U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAR 15 1994

DOT-E 10267
(THIRD REVISION)

1. BEI, Limited, St. Charles, Illinois, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark, and sell the packaging described in paragraph 7 below for use in the transportation in commerce of the corrosive materials and oxidizers described in paragraph 3 below subject to the requirements specified herein. This exemption authorizes the manufacture, marking, and sale of a non-DOT specification paper-faced expanded polystyrene board box for use in the shipment of materials described in paragraph 3 below and provides no relief from any regulation other than as specifically stated. NOTE: References to 49 CFR sections in this exemption are to regulations in effect on September 30, 1991.

2. BASIS. This exemption is based on BEI, Limited's application dated March 7, 1994, submitted in accordance with 49 CFR 107.105.

3. HAZARDOUS MATERIALS (Descriptor and class). Those Class 8 and Division 5.1 materials presently authorized by 49 CFR Part 173 to be packaged in DOT Specification 12R paper faced expanded polystyrene board boxes. Nitric acid is not authorized for shipment by air.

4. PROPER SHIPPING NAME (49 CFR 172.101). The specific chemical name or generic description, as appropriate.

5. REGULATION AFFECTED. 49 CFR Part 173 Subpart F, 178.212.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, cargo vessel, and cargo aircraft only (See paragraph 7.b. of this exemption).

7. SAFETY CONTROL MEASURES.

a. Packaging prescribed is a non-DOT specification paper-faced expanded polystyrene board box with inner glass bottles. The box is in conformance with the requirements of DOT Specification 12R, except that the board has a minimum thickness of 0.182 inch. Inner bottles are cushioned within the outer box with an expanded polystyrene foam insert and a top pad of paper-faced expanded polystyrene board.

b. The provisions of 49 CFR Section 173.268 (i) and (j) apply. Nitric acid is not authorized for shipment by air under the terms of this exemption.

c. No new construction of the packaging is authorized after September 30, 1994.

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 marked in accordance with 49 CFR 178.212-8, except that "DOT-E 10267" must be marked in place of "DOT-12R".

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

d. 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.

e. In accordance with the provisions of 49 CFR Part 107, Appendix B to Subpart B, Paragraph 3, the shipper shall furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered. A copy of this exemption must be carried aboard each aircraft and vessel used to transport packages covered by this exemption.

f. 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 100-180.

9. 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 incidents involving the package and shipments made under the terms of this exemption.

10. EXPIRATION DATE. March 31, 1996.

Issued at Washington, D.C.

MAR 15 1994

(DATE)

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. 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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