U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 9745 (EXTENSION)
FIRST REVISION April 20, 1990

In accordance with 49 CFR 107.105 of the Department of Transportation (DOT) Hazardous Materials Regulations DOT-E 9745 is hereby extended for the party(ies) listed below by changing the expiration date in paragraph 10 to September 30, 1995. This change is effective from the issue date of this extension. All other terms of the exemption remain unchanged.

This extension applies only to party(ies) listed below based on the application(s) received in accordance with 49 CFR 107.105. This extension constitutes a necessary part of this exemption and must be attached to it.

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

DOT 2 9 1995
(DATE)

Dist: FHWA FRA USCG FAA

EXEMPTION HOLDER	APPLICATION DATE
CarnaudMetalbox Aerosols/Div. of CMB Enterprises Westport, CT	September 9, 1993

ADVISORY

IF YOU ARE A HOLDER OF AN EXEMPTION THAT AUTHORIZES THE USE OF A PACKAGING WITH A MAXIMUM CAPACITY LESS THAN 450 L (119 GALLONS) OR A MAXIMUM NET MASS LESS THAN 400 KG (882 POUNDS), PLEASE BE ADVISED THAT YOUR EXEMPTION MAY NOT BE RENEWED BEYOND SEPTEMBER 30, 1996. IN ADDITION, NO NEW CONSTRUCTION OF PACKAGINGS WHICH FALL WITHIN THE NON-BULK CAPACITIES LISTED ABOVE ARE AUTHORIZED AFTER SEPTEMBER 30, 1994. THIS IS CONSISTENT WITH THE IMPLEMENTATION OF THE NEW PACKAGING REQUIREMENTS ADOPTED UNDER DOCKET HM-181. ANY APPLICATION SUBMITTED TO THIS OFFICE TO RENEW AN EXEMPTION BEYOND THE SEPTEMBER 30, 1996 DATE WILL BE DENIED UNLESS THE APPLICATION CONTAINS SUPPORTING INFORMATION TO JUSTIFY THE CONTINUATION OF THE EXEMPTION.

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

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

MAR 28 1988

DOT-E 9745

1. Metal Box Enterprises, Inc. (MBE), Verona, New Jersey, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark and sell the packaging described in paragraph 7 below for use in the transportation of the hazardous materials described in paragraph 3 below in commerce, subject to the limitations and special requirements specified herein. This exemption authorizes transportation of the hazardous materials described in a non-DOT Specification container conforming to the DOT specification 2P except for size, and provides no relief from any regulation other than as specifically stated.

2. BASIS. This exemption is based on the applications dated April 1 and October 1, 1987, of Beveridge & Diamond P.C. on behalf of Metal Box Enterprises, submitted in accordance with 49 CFR 107.103 and 107.121 and the public proceeding thereon.

3. HAZARDOUS MATERIALS (Descriptor and class). Compressed gas, n.o.s., as authorized in DOT 2P containers classed as nonflammable or flammable gases.

4. PROPER SHIPPING NAME (49 CFR 172.101). Compressed gas, n.o.s.

5. REGULATION AFFECTED. 49 CFR 173.306(a), (b) and (c); 173.1200(a)(8), 178.33.

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

7. SAFETY CONTROL MEASURES. Packaging prescribed is a nonrefillable non-DOT specification inside metal container conforming with MBE drawing 65 AM and the specifications contained in the application dated April 1, 1987, on file with OHMT and specification 2P (49 CFR 178.33) except as follows:

§ 178.33-2 Type and size. The maximum capacity of the containers may not exceed 61 cubic inches, (33.8 fluid ounces) nominal.

§ 178.33-7 Wall thickness. The minimum wall thickness for containers with capacities exceeding 50 cubic inches (27.7 fluid ounces) must be 0.009 inch.

§ 178.33-9 Marking.

(a) * * *

(1) "DOT-E 9745" in lieu of "DOT 2P"

8. SPECIAL PROVISIONS.

a. A copy of this exemption must be carried aboard each aircraft used to transport packages covered by this exemption.

b. Shippers may use the packaging covered by this exemption pursuant to the provisions of 49 CFR 173.22a.

c. Each package must be prepared and shipped in accordance with the following:

(1) Each completed cylinder as prepared for shipment must be heated until the pressure in the container is equivalent to the equilibrium pressure of the lading at 130°F. Lading equilibrium pressure must not exceed 140 psig at 130°F. Liquid content of lading must not completely fill the container at 130°F. Acceptable containers must show no evidence of leakage, distortion or other defect.

(2) The container must be packed in a strong outside packaging as prescribed in 49 CFR 173.301(k).

(3) Each outside packaging must be marked "INSIDE CONTAINERS COMPLY WITH DOT-E 9745".

(4) Packaging may be used in lieu of DOT 2P containers for shipments as provided for in 49 CFR 173.304(d)(3)(ii), (e) and (f); 173.306(a), (b) and (c); 173.1200(a)(8).

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 in accordance with the requirements of this exemption must be marked in a manner which identifies the physical location (city and state) of the facility at which it is manufactured.

9. REPORTING REQUIREMENTS. Any incident involving loss of contents of the package or damage to the packaging must be reported to the OHMT as soon as practicable.

10. EXPIRATION DATE. January 31, 1990.

Issued at Washington, D.C.:

MAR 28 1988

Alan I. Roberts
Director
Office of Hazardous Materials Transportation

(DATE)

Address all inquiries to: Director, Office of Hazardous Materials Transportation, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. Attention: Exemptions Branch.

Dist: USCG, FAA, FHWA, FRA