MAY 2 1 2004

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 13567

EXPIRATION DATE: September 30, 2004

1. GRANTEE: Cott Concentrates
A Division of Cott Beverages, Inc.
Columbus, GA

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of the hazardous materials listed in paragraph 6, to be shipped in certain UN standard packagings that have not been periodically retested and recertified in accordance with § 178.601(e). This exemption provides no relief from the Hazardous Materials Regulations (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.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.301(c) in that marking the exemption number on the boxes is waived; §§ 178.3(c) and 178.601(e) in that the UN standard packaging design must be successfully and periodically retested, except as specified herein.

5. BASIS: This emergency exemption is based on the application of Cott Concentrates, dated May 19, 2004 and supplemental information dated May 20, 2004, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper shipping name -- Hazardous materials description	Hazard Class/ Division	Identi-fication Number	Packing Group
Corrosive liquid, acidic, inorganic, n.o.s.	8	UN3264	II and III
Extracts, flavoring, liquid	3	UN1197	II and III

7. SAFETY CONTROL MEASURES:

a. PACKAGING: Packagings authorized are UN4G combination packages containing four, one-gallon, high density polyethylene bottles marked "UN4G/Y24/S/01/USA/M5231", that have not been successfully retested/recertified in accordance with § 178.601(e). The boxes are stacked on a pallet, wrapped with tape and further wrapped with shrink-wrap material prior to shipment.

b. This exemption only authorizes the combination packages, identified above,(approximately 2,250 boxes per week) for ground shipments until additional certification tests are successfully complete.

c. Transportation is only authorized by motor vehicle.

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be maintained at each facility where the package offered or reoffered for transportation. It must be made available to a DOT representative upon request.

b. MARKING -

(1) Each palletized load must be plainly and durably marked on all four sides with "DOT-E 13567" in

letters at least 2 inches in height on a contrasting background.

(2) The marking requirement specified in § 172.301(c) is waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by 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. 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 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 §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this 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. (Sections 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 in Washington, D.C.:

MAY 21 2004

(DATE)

Robert A. McGuire
for Associate Administrator for
Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590. Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

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