



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAR 24 2004

DOT-E 12038
(SXITH REVISION)

EXPIRATION DATE: June 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Duracool Refrigerants, Inc.
Edmonton, Alberta, Canada
(U.S. Agent: Duracool(USA) Inc. Las Vegas, NV)
(Former grantee: Duracool Limited)

(See Appendix A of this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

- a. This exemption authorizes the transportation in commerce of certain DOT Specification 2Q containers containing liquefied petroleum gas. 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. The safety analyses did not consider the hazards and risks associated with consumer use, or other uses not associated with transportation in commerce.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.304a(d)(3)(ii) in that the authorized pressures for DOT Specification 2Q containers are exceeded and § 178.33a-8 except as specified herein.

5. BASIS: This exemption is based on the application of Duracool Refrigerants, Inc. dated June 30, 2003, submitted in accordance with § 107.109 and supplemental information dated December 17, 2003.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Petroleum gases, liquefied or Liquefied petroleum gas	2.1	UN1075	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT Specification 2Q container not exceeding 380 ml (23.2 cubic inches) capacity. The container must conform to Sexton Can Company, Inc. Drawing 211 x 406 Plain Bottom dated June 20, 1997 and technical specifications on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA) and are not equipped with a pressure relief device.

b. TESTING - § 178.33a-8 Tests.

(1) Four containers out of each lot of 3,040 containers or less, successively produced each day, must be pressure tested to determine the burst pressure. The containers must be complete with ends assembled. The end must reverse before any leakage or bursting. The minimum burst pressure may not be less than 350 psig.

(2) Each such 3,040 containers or less successively produced per day must constitute a lot. These containers must be complete with ends assembled, of the same material, size, design, construction and finish. If any of the test containers in a lot fail the pressure test, that lot must be rejected, or ten additional containers selected at random from the lot may be subjected to the pressure test. Should any of the ten additional test containers fail the test, the entire lot must be rejected.

c. OPERATIONAL CONTROLS - Containers must be shipped as follows:

(1) Filling density must be in accordance with § 173.304a(d)(1). In addition, the liquid portion of the gas must not completely fill the container at any temperature up to and including 130°F.

(2) Each completed container filled for shipment must have been heated until the pressure in the container is equivalent to the equilibrium pressure of the contents at 130°F without evidence of leakage, distortion, or other defect.

(3) The pressure in the container must not exceed 72 psig at 70°F and 180 psig at 130°F.

(4) Each container must be packed in strong outside packagings as prescribed in § 173.301(a)(9).

(5) Each outside packaging must be marked "INSIDE CONTAINERS CONFORM WITH DOT-E 12038".

(6) Each package may not exceed 66 pounds gross weight.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or change are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

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

c. Test data obtained under paragraph 7.b., §178.33a-8 Tests, of this exemption, must be kept on file and be made available upon request by the OHMEA. Additionally, the following information must be submitted to OHMEA:

(1) Burst test results for the first 20 lots tested under paragraph 7.b. of this exemption.

(2) Lading temperature and pressure test data for the first 20 lots to verify that each completed container has been heated until the pressure in the container is equivalent to the equilibrium pressure of the contents at 130°F without evidence of leakage, distortion, or other defect and that the pressure in the container does not exceed 180 psig at 130°F as specified in paragraphs 7.c.(2) and 7.c.(3) of this exemption. A description of the quality assurance controls used to assume compliance with the requirements of paragraph 7.c.(2).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight and cargo vessel.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel 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:
 - o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o 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.:

for 

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

MAR 24 2004

(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: CWF/sln

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The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Concord Chemical Inc. Saucier, MS	Aug 27, 2003	Sep 24, 2003	Jun 30, 2005
Duracool Refrigerants Inc. (form.) Duracool Ltd. Edmonton, Alberta, CN	Jun 30, 2003	Jul 10, 2003	Jun 30, 2005
Enviro-Safe Refrigerants, Inc. Pekin, IL	Jun 19, 2003	Oct 02, 2003	Jun 30, 2005
Hydrosol, Inc. Bridgeview, IL	Jul 28, 2003	Aug 11, 2003	Jun 30, 2005
OZ Technology, Inc. Rathdrum, ID	Jul 31, 2003	Aug 11, 2003	Jun 30, 2005
Thermofluid Technologies, Inc. Maryville, TN	Oct 06, 2003	Nov 13, 2003	Jun 30, 2005

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