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

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

DOT-E 13201

APR 8 2003

EXPIRATION DATE: February 28, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Powsus, Incorporated
Fort Pierce, Florida

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain fire extinguisher tubes containing liquefied gas that exceed the prescribed size limitations. 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, use as a component of a transport vehicle or other device, 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 §173.309(a)(3)(i) in that the fire extinguishers exceed 55 cubic inches and contain liquefied compressed gas.

5. BASIS: This exemption is based on the application of Powsus, Incorporated dated January 23, 2003 and additional information dated March 13, 2003 submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identi- fication Number	Packing Group
Fire extinguishers containing liquefied gas	2.2	UN1044	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a nylon plastic fire extinguisher tube supported by steel or aluminum end fittings. The extinguishers discharge a gelled nonflammable liquefied gas and powder agent automatically at temperatures in excess of 175 degrees F. The maximum tube size is 106 cubic inches. The maximum tube pressure at ambient temperature is 100 psig. The fire extinguisher must meet all requirements of §173.309(a)(3) except for the size limitation in §173.309(a)(3)(i) of 55 cubic inches for extinguishers containing liquefied compressed gas.

b. OPERATIONAL CONTROLS -

1. Fire extinguisher tubes may be shipped in accordance with §173.309(a).

2. Fire extinguisher tubes must be shipped as an inner packaging.

3. The outside of each package must be marked "DOT-E 13201".

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 modification or change is made to the package or its contents 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.

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

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel, aircraft or motor vehicle used to transport packages covered by this exemption. The shipper must furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

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.:

APR 8 2003

(DATE)

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: cwf