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

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

DOT-E 10771

EXPIRATION DATE: October 31, 1995

(FOR RENEWAL, SEE 49 CFR 107.105.)

1. GRANTEE: Tomco$_2$ Equipment Company, Loganville, Georgia.

2. PURPOSE AND LIMITATIONS: This exemption authorizes the manufacture, marking and sale of non-DOT specification cargo tank motor vehicles in full conformance with DOT Specification MC 331 except for the location of the manhole to be used for the transportation in commerce of carbon dioxide, refrigerated liquid. This exemption provides no relief from any regulation other than as specifically stated herein.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Appendix B to Subpart B of Part 107, 178.337-6(b), 178.337-17(a).

5. BASIS: This exemption is based on Tomco$_2$ Equipment Company's application dated March 30, 1992 and additional information dated June 11, 1992, submitted in accordance with 49 CFR 107.103 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description/proper shipping name	Hazard Class/ Division	Identification Number	Packing Group
Carbon dioxide, refrigerated liquid	2.2	UN2187	NA

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. PACKAGING -Packaging prescribed is a non-DOT specification cargo tank motor vehicle in full conformance with DOT Specification MC 331 except that the manhole is located on the center of the front head. The cargo tank is only authorized for mounting on a flat bed truck. The cargo

tank must be constructed and assembled to the truck chassis in accordance with Tomco$_2$ drawings nos. 92SPL-001 and 92SKT-016 dated June 11, 1992 and technical information dated March 30, 1992, on file with the Office of Hazardous Materials Exemptions and Approvals.

Cargo tanks are authorized in the following capacities:

CAPACITY CO_2	WATER CAPACITY
2.0 tons	4,037 lbs.
2.5 tons	5,031 lbs.
3.75 tons	7,074 lbs.
6.0 tons	12,475 lbs.

b. TESTING - Each cargo tank motor vehicle must be inspected and tested in accordance with Subpart E of Part 180 of this subchapter as specified for MC 331 cargo tank motor vehicles.

c. MARKING - The line on the metal identification plate required by § 178.337-17(a) which reads "D.O.T. specification number" must be marked "MC 331-E 10771".

8. SPECIAL PROVISIONS:

a. Offerors for transportation of the hazardous materials specified in this exemption may use the packaging described in this exemption for the transportation of such hazardous materials so long as no modifications or changes are made to the packages, all terms of this exemption are complied with, and a copy of the current exemption is maintained at each facility from which such offering occurs.

b. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated for a specific manufacturing facility.

c. A copy of this exemption, in its current status, must be maintained at each manufacturing facility at which this packaging is manufactured and must be made available to a DOT representative upon request.

d. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS:

a. A 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 Hazardous Materials Transportation Act:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, Parts 171-180.
- Registration required by 49 CFR 107.601 *et seq.*, when applicable.

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 unless a regulation has been amended making the exemption no longer necessary.

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. (49 CFR 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 also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued at Washington, D.C.

MAR 22 1994

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(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.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

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