U.S. Department of Transportation

Research and Special Programs Administration

DOT-E 6267
(SEVENTH REVISION)

1. Berry Plastics Corporation, Evansville, Indiana, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to offer packages of certain oxidizing materials for transportation in commerce subject to the limitations and special requirements specified herein. This exemption authorizes use of DOT and non-DOT specification packaging, and provides no relief from any regulation other than as specifically stated. **Reference to 49 CFR sections in this exemption are to regulations in effect on September 30, 1991.**

2. BASIS. This exemption is based on Berry Plastics Corporation's application dated July 22, 1994, submitted in accordance with 49 CFR 107.105

3. HAZARDOUS MATERIALS (Descriptor and class). Dry mono-(trichloro) tetra-(mono-potassium dichloro)-penta-s-triazinetrione, dry trichloro-s-triazine-trione, and dry sodium dichloro-s-triazinetrione, each in granular and compressed forms, and containing more than 39 percent available chlorine, Division 5.1 materials; any other oxidizer (solid) specifically identified to, and acknowledged in writing by, the Office of Hazardous Materials Exemptions and Approvals (OHMEA), prior to the first shipment.

4. PROPER SHIPPING NAME (49 CFR 172.101). Mono-(trichloro) tetra-(mono- potassium dichloro)-penta-s-triazinetrione, Trichlorostriazinetrione, sodium dichloro-s-triazinetrione, or Oxidizer, n.o.s., as appropriate.

5. REGULATION AFFECTED. 49 CFR 173.154,. 173.217(a)..

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

7. SAFETY CONTROL MEASURES.

a. A non-DOT specification double-faced fiberboard box, constructed of at least 175-pound Mullen or Cady test board, with inside packaging as shown below. Each box must be closed by adhesive, staples or stitching, or sealing tape. Stitched manufacturer's joints or stitched closures when any stitch (or staple) is in direct contact with an inside plastic container, are not permitted. Each box containing dry powder-type material, as completed for shipment must be capable of passing the tests prescribed by 49 CFR 178.210-10, except that Box No. 4 must be dropped from a height of 4 feet. In addition, each inside packaging must meet the following:

1. Each polyethylene pail must have an inner minimum 0.002 inch thick film polyethylene bag, closed as required by 173.24(c)(6);

2. Each 3.8 gallon pail and each 2.1 gallon pail must have a minimum wall thickness of 0.070 inch and 0.059 inch respectively;

3. Each pail must have its cover adequately secured by strong tape.

4. Only one 3.8-gallon or not over two 2.1-gallon nominal water capacity pails may be packagedin one outside 175 pound test fiberboard box. Two 10.7 quartcapacity pails may be packaged in one outside 200 pound test fiberboard box;

5. The provisions of paragraphs (7a)1 and (7a)3 do not apply when shipping in the Davies Can Company 2-gallon "1RC-70-2094" or "NCB-258" plastic pail, or "Mammoth 43-256", or Imperial Plastics "T16 CRB".

b. DOT Specification 12B corrugated fiberboard box with inside polyethylene bottles of 11-quart capacity each and containing 20 pounds, maximum, of product. No more than two polyethylene bottles may be packed in a 275-pound test, double-wall, corrugated fiberboard, DOT-12B box and the completed package must include a corrugated fiberboard partition to minimize movement of the bottles within the box.

c. For purposes of local delivery by private motor carrier, the packaging required by this exemption may be opened and contents partially removed. The outside package must have the top flaps interlocked after it has been opened and inner packages removed.

8. SPECIAL PROVISIONS.

a. Persons who receive the 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.

b. A copy of this exemption must be carried aboard each 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 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. August 1, 1996.

Issued at Washington, D.C.:

J. Suzanne Hedgepeth AUG 23 1994

Alan I. Roberts (DATE)
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, 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: FHWA, FRA, USCG.