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

JUN 19 2001

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

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DOT-E 12735
(FIRST REVISION)

EXPIRATION DATE: **September 15, 2001**

1. GRANTEE: The Colibri Group
Providence, RI

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-way transportation of approved cigarette lighters which do not conform to the packaging and labeling requirements of 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 § 172.102(c)(5) special provision N10 in that non-UN standard packaging is not authorized except as specified herein; § 172.301(c) in that each outside packaging is required to be marked with the exemption number except as specified herein; and § 172.406(a)(1)(ii) in that a each label is required to be located on the same surface and near the proper shipping name marking except as specified herein.

5. BASIS: This emergency exemption is based on the application of The Colibri Group, dated June 12, 2001, and supplementary information dated June 13, 2001 and June 18, 2001, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101): JUN 19 2001

| Proper Shipping Name/ Hazardous Materials Description | Hazard Class/ Division | Identi-fication Number | Packing Group |
|---|---|---|---|
| Lighters *or* Lighter refills *cigarettes, containing flammable gas* | 2.1 | UN1057 | N/A |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Each lighter and inner packaging must be in conformance with the approval (T-0142) issued by the Associate Administrator for Hazardous Materials Safety under § 173.21(i) and § 173.308. Each approved lighter and inner packaging must be:

(1) Contained inside a UN Standard 4G fiberboard box meeting the packing group II performance level, or;

(2) Contained in at least two non-UN standard boxes. The non-UN standard packaging must provide a total of three levels of containment for the lighters.

b. MARKING - Each outside packaging must be marked and labeled in accordance with the HMR and the approval except with regard to the location of the label and except the exemption number marking of § 172.301(c).

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 modifications or changes are made to the package and it is offered for transportation in conformance with this exemption and the HMR.

c. The packagings covered by this exemption are authorized for a one-way transportation by motor vehicle (Kellaway Trucking) from South Kearney, New Jersey to Pawtucket, Rhode Island and from J.F. Moran Brokerage and J.F. Moran Trucking Company in Pawtucket, Rhode Island or Boston, Massachusetts to the Colibri Group in Providence, Rhode Island.

d. The Colibri Group must ensure that each packaging covered by this exemption be in compliance with the terms of this exemption and the HMR.

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 in Washington, D.C.:

J. Suzanne Hedgepeth

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUN 19 2001
(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 exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: KFW(01)