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LSPA-02-13568-1

DEPT. OF TRANSPORTATION  
DOT/ST

**GS BATTERY (USA) INC.**  
17253 Chestnut Street  
City of Industry, CA 91748

02 OCT -9 AM 9:53

October 7, 2002

Associate Administrator for Hazardous Materials Safety  
Research and Special Programs Administration  
U.S. Department of Transportation  
400 7<sup>th</sup> Street, SW  
Washington, DC 20590-0001

**Attention: Exemptions, DHM-31**

Dear Ann Mazullo:

49 CFR 107.105(a)(2)

My contact information is:

Kathy Medberry  
GS Battery (USA) Inc.  
17253 Chestnut Street  
City of Industry, CA 91748  
Phone: 626-964-8348 ext. 31  
Email: [kathym@gsbattery.com](mailto:kathym@gsbattery.com)

49 CFR 107.105(a)(4)

The addresses of the manufacturing facilities would be:

Ztong Yee Industrial Company  
999, Chung Cheng N. Road  
Yeong Kang, Tainan  
Taiwan, R. O. C.

and:

Tianjin Ztong Yee Industrial Company  
No. 189 Huangai Road  
Tianjin Economic Technological Development Area  
Teda, Tianjin  
China

and:

Japan Storage Battery  
1-8-1, Nishi-shinbashi  
Minato-ku, Tokyo  
Japan

GS Battery

1

Oct. 07 2002 10:20AM P2

FAX NO. : 626 810 9438

FROM : GS BATTERY (U.S.A.) INC.

49 CFR 107.105(c)(1)

The citations that GS Battery seeks relief from are:

49 CFR 173.159(g) and

49 CFR 173.159(h)

49 CFR 107.105(c)(2)

The mode of transportation would be rail and motor vehicle.

49 CFR 107.105(c)(3)

The proposed exemption would allow the transport of one type of hazardous material: Battery fluid, acid to be transported in a non-specification packaging that has satisfactorily passed the Cobb test in accordance with 49 CFR 178.516, and also tested in accordance with 49 CFR 178.601-178.608 without any evidence of leakage or damage. These packages were tested and marked by Wyle Laboratories as a Y-rated UN packaging, but a recent inspection by DOT found that this was an error. The test reports indicated that the containers were tested with sand replacing the battery, which the inspector indicated was a problem and has already contacted Wyle Laboratories. Unfortunately GS Battery has the test report indicating that this package is in compliance with the Hazardous Materials Regulations, and therefore they believed that they were in full compliance.

GS Battery proposes to follow the general packaging requirements and securely close these inner containers, place them in a strong fiberboard overpack, shrinkwrap these overpacks to wooden pallets, and place them in a freight container. The extra overpacking provides a considerable measure of safety to the batteries shipped inside.

49 CFR 107.105(c)(4)

We request the exemption to be valid until the newly certified UN packages are ready to replace the depleted stock of non-specification boxes.

49 CFR 107.105(c)(5)

Our request is that we ship these packages that we know are not in compliance with the Hazardous Materials Regulations, in a safe manner as specified under this exemption, until the newly certified boxes are available with the proper marks and labels. We feel that the current method of overpacking, allows an extra measure of safety to a box that has already been tested to prove its strength and capacity, however we know that it will need to be replaced. As soon as the current stock of boxes is depleted we will switch to the new UN certified packagings.

49 CFR 107.105(c)(7)

The material intended for transportation under this exemption would be:

Battery fluid, acid, 8, UN2796, PG II.

Dry charged batteries with hoses are packaged with polyethylene bottles containing battery acid.

49 CFR 107.105(c)(8)

See attached test report. The test report by Wyle Laboratories itemizes the tests performed on the inner containers. As explained, these inner containers will be further overpacked in a strong fiberboard box.

49 CFR 107.105(d)(1)

There have never been any accidents or incidents occurring in the transportation of these batteries and battery acids.

49 CFR 107.105(d)(2)

There is not necessarily an increased risk to safety or property when shipping the batteries and battery acid that did not exist previously. We estimate that with proper packaging of the products, no increased risk would exist. The additional safety considerations of overpacks, shrinkwrap, use of pallets, and freight containers should protect the battery fluid and battery from any damage that might otherwise occur to the package when shipped alone.

49 CFR 107.105(d)(3)(ii)

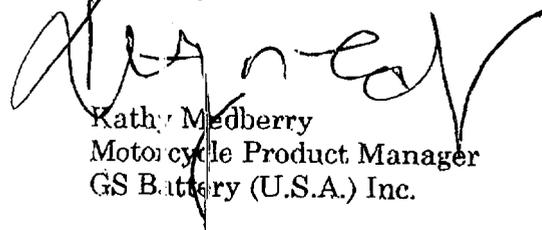
The hazard associated with shipment of this product is the noncompliant inner package. The test report shows that this package has successfully passed the 49 CFR packaging tests and with the additional packaging used, the final combination packaging should logically be safer than if a UN package were shipped alone.

49 CFR 107.117(c)

We request that this exemption be processed on an emergency basis because GS Battery cannot continue functioning since the business relies on shipments of its batteries. The option to halt shipments of its batteries in order to wait for new UN packaging would cause an enormous significant loss, especially when an equivalent level of safety can be achieved until these new UN packages are designed. The estimated potential economic loss to our company would be approximately 1 million dollars per month if this exemption could not be granted.

Thank you for your consideration of this request. Please contact me if you require additional information.

Sincerely,



Kathy Medberry  
Motorcycle Product Manager  
GS Battery (U.S.A.) Inc.