



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

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

JUL 15 2003

DOT-E 13199

EXPIRATION DATE: June 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: HVAC Portable Systems, Inc.
Houston, TX
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of reconditioned ("used") refrigeration units under the provisions of § 173.306(e). 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: 49 CFR §§ 172.302(c) in that the packaging need not be marked with the exemption number and 173.306(e)(1) in that used refrigeration units are not authorized to be transported under this exception, except as specified herein.
5. BASIS: This exemption is based on the application of HVAC Portable Systems, Inc. dated January 21, 2003, submitted in accordance with § 107.105 and public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Material Description	Hazard Class/ Division	Identification number	Packing Group
Refrigerating machines, containing non-flammable, non-toxic, liquefied gas or ammonia solution (UN2672)	2.2	UN2857	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a used refrigerating machine. The used refrigerating machine must conform to the requirements of § 173.306(e) and be permanently affixed to a steel base structure suitable for placement on a double drop trailer. The Class A refrigerant weight per machine ranges from 50 lb. to a maximum of 2500 lb.

b. TESTING - In addition to the requirements contained in § 173.306(e), each used refrigerating machine that has been returned from its rental location must undergo a testing regime by a certified technician. Operating at full load, the unit must be tested and evaluated in accordance with the two checklist criteria on file with Office of Hazardous Materials Exemptions and Approvals (OHMEA). A copy of the completed test report must accompany each machine.

c. OPERATIONAL CONTROLS - Prior to each return of a refrigerating machine to the HVAC Portable Systems regional location, the refrigeration machine must have satisfactorily passed the "Post Job Inspection for Portable Refrigerating Machines." These procedures are on file with OHMEA. A copy of the completed inspection report must accompany each machine.

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

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- b. A current copy of this exemption must be maintained at each facility where the refrigeration machine is offered or reoffered for transportation.
- c. MARKING - The marking requirements of § 172.302(c) are waived.
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 refrigeration machines 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 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.:



Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

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(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: DL