

explosion at Realm Industries, Inc., an apparent predecessor company of Rainbow of Hope. The June 2010 explosion, which took place at an industrial facility at 480 East Easy Street, Simi Valley, California, was also linked to TyLar. In addition, a third explosion occurred at a Realm Industries facility on December 15, 2008. A Material Safety Data Sheet (MSDS) for TyLar describes it as a flammable, colorless, odorless compressed gas that poses an immediate fire and explosive hazard when concentration exceeds 5.2% in the atmosphere. The MSDS states that TyLar is capable of self-sustained combustion and detonation creating an implosion when unadulterated by other gases, will create an explosive mixture when combined with other gases, and creates a strong sonic shock upon ignition. The MSDS does not include composition information, merely stating that the product is a "Trade Secret" and a "Proprietary Mixture."

In the hazardous materials context, an unsafe condition rises to the level of an imminent hazard when a "substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment." 49 CFR 109.1.

TyLar-related incidents have caused two major explosions within a 14-month period. The August 9, 2011, explosion in Sylmar caused two people to suffer severe injuries and caused substantial destruction of property. The June 17, 2010, explosion in Simi Valley caused a death. Because the companies did not cease TyLar-related activities following the 2010 death, but instead changed locations and resumed work related to the TyLar gas, PHMSA believes that the companies may resume production and transportation activities. Due to the history of property damage, death, and severe personal injury related to the use and transportation of TyLar, PHMSA believes that its continued use and transportation in commerce constitutes an imminent hazard. Given these facts, PHMSA concludes that there is a substantial likelihood that TyLar-related operations may cause death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment before the reasonably foreseeable conclusion of these proceedings.

#### Remedial Action

To eliminate or abate the imminent hazard, you must refrain from filling

cylinders with TyLar and refrain from offering TyLar for transportation in commerce or transporting it in commerce. In the alternative, you may present evidence showing that you have developed adequate safety measures to mitigate the risks of explosion presented by TyLar.

#### Rescission of This Order

Before you may fill cylinders, offer and/or transport any hazardous material subject to this Order you must be able to adequately demonstrate to the Administrator that you have taken the actions listed above, or that you have taken other actions, and that the actions taken have, in fact, resulted in an imminent hazard no longer existing. After you have presented evidence showing that the imminent hazard no longer exists, the Administrator will issue a Rescission Order. Until a Rescission Order is issued, you must not offer or transport any package covered by this Order.

#### Failure To Comply

Any person failing to comply with this Emergency Order is subject to civil penalties of up to \$110,000 for each violation or for each day they are found to be in violation (49 U.S.C. 5123). A person violating this Emergency Order is also subject to criminal prosecution, which may result in fines under title 18, imprisonment of up to ten years, or both (49 U.S.C. 5124).

#### Right to Review

Any person to whom the Administrator has issued an Emergency Order is entitled to review of the order pursuant to 49 U.S.C. 5121(d)(3) and in accordance with section 554 of the Administrative Procedure Act (APA), 5 U.S.C. 500 *et seq.* Any petition seeking relief must be filed within 20 calendar days of the date of this order (49 U.S.C. 5121 (d)(3)), and include one copy addressed to the Chief Safety Officer (CSO) for the Pipeline and Hazardous Materials Safety Administration, United States Department of Transportation, 1200 New Jersey Avenue SE., Washington DC 20590-0001 (*Attention: Office of Chief Counsel*) (electronically to [PHMSACHIEFCOUNSEL@DOT.GOV](mailto:PHMSACHIEFCOUNSEL@DOT.GOV)) and one copy addressed to U.S. DOT Dockets, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12-140, Washington, DC 20590 (<http://Regulations.gov> under Docket #PHMSA-2011-0303). Furthermore, a petition for review must state the material facts at issue which the petitioner believes dispute the existence of an imminent hazard and must

include all evidence and exhibits to be considered. The petition must also state the relief sought. Within 30 days from the date the petition for review is filed, the CSO must approve or deny the relief in writing; or find that the imminent hazard continues to exist, and extend the original Emergency Order. In response to a petition for review, the CSO may grant the requested relief in whole or in part; or may order other relief as justice may require (including the immediate assignment of the case to the Office of Hearings for a formal hearing on the record).

In order to request a formal hearing in accordance with 5 U.S.C. 554, the petition must state that a formal hearing is requested, and must identify the material facts in dispute giving rise to the request for a hearing. A petition which requests a formal hearing must include an additional copy addressed to the Chief Administrative Law Judge, U.S. Department of Transportation, Office of Hearings, M-20, Room E12-320, 1200 New Jersey Avenue SE., Washington, DC 20590 (*Fax: (202) 366-7536*).

Issued in Washington, DC, on November 17, 2011.

#### Magdy El-Sibaie,

*Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.*

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Taxpayer Advocacy Panel Meeting Cancellation

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of Meeting Cancellation.

**SUMMARY:** Notice is hereby given of the cancellation of the open meeting of the Taxpayer Advocacy Panel scheduled for Tuesday, December 6, 2011, and Wednesday, December 7, 2011, at the Capital Hilton Hotel in Washington, DC, which was originally published in the **Federal Register** on November 9, 2011, (Volume 76, Number 217, Page 69799).

The meeting is cancelled due to budgetary constraints.

**FOR FURTHER INFORMATION CONTACT:** Susan Gilbert at 1-(888) 912-1227 or (515) 564-6638.

Dated: November 30, 2011.

**Shawn Collins,**

*Director, Taxpayer Advocacy Panel.*

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