

LaValle, Diane <PHMSA>

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From: Special Permits <PHMSA>
Sent: Thursday, July 10, 2008 3:21 PM
To: LaValle, Diane <PHMSA>
Subject: FW: Application for Special Permit
Attachments: bvaapplypermit.doc

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PHMSA-2008-0199

From: Edward S. Piszynski [mailto:EPiszynski@BVAerosol.com]
Sent: Thursday, July 10, 2008 3:17 PM
To: Special Permits <PHMSA>
Subject: Application for Special Permit

Our application for a new special permit is attached.

Edward S. Piszynski
Vice President
Laboratory Services
Bridgeview Aerosol, LLC

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7/25/2008

BRIDGEVIEW AEROSOL, LLC

8407 South 77th Avenue
Bridgeview, IL 60455

Laboratory Phone: 708-237-4345
Laboratory Fax: 708-598-6513

July 10, 2008

Associate Administrator for Hazardous Materials Safety
(Attention: Special Permits, PHH-31)
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

Bridgeview Aerosol, LLC hereby submits this Application for Special Permit.

Applicant: Bridgeview Aerosol, LLC
8407 S. 77th Avenue
Bridgeview, IL 60455-1738

Phone: 708-598-7100
Fax: 708-598-6513

Agent: Edward S. Piszynski
Phone: 708-598-7100 Ext. 4345
Fax: 708-598-6513

Description of Permit Proposal:

We request relief from the definition of "Aerosol" in 49 CFR 171.8 and the Limited Quantities of Compressed Gas provisions in 49 CFR 173.306, in particular 173.306(a)(3), that describe the physical characteristics of the material being expelled from the aerosol container.

We propose to package a pressurized product that consists of a blend of argon, 99.75% by weight, and carbon monoxide, 0.25% by weight, using standard aerosol product packaging techniques. The purpose of this product is to serve as carbon monoxide detector checker in order to determine that the detector is functioning properly. All materials that would be used in the packaging would be standard aerosol-related components including cans, valves, actuators, etc.

The definition given in 49 CFR 171.8 does not allow a product to be considered as an aerosol if it dispenses a gas only. The definition of "Aerosol or Aerosol Dispensers" as it appears in the International Air Transport Association Dangerous Goods Regulations includes the dispensing of

a gas alone. The definition is:

“For the purpose of these Regulations an aerosol or aerosol dispenser means any non-refillable receptacle made of metal, glass or plastic and containing a gas compressed, liquified or dissolved under pressure, with or without a liquid, paste or powder, and fitted with a self-closing release device allowing the contents to be ejected as solid or liquid particles in suspension in a gas, as a foam, paste or powder, or in a liquid or gaseous state.”

One of the Limited Quantity provisions described in 49 CFR 173.306(a)(3) states: “When in a metal container for the sole purpose of expelling a nonpoisonous (other than a Division 6.1 Packing Group III material) liquid, paste or powder, provided all of the following conditions are met.” It is our request that this provision be modified to allow for the inclusion of the expelling of a gas also. All of the other provisions in 173.306(a)(3)(i) through (vi) would be unaffected by this request.

The duration for which this permit is sought is indefinite in that this is anticipated to be a continuing product.

If there is additional information that is necessary for the consideration of this application, please let me know.

Sincerely,

Edward S. Piszynski
Vice President
Laboratory Services