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

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

JAN 14 2002

DOT-E 12447
(FOURTH REVISION)

EXPIRATION DATE: December 31, 2003

1. GRANTEE: Akzo Nobel Coatings, Inc.
Norcross, GA

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of an existing inventory of approximately 80,000 fiberboard boxes that were inadvertently printed with the incorrect size hazard warning labels. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the 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 § 172.407(c)(1) in that the labels do not meet the prescribed size specifications; and § 172.301(c) in that the marking requirement is waived.

5. BASIS: This exemption is based on the application of Akzo Nobel Coatings, Inc., dated December 19, 2001 submitted in accordance with § 107.109 and additional information dated January 14, 2002.

6. HAZARDOUS MATERIALS (49 CFR § 172.101): JAN 14 2002

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Paint *or* Paint related material	3	UN1263	III

7. SAFETY CONTROL MEASURES:

PACKAGING - The packaging consists of metal cans in a range of sizes from one-quart up to one-gallon with two, three or four of them placed in a fiberboard box in conformance with § 173.173. The fiberboard boxes are an existing inventory of approximately 80,000 that were inadvertently printed with hazard warning labels that do not conform with the size specifications in § 172.407(c)(1).

8. SPECIAL PROVISIONS:

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

b. Each label on each box is not required to meet the size specifications of 100mm square as required in § 172.407(c)(1), but must be at least 72mm square.

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

10. MODAL REQUIREMENTS: No additional requirements other than as required by the HMR.

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:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- 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.:

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JAN 14 2002
(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.

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.

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