AUG 23 1994

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 8522
(SIXTH REVISION)

1. Tuscarora Plastics, Inc., Sterling, Virginia, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark and sell packaging described in paragraph 7 below for use in the transportation of the various hazardous materials described in paragraph 3 below in commerce subject to the limitations and special requirements specified herein. This exemption authorizes the use of a non-reusable expanded polystyrene case similar to a DOT-33A, except that it will incorporate six cavities to contain not more than six five-pint or six 20-ounce bottles, for shipment of those commodities authorized by Part 173 to be shipped in a DOT-33A case, and provides no relief from any regulation other than as specifically stated. Reference to 49 CFR sections in this exemption are to regulations in effect on September 30, 1991.

2. BASIS. This exemption is based on Tuscarora Plastics, Incorporated's application dated June 7, 1994 submitted in accordance with 49 CFR 107.105.

3. HAZARDOUS MATERIALS (Descriptor and class). Those commodities presently authorized by 49 CFR Part 173 to be packaged in DOT Specification 33A expanded polystyrene cases.

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; 177.839(a)(b); 178.150.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, rail freight, cargo vessel.

7. SAFETY CONTROL MEASURE.

a. Packaging is a non-DOT Specification non-reusable molded expanded polystyrene case similar to DOT-33A:

(1) except that it incorporates six cavities to contain not more than six five-pint bottles. Case to be as shown in Preferred Plastics Drawing SK 78-151, Revision 11, dated December 23, 1986, and will contain a maximum gross weight of 75 pounds; or

EXPIRED - NO RENWAL - NOT ACTIVE

(2) except that it incorporates six molded cavities, each to contain not more than one 20-ounce capacity glass bottle, for a total of six 20-ounce bottles. Case to be as shown in specifications forwarded with Preferred Plastics' application of June 7, 1983.

Maximum gross weight not to exceed 17 pounds.

b. Each case may be closed for shipment by pressure-sensitive tape as specified in 49 CFR 178.150-4(a) or, alternatively, by means of three or more vertical non-metallic straps of at least 1/4-inch width and a tensile strength of not less than 200 pounds. Cases, closed as for shipment, must be capable of satisfactorily withstanding the performance tests prescribed in 49 CFR 178.150-6.

c. Cases which were prepared for shipment prior to January 1, 1987, and were closed using two non-metallic straps of 1/2-inch width and a tensile strength of not less than 600 pounds may continue to be shipped under this exemption until January 1, 1988, or depletion of existing stock, which ever occurs first.

d. Packages may be stacked up to six tiers high. If so stacked, they must be palletized into one or more unit loads.

8. SPECIAL PROVISIONS.

a. Offerors for transportation of 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. A copy of this exemption must be carried aboard each vessel used to transport packages covered by this exemption.

c. 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.

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 for a specific manufacturing facility.

e. 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.

f. No new construction of the packaging manufactured under the terms of this exemption is authorized after September 30, 1994. As the holder of this exemptin, you may request a renewala to continue the use of the packaging manufactured prior to September 30, 1994. However, the exemption will not carry an expiration date subsequent to September 30, 1996 since use of the packaging is prohibited after that date. This is consistent with the transitional provisions of 49 CFR Section 171.14 and the implementation of the new packaging requirements adopted under Docket HM-181.

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 also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

10. EXPIRATION DATE. June 30, 1996.

Issued at Washington, D.C.

Suzanne Hedgepeth

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

AUG 23 1994
(DATE)

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

Dist: USCG, FHWA, FRA.