U.S. Department of Transportation

Research and Special Programs Administration

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

OCT 26 1994

DOT-E 10142
(THIRD REVISION)

1. Tuscarora Plastics, Inc., New Brighton, Pennsylvania, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark, and sell the packagings prescribed herein for use in transportation in commerce of the flammable and combustible liquids, Class 3 and combustible material, Class 8 described in paragraph 3 below subject to the limitations and special requirements specified herein. This exemption authorizes the manufacture, marking, and sale of non-DOT specification corrugated fiberboard boxes with handholes, with inside glass bottles, for the transportation of flammable and corrosive liquids, and provides no relief from any regulation other than as specifically stated. NOTE: 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, Inc.'s applications dated October 4, 1994, submitted in accordance with 49 CFR 107.105 and supplemental letter dated October 4, 1994.

3. HAZARDOUS MATERIALS (Descriptor and class). Flammable and combustible liquids, Class 3, (Packing groups I, II or III) or Combustible material, Class 8, (Packing groups I, II or III) authorized to be transported in DOT Specification 12A fiberboard boxes in 49 CFR 173.119(a)(23) or 173.245(a)(18) or DOT Specification 12B fiberboard boxes.

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

5. REGULATION AFFECTED. 49 CFR 173.119(a)(23), 173.245(a)(18), 178.210.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, rail freight, cargo vessel, and cargo-aircraft only.

7. SAFETY CONTROL MEASURES. Packaging prescribed is a non-DOT specification corrugated fiberboard box conforming with DOT Specification 12A except for two partially die-cut handholes in the side panels of the box. Each handhole may not be larger than 3.5 inches long by 2.25 inches in height. Inside packagings consist of not more than four glass bottles, of not greater than four liters capacity each. The completed container, closed as for shipment, must be capable of withstanding the performance tests prescribed in 49 CFR 178.210-10.

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. Each container must be plainly and durably marked "DOT-E 10142."

c. A copy of this exemption must be carried aboard each cargo vessel, aircraft or motor vehicle used to transport the 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.

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. 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.

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 171-180.

g. **No new construction of the packaging manufactured under the terms of this exemption is authorized after September 30, 1994. As the holder of this exemption, you may request a renewal 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.**

OCT 26 1994

9. 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 laws:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o 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.

10. 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.

11. EXPIRATION DATE. SEPTEMBER 30, 1996.

Issued at Washington, D.C.:

For Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

OCT 26 1994
(DATE)

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

Dist: USCG, FAA, FHWA, FRA.