



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

FEB 16 1999

Mr. Lawrence R. Grzyll  
Mainstream Engineering Corp.  
Pines Industrial Center  
200 Yellow Place  
Rockledge, FL 32955

Ref. No. 98-0330

Dear Mr. Grzyll:

This is in response to your letter dated October 27, 1998, regarding marking and labeling requirements for overpacks under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your letter you stated that you are shipping one hazardous material under the small quantity exception provided in § 173.4 and another hazardous material under the terms of exemption DOT-E-10232. Specifically you ask if it is permissible to overpack these packages together and if so what markings and labels are required on overpacks.

Authorized packages containing hazardous materials may be offered for transportation in an overpack, if all the conditions in § 173.25 are met. An overpack, as defined in § 171.8, is an enclosure used by a single consignor to provide protection or convenience in handling of a package or to consolidate two or more packages (i.e., a protective outer packaging such as a box or crate, or secured to a pallet by shrinkwrapping, strapping, etc.).

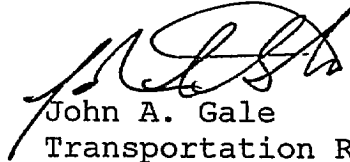
Each inner package must be marked and labeled in accordance with the HMR. In addition, each overpack must be marked with the proper shipping name and identification number, and labeled for each hazardous material it contains. The overpack must also be marked with a statement indicating that inside (inner) packages comply with prescribed specifications when specification packagings are required, unless the specification markings on the inside packagings are visible.

173.25

However, an overpack is not required to be marked with the proper shipping name and identification number, or labeled for any hazardous material packaged in accordance with § 173.4.

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read 'John A. Gale', written in a cursive style.

John A. Gale  
Transportation Regulations Specialist  
Office of Hazardous Materials Standards



BAH  
§ 173.25  
98-0330

October 27, 1998

U.S. Dept. of Transportation  
Attn: Standards Division  
Research and Special Programs Administration  
400 7<sup>th</sup> St. SW  
Washington, DC 20590

Dear Sir/Madam:

We are a manufacturer and shipper of commercial products for the air-conditioning and refrigeration industry. One of our products is currently packaged and shipped per 49CFR 173.4, Exceptions for Small Quantities. Another of our products is packaged and shipped per DOT Exemption E-10232. Is it possible for us to ship both of those products in a common, outer, shipping container (overpack), provided the separate, inner shipping boxes are not changed or modified from their respective specifications (173.4 and E-10232)? If so, what labeling must be placed on the outer shipping box?

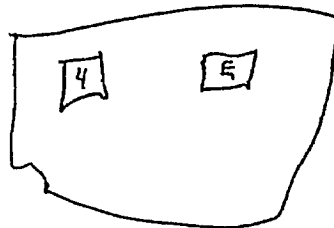
We appreciate a timely response to this inquiry. I can be reached by phone at 407-631-3550 if there are any questions or if further discussion is needed.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lawrence R. Grzyll".

Lawrence R. Grzyll  
Senior Chemical Engineer





U.S. Department  
of Transportation

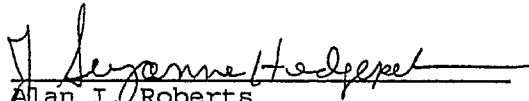
Research and  
Special Programs  
Administration

4th Floor, Room 4-117  
Washington, D.C. 20590

DOT-E 10232 (EXTENSION)  
FIRST REVISION October 23, 1990

In accordance with 49 CFR 107.105 of the Department of Transportation (DOT) Hazardous Materials Regulations DOT-E 10232 is hereby extended for the party(ies) listed below by changing the expiration date in paragraph 10 to May 31, 1996. 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

JUL - 7 1994

(DATE)

Dist: FHWA FRA USCG FAA

EXEMPTION HOLDER

APPLICATION DATE

Sexton Can Company, Inc.  
Cambridge, MA

May 27, 1994

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.



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**Research and  
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400 Seventh Street S.W.  
Washington D.C. 20590

**APR 11 1995**

DOT-E 10232  
(SECOND REVISION)

EXPIRATION DATE: May 31, 1996
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(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: Sexton Can Company, Inc., Cambridge, MA.
2. PURPOSE AND LIMITATION: This exemption authorizes the manufacture, mark and sale of packagings conforming in part with the DOT Specification 2Q, to transport certain refrigerant gases. This exemption provides no relief from any regulation other than as specifically stated.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Sections 173.304, 173.306(a), 178.33a-2 (b), 178.33a-6(b), 178.33a-6(c), 178.33a-8, and 178.33a-9.
5. BASIS: This exemption is based on the Sexton Can Company Inc.'s application dated July 21, 1989, and supplemental information dated December 11, 1989, September 28, 1990, and December 12, 1994, submitted in accordance with 49 CFR 107.103 and the public process thereon.
6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description/proper shipping name	Hazard Class/ Division	Identification number	Packing Group
Refrigerant gases, n.o.s.	2.2	UN1078	n/a

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a nonrefillable non-DOT specification inside metal container conforming with Sexton Can Company drawing No. LP-86-123 dated June 5, 1986 on file with OHMS, and DOT Specification 2Q (49 CFR 178.33a) except as follows:

§ 178.33a-2 Type and size.

(a) \* \* \*

(b) The maximum capacity of the containers manufactured under this exemption may not exceed 33 cubic inches (18.5 fluid ounces). The maximum diameter shall not be more than 3 inches.

§ 178.33a-6 Manufacture.

(a) \* \* \*

(b) \* \* \*

(2) Side seams are not permitted.

(c) Ends: The ends shall be designed to withstand pressure and bottom end is fitted with a pressure relief device (PRD).

b. TESTING - § 178.33a-8 Tests.

Burst Test. For the purpose of qualification burst tests, each 5000 containers or less, successively produced as a batch or part thereof shall constitute a lot.

Two containers, one with a PRD and one without a PRD, taken randomly from each lot and complete with the ends assembled must be pressure tested to destruction. The burst pressure of containers fitted with a bottom PRD may not be below 250 psig. The burst pressure of containers without a bottom PRD may not be less than 370 psig. If either of the test container fails to meet the above requirements, the lot shall be rejected. However, an additional 5 randomly selected pairs of containers from that lot may be burst tested to qualify that lot. If any of the additional test containers fail the burst test, that lot must be rejected.

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c. MARKING - § 178.33a-9 Marking.

(a) \* \* \*

(1) "DOT-E 10232" in place of "DOT 2Q".

(2) \* \* \*

d. Each packaging must be prepared and shipped in accordance with the following:

(1) The filling density may not exceed 87 percent.

(2) Prior to shipment, each completed container must be heated until the pressure in the container is equivalent to the equilibrium pressure of the lading at 130°F. Liquid content of lading may not completely fill the container at 130°F. Acceptable containers must show no evidence of leakage, distortion or other defect.

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

(4) Each outside packaging must be marked "INSIDE CONTAINERS COMPLY WITH DOT-E 10232".

(5) Notwithstanding the requirements of d.(4), containers filled with a material meeting the definition of a "consumer commodity" in 49 CFR 171.8 may be shipped in accordance with 49 CFR 173.306(h) and renamed "consumer commodity" and reclassified as an ORM-D material. These outside packagings are not required to be marked "INSIDE CONTAINERS COMPLY WITH DOT-E 10232".

8. SPECIAL PROVISIONS:

a. Offerors for transportation of hazardous materials specified in this exemption may use the packaging described in this exemption for the transportation of such hazardous materials so long as no modifications or changes are made to the packages, all terms of this exemption are complied with, and a copy of the current exemption is maintained at each facility from which such offering occurs.

b. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

c. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 100-180.

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 under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated for a specific manufacturing facility.

f. Test data obtained under paragraph 7., §177.33a-8 of this exemption must be kept on file and be made available upon request by OHMS.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, and cargo only aircraft.

10. MODAL REQUIREMENTS:

c. A copy of this exemption must be carried aboard each aircraft and cargo vessel used to transport packages covered by this exemption. In accordance with the provisions of 49 CFR Part 107, Appendix B to Subpart B, paragraph 3, the shipper shall furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

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:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Registration required by 49 CFR 107.601 et seq., when applicable.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect unless a regulation has been amended making the exemption no longer necessary.



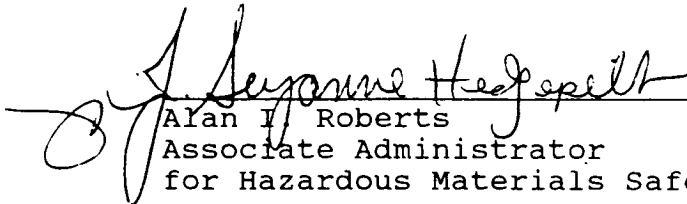
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Continuation of 2nd rev. DOT-E 10232

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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. (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.

Issued at Washington, D.C.:

  
\_\_\_\_\_  
Alan V. Roberts  
Associate Administrator  
for Hazardous Materials Safety

APR 11 1995

\_\_\_\_\_  
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 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: USCG, FAA, FHWA.