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

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

MAY 31 2002

DOT-E 12913
(FIRST REVISION)

EXPIRATION DATE: December 31, 2002

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Novelty, Inc.
Greenfield, IN

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of approved cigarette lighters in PG II UN4G fiberboard boxes that may be opened and reclosed without following closure instructions as required by 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 § 172.301(c) in that the exemption number need not be marked on the package and § 173.22(a)(4) in that the package may be reclosed without following the manufacturer's closure instructions.

5. BASIS: This emergency exemption is based on the application of Novelty, Inc., dated January 21, 2002, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss. And supplemental information dated May 29, 2002.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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 an approval issued by the Associate Administrator for Hazardous Materials Safety as provided by § 173.21(i) and § 173.308. Each approved lighter and inner packaging must be packed inside a UN Standard 4G fiberboard box certified to packing group II performance level.

b. When transported by Novelty Inc. as a private motor carrier, each package covered by this exemption may be opened and reclosed without complying with any closure instructions provided any void space within the fiberboard box is filled with cushioning material and the box is tightly reclosed.

8. SPECIAL PROVISIONS: Each package must be marked with the approval number (e.g., T****) for the lighters contained. The package is not required to be marked with the exemption number as required by § 172.301(c).

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.:

MAY 31 2002

(DATE)

For Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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: sln