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

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

MAR 1 0 2003

DOT-E 11372
(FOURTH REVISION)

EXPIRATION DATE: February 28, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Amerex Corporation
Trussville, AL

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain fire extinguishers which are marked using an alternate retest marking method. 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.

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

4. REGULATIONS FROM WHICH EXEMPTED: The marking requirements of §§ 172.203(a), 172.301(c) are waived, and portions of § 180.213(d), as specified herein.

5. BASIS: This exemption is based on the application of Amerex Corporation dated January 28, 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**
Fire extinguishers *containing compressed or liquefied gas*	2.2	UN1044	N/A

7. SAFETY CONTROL MEASURES:

PACKAGING - Prescribed packagings are DOT Specification 4B, 4BW, and 4B240ET cylinders used as fire extinguishers in conformance with all requirements of § 173.309(b).

8. SPECIAL PROVISIONS:

a. In addition to the holder of this exemption, any person authorized to perform retesting may use the alternative marking method for the fire extinguishers described in paragraph 8(g) of this exemption. A current copy of this exemption must be maintained at each facility where the retesting and alternative marking is being performed.

b. 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.

c. 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 modification or change is made to the package or its contents and it is offered for transportation in conformance with this exemption and the HMR.

d. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

e. Each packaging manufactured under the authority of this exemption must be marked with a registration symbol designated by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.

f. The requirements to mark shipping papers and packagings with the exemption number in §§ 172.203(a) and 172.301(c) are waived.

g. RETESTER MARKING - The requirements of § 180.213(d) are modified as follows: In lieu of stamping the retester's identification number and date of retest into the metal of the cylinder or on a metal plate permanently secured to the cylinder, prescribed cylinders may have this information plainly and permanently marked on a nontransferable label secured to the cylinder.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, and passenger-carrying aircraft.

10. MODAL REQUIREMENTS: This exemption imposes no additional modal requirements.

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 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 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

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

MAR 1 0 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: CWFreeman/alb