U.S. Department
of Transportation

**Research and
Special Programs
Administration**

SEP 8 1998

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

DOT-E 12113
(FIRST REVISION)

EXPIRATION DATE: August 31, 2000

1. GRANTEE: Bemis Company, Inc.
Omaha, NE

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the manufacture, marking, sale and use of 23,140 UN 5M2 multi-wall paper bags that were inadvertently marked with letters and numbers with a minimum height of 5.1 mm instead of the required 6.0 mm. This exemption provides no relief from any Hazardous Materials Regulation (HMR) 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, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 178.3(a)(4) in that the minimum height of the markings is 5.1 mm; the marking requirements of 49 CFR 172.203(a) and 172.301(c).

5. BASIS: This exemption is based on the application of Bemis Company, Inc. dated June 23, 1998, submitted in accordance with 49 CFR 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Organophosphorus, pesticide, solid, toxic (terbufos)	6.1	UN2783	PG II

7. SAFETY CONTROL MEASURES:

a. PACKAGING -Packagings prescribed are 23,140 UN 5M2 multi-wall paper bags that have inadvertently been marked UN5M2/Y24/S/98/USA/M5109 with letters and numbers having minimum heights of 5.1 mm instead of the required 6.0 mm.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of 49 CFR 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

b. A person who is not a holder of this exemption, but receives a package covered by this exemption, may reoffer it for transportation provided no modifications or changes are made to the package and it is offered for transportation in conformance with this exemption and the HMR.

c. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

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

e. The marking requirements of 49 CFR 172.203(a) and 172.301(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

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

11. 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.

12. 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.:

SEP 28 1998

Ann Mazzullo

for Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

(DATE)

SEP 8 8998

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: Docket Section, 202-366-5046.

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