U.S. Department of Transportation

Research and Special Programs Administration

OCT 9 1998

DOT-E 12159

EXPIRATION DATE: **January 31, 1999**

1. GRANTEE: United Parcel Service (UPS)
   Louisville, KY

2. PURPOSE AND LIMITATION:

   a. This emergency exemption authorizes the transportation in commerce of certain generators represented to UPS as new, with empty tanks, to destinations in Puerto Rico, as virtually non-regulated. This exemption provides no relief from any Hazardous Materials Regulation 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.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 171.2(a), 172.200 through 172.203, 173.220, 175.3, 175.30, 175.33, 175.78, 175.79 and 175.85.

5. BASIS: This emergency exemption is based on the application of UPS dated October 8, 1998, submitted in accordance with 49 CFR 107.117 and a determination that it is necessary in order to protect life, property and the environment.

6. SAFETY CONTROL MEASURES:

a. Only new, previously unused generators, without fuel* in their tanks are covered by this exemption.
* Although these generators have empty fuel tanks, residual fuel from a factory test may be contained in the fuel lines or other components.

b. The destination for the generators must be an address in Puerto Rico.

c. The generators must be in a suitable outer package.

d. The air transport of the generators is by UPSCO aircraft and small feeder aircraft chartered for the sole purpose of transporting packages for UPS.

7. SPECIAL PROVISIONS: A current copy of this exemption must be maintained at UPSCO headquarters for the duration of the exemption.

8. MODES OF TRANSPORTATION AUTHORIZED: Cargo aircraft only.

9. MODAL REQUIREMENTS: None as a requirement of this exemption.

10. 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. Section 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

- Registration required by 49 CFR 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in 49 CFR 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 49 CFR 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.

11. 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 inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.

James Enock Jones

OCT 9 1998

for 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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

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