U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 10510 (EXTENSION)
ORIGINAL May 22, 1992

In accordance with 49 CFR 107.105 of the Department of Transportation (DOT) Hazardous Materials Regulations DOT-E 10510 is hereby extended for the party(ies) listed below by changing the expiration date in paragraph 10 to October 31, 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.

for Suzanne Hedgepeth
Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

NOV 30 1993
(DATE)

Dist: FHWA FRA USCG FAA

| EXEMPTION HOLDER | APPLICATION DATE |
|---|---|
| CarnaudMetalbox Enterprises, Inc.<br>Westport, CT | September 24, 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.

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MAY 2 2 1992

DOT-E 10510

1. CMB Enterprises, Inc., 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 in commerce of the hazardous materials described in paragraph 3 below, subject to the limitations and special requirements specified herein. This exemption authorizes transportation of the hazardous materials, described in paragraph 3 below in a container conforming with the DOT Specification 2Q except for size, and provides no relief from any regulation other than as specifically stated.

2. BASIS. This exemption is based on CMB Enterprises Inc.'s application dated November 13, 1990, submitted in accordance with 49 CFR 107.103 and the public proceeding thereon.

3. HAZARDOUS MATERIALS (Descriptor and class). Compressed gases, as authorized in DOT Specification 2Q containers, classed as nonflammable or flammable gases; Compressed gas n.o.s, consisting of a solution of nonhazardous material mixture (polyurethane foam) and compressed gases, classed as a nonflammable gas; and Liquefied insecticide gas (containing no Poison A or B materials), classed as a nonflammable gas. See paragraph 7.c. for the limitation on the shipment of flammable gases.

4. PROPER SHIPPING NAME (49 CFR 172.101). Compressed gas, n.o.s.; Insecticide, liquefied gas; or Consumer commodity, as appropriate.

5. REGULATION AFFECTED. 49 CFR 173.304, 173.305(c), 173.306(a), (b) and (c); 173.1200(a)(8), 178.33a.

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

7. SAFETY CONTROL MEASURES.

a. Packaging prescribed is a nonrefillable, non-DOT specification inside metal container conforming with CMB's drawing for the 65 mm diameter Trimline Aerosol Container and the specifications contained in CMB's application dated November 13, 1990, on file with the Office of Hazardous Materials Exemptions and Approvals; and with DOT Specification 2Q (49 CFR 178.33a) except as follows:

§ 178.33a-2 Type and size. The maximum capacity of the containers manufactured under this exemption shall not exceed one liter (61 cubic inches; 33.8 fluid ounces) nominal.

§ 178.33a-7 Wall thickness. The minimum wall thickness for containers manufactured under this exemption shall not be less than 0.009 inches.

§ 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 there of, shall constitute a lot. One container complete with the ends assembled out of every lot produced must be pressure tested to destruction and the burst pressure may not be below 270 psig. If the test container fails the burst test, the lot shall be rejected. However, an additional 5 randomly selected containers 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) "DOT-E 10510" in lieu of "DOT 2Q"

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

(1) Each completed container as prepared for shipment containing a compressed gas or an insecticide, liquefied gas, must be heated until the pressure in the container is equivalent to the equilibrium pressure of the lading at 130°F. Lading equilibrium pressure may not exceed 180 psig at 130°F. Liquid content of the lading may not completely fill the container at 130°F. Acceptable containers must show no evidence of leakage, distortion or other defect.

(2) Each completed container as prepared for shipment containing a solution of a nonhazardous material (polyurethane foam) and a compressed gas must be heated until the pressure in the container is

equivalent to the equilibrium pressure of the lading at 105°F. Lading equilibrium pressure may not exceed 118 psig at 105°F. Acceptable containers must show no evidence of leakage, distortion or other defect. Additionally, one container out of each 2,500 filled must be heated until the pressure in the container is equivalent to the equilibrium pressure of the lading at 130°F. Lading equilibrium pressure may not exceed 155 psig at 130°F. Liquid content of the 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 PRESCRIBED REGULATIONS".

(5) Packaging may be used in lieu of DOT 2Q container 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).

c. Those packagings containing a flammable gas, which exceed 50 cubic inches (27.7 fluid ounces), may not be offered as a Consumer Commodity.

8. SPECIAL PROVISIONS.

a. A copy of this exemption must be carried aboard each vessel or aircraft 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.

b. 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.

c. 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.

d. Shippers using the packaging covered by this exemption must comply with the shipping paper, marking, labeling, and placarding requirements of 49 CFR Part 172; all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 100-180.

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.

9. REPORTING REQUIREMENTS. Any incident involving loss of packaging contents or packaging failure must be reported to the Associate Administrator for Hazardous Materials Safety as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.)

10. EXPIRATION DATE. December 1, 1993.

Issued at Washington, D.C.:

MAY 2 2 1992

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

DATE

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, Washington D.C. 20590. Attention: Exemptions Program.

Dist: USCG, FAA, FHWA, FRA.