current copy of this exemption is maintained at each facility from which such reoffering occurs.

b. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

9. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle.

10. MODAL REQUIREMENTS: None required as a condition of 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 Hazardous Materials Transportation Act:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by 49 CFR 107.106 *et seq.*, when applicable.

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 unless a regulation has been amended making the exemption no longer necessary.

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. (49 CFR 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 at Washington, D.C.:

NOV 22 1993

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(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.

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