EXPIRATION DATE: August 31, 2010

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. **GRANTEE:** Battery Council International (BCI) and members on file with the OHMSPA Chicago, IL

2. **PURPOSE AND LIMITATION:**
   
a. This special permit authorizes the transportation in commerce of certain Consumer commodities that have been overpacked and do not have the correct markings on the inner package, when transported by motor vehicle. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

   b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.

   c. No party status will be granted to this special permit.

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

4. **REGULATIONS FROM WHICH EXEMPTED:** 49 CFR § 172.316 in that each package must be marked with the ORM-D designation immediately following or below the proper shipping name, except as provided herein.

5. **BASIS:** This special permit is based on the application of Battery Council International (BCI) dated July 1, 2008 submitted in accordance with § 107.105 and the public proceeding thereon.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

<table>
<thead>
<tr>
<th>Hazardous Materials Description</th>
<th>Hazard Class/Division</th>
<th>Identification Number</th>
<th>Packing Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consumer commodity</td>
<td>ORM-D</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

7. SAFETY CONTROL MEASURES:

a. PACKAGING – Prescribed packaging is a UN4G fiberboard box meeting the PG II performance level containing battery fluid. The UN4G fiberboard box is overpacked with a dry battery.

b. OPERATIONAL CONTROLS – Each overpack must be fully marked as provided by the HMR.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this special permit and the HMR.

b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

c. The inside packages containing battery acid are not marked with the ORM-D designation or the proper shipping name.

d. MARKING – The marking requirements of § 172.301(c) are waived.

10. **MODAL REQUIREMENTS**: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.

11. **COMPLIANCE**: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

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

   o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.

   o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.
12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:

[Signature]

for Theodore L. Willke
Associate Administrator for Hazardous Materials Safety


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

PO: LaValle