

November 28, 2005



U.S. Department
of Transportation

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

**Pipeline and
Hazardous Materials
Safety Administration**

DOT-SP 11458
(TENTH REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of display packs of consumer commodities of Classes 2, 3, 8, 9 and Division 5.1 in packages that exceed the 30 kg gross weight limit. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
 - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: The marking requirement of § 172.203(a) is waived; and § 173.156(b) in that transportation by common carriers is authorized.
5. BASIS: This special permit is based on the application of Bristol-Meyers Squibb Co. dated March 26, 2004, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identi- fication Number	Packing Group
Consumer commodity of Classes 2, 3, 8, 9 and Division 5.1	ORM-D	None	None

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Combination packages, which conform to the packaging requirements of Subpart B of 49 CFR Part 173, meeting the following limitations:

- (1) The inner containers must conform to the quantity limits for inner packagings prescribed in §§ 173.150(b), 173.152(b), 173.154(b), 173.155(b) and 173.306(a) and (b), as appropriate.
- (2) The inner containers must be packed into trays to prevent individual containers from moving freely inside the completed combination package during transportation.
- (3) The tray(s) must be placed into a fiberboard box. The fiberboard box must be banded and secured to the pallet by metal, fabric, or plastic straps to form a single palletized unit.
- (4) The maximum net quantity of hazardous material permitted on one palletized unit is 550 kilograms.

8. SPECIAL PROVISIONS:

a. For the purpose of this special permit display packs are defined as follows: a pallet-sized package intended to be placed on the floor of retail instrumentalities, and provide direct customer access to consumer commodities contained therein once the outer fiberboard packaging is removed.

b. 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 modifications or

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changes are made to the package and it is reoffered for transportation in conformance with this special permit and the HMR.

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

d. The outside of each palletized unit covered by this special permit must be plainly and durably marked with "Consumer commodity, ORM-D" in a surrounding rectangle as prescribed in § 172.316 and "DOT-SP 11458" in letters at least 1 inch in height and on backgrounds of sharp contrasting color.

e. Packagings permanently marked 'DOT-E 11458', prior to November 1, 2006 may continue to be used under this special permit for the remaining service life of the packaging or until the special permit is no longer valid. Packagings marked on or after November 1, 2006 must be marked 'DOT-SP 11458'.

f. The marking requirements of § 172.203(a) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight and cargo vessel.
10. MODAL REQUIREMENTS: Packages covered by this special permit may be transported by rail freight only in trailer-on-flat-car (TOFC) or container-on-flat-car (COFC) service, or roadrailer/railrunner.
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 exemption 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 exemption 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 exemption.

Issued in Washington, D.C.:



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

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.