U.S. Department of Transportation
Research and Special Programs Administration

NOV 10 1994

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

DOT-E 9416
(FOURTH REVISION)

1. Miles Incorporated, Agriculture Division is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to offer packages prescribed herein of a Division 6.1 material for transportation in commerce subject to the limitations and special requirements specified herein. This exemption authorizes the shipment of an organophosphorus pesticide, liquid, toxic, n.o.s. in a DOT Specification 12P fiberboard box containing two inside DOT Specification 2U polyethylene containers not exceeding 2 1/2-gallons capacity, 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. See Appendix A of this exemption.

2. BASIS. This exemption is based on Miles Incorporated's application dated August 1, 1994, submitted in accordance with 49 CFR 107.105.

3. HAZARDOUS MATERIALS (Descriptor and class). Organophosphorus pesticide, liquid, toxic n.o.s., 6.1 UN3018.

4. PROPER SHIPPING NAME (49 CFR 172.101). Organophosphorus pesticide, liquid, toxic n.o.s., 6.1 UN3018.

5. REGULATION AFFECTED. 49 CFR 173.359.

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

7. SAFETY CONTROL MEASURES. Packaging prescribed is a DOT Specification 12P corrugated fiberboard box with two inside DOT Specification 2U polyethylene containers of not over 2 1/2-gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene containers are completely enclosed in inside boxes free of wire staples or other projections that could cause failures.

8. SPECIAL PROVISIONS.

a. Persons who receive packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with, and a current copy of this exemption is maintained at each facility from which such reoffering occurs.

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b. A copy of this exemption must be carried aboard each cargo vessel used to transport packages covered by this exemption.

c. **No new construction of the packaging identified in Paragraph 7 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.**

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. June 30, 1996.

Issued at Washington, D.C.:

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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: Exemptions Program.

Dist: FHWA.

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.