U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 11288

JUN 14 1995

EXPIRATION DATE: February 28, 1997

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: International Packaging Corporation
Tuckahoe, New York.

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the manufacture, marking, and sale of non-DOT specification non-refillable metal aerosol container filled with propellent gas and an inner commodity pouch that is empty or contains a non-hazardous material for transportation in commerce. This exemption provides no relief from any regulation other than as specifically stated herein.

b. LIMITATIONS. The authorization provided by this exemption to manufacture, mark, sell, and transport a packaging represents that it is constructed to an acceptable level of safety for its use in the transportation of specified hazardous materials in commerce. The safety analysis performed in the development of this exemption was limited to potential risks associated with transportation in commerce and did not consider the risks associated with its use subsequent to transportation.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Section 173.306(a)(3)(v) for an inner commodity pouch filled with a non-hazardous material product or empty and 49 CFR Sections 178.33a-2 and 8.

5. BASIS. This exemption is based on International Packaging Corporation's (IPC) application dated June 9, 1994, submitted in accordance with 49 CFR 107.103 and the public process thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description/proper shipping name	Hazard Class/ Division	Identi-fication number	Packing Group
Consumer commodity (pressurized by air, compressed; Nitrogen compressed, or Carbon dioxide, compressed)	ORM-D	None	N/A

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING: Packaging prescribed is a non-DOT specification single trip aerosol container, consisting of an outer shell (can) conforming to DOT specification 2Q except as prescribed in this exemption, and as described in IPC's application.

(1) 178.33a-2 - Type and Size.

(a) The single trip container must be seamless, or with seams welded or brazed, double seamed, or swaged. The container has either an inner aluminum laminated (ipc LP system) or an inner polymer (polypropylene, nylon, or polyethylene) (PEP system) commodity pouch. The pouch is charged with a non-hazardous material. The aluminum laminated pouch is thermally welded to the 1 inch opening of the container. A polymer pouch must be securely attached at the time the valve is crimped on to the curl of the can. The volume of the annular space containing a pressurized gas may not exceed 40 percent of the total volume of the container. The total volume capacity of the container may not exceed 14 fluid ounces.

(2) §178.33a-8 - Tests.

(a) One completed container out of every lot produced must be pressure tested to destruction and may not burst below 240 psig. The tested container must be complete with the ends assembled. If the test container fails the burst test, the lot must be rejected. However, an additional 5 randomly selected containers may be burst tested to qualify that lot. If any of the additional test containers fail the burst test, that lot must be rejected.

(b) Each 2,500 containers or less, successively produced as a batch or part thereof, shall constitute a lot. All containers constituting a lot shall be of like material, size, design, construction, finish, and quality.

(3) §178.33a-9 Marking.

(a) Each container must be marked, by printing, lithographing, embossing, or stamping to show: "DOT-E 11288" instead of "DOT-2Q".

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. 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 171-180.

c. 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.

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.

9. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, rail freight, cargo vessel, cargo only aircraft, and passenger aircraft.

10. MODAL REQUIREMENTS: A copy of this exemption must be carried aboard each cargo vessel or aircraft used to transport packages covered by this exemption. 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.

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 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.

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 unless a regulation has been amended making the exemption no longer necessary.

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

Issued at Washington, D.C.:

JUN 14 1995

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(DATE)

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.

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