



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

SEP 29 2004

DOT-E 13601

EXPIRATION DATE: August 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: DS Containers
Lemont, IL
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of certain non-flammable aerosols containing foodstuffs in non-DOT specification containers at pressures exceeding those authorized. This exemption provides no relief from any Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered that 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 §§ 173.306(b)(1), and 175.3 in that the authorized container pressure is exceeded as specified herein.
5. BASIS: This exemption is based on the application of DS Containers dated June 7, 2004 and additional information dated August 25, 2004, submitted in accordance with § 107.105 and the public proceeding therein.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identi- fication Number	Packing Group
Aerosols, non-flammable (each not exceeding 1 L capacity)	2.2	UN1950	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a non-DOT specification inner non-refillable metal container. The container must be in conformance with the requirements of a DOT Specification 2P container (§ 178.33), except as follows:

§ 178.33-6 Manufacture.

(a) * * *

(b) * * *

(1) * * *

(2) Side seams not permitted.

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

§ 178.33-8 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 ends assembled must be pressure tested to destruction. The burst pressure of containers fitted with a bottom PRD may not be below 240 psig. The burst pressure of containers without a bottom PRD may not be less than 270 psig. If either of the test containers 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.

§ 178.33-9 Marking.

(a) * * *

(1) Container must be marked "DOT-E 13601" in lieu of "DOT 2P".

(2) * * *

b. OPERATIONAL CONTROLS: Containers may be shipped in accordance with the requirements of § 173.306(b). Containers must be in conformance with § 173.306(b)(1) except that the maximum pressure of the contents is 160 psig at 130°F.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption 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 exemption and the HMR.

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

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

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel or aircraft used to transport packages covered by this exemption. The shipper must furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

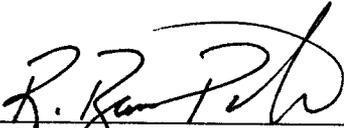
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o 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.
 - 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 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.:



fr Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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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.

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.

PO: CWF