U.S. Department
of Transportation

**Research and
Special Programs
Administration**

AUG 29 1995

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

DOT-E 11535

EXPIRATION DATE: December 31, 1995

(FOR RENEWAL, SEE 49 CFR SECTION 107.105)

1. GRANTEE: Brewer Environmental Industries, Inc.
Honolulu, HI

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the transportation in commerce of certain cylinders that either do not have a periodic retest marking or the marking is out-of-date. 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 173.34(e)(6).

5. BASIS: This emergency exemption is based on the application of Brewer Environmental Industries Inc. dated August 25, 1995, submitted in accordance with 49 CFR 107.113 and a determination that it is necessary to protect the public's health and the environment.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Chlorine	2.3	UN1017	hazard zone B/ marine pollu-tant

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - As prescribed in 49 CFR 173.314.

b. OPERATIONAL CONTROLS - (1) Cylinders that are out of compliance with the testing and marking requirements of § 173.34 shall be transported from ports on all islands to Brewer Environmental Industries' plants on each island and may be distributed for use of contents. Once

emptied, cylinders will be returned to the supplier.

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.

c. Each shipping paper issued in connection with a shipment made under this exemption must bear the notation "DOT-E 11535" and be located so that the notation is clearly associated with the description to which the exemption applies.

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

10. MODAL REQUIREMENTS:

A 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. Section 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by 49 CFR 107.601 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.

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.:

AUG 29 1995

for 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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