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

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

DOT-E 10967
(FIFTH REVISION)

DEC 17 2002

EXPIRATION DATE: July 31, 2003

(FOR RENEWAL, SEE 49 CFR § 107.109.)

1. GRANTEE: Balchem Corporation
Slate Hill, New York

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the continued use in commerce of a limited number of DOT Specification 5P drums for the shipment of ethylene oxide, Division 2.3, subject to the conditions and limitations specified herein. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herei

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 § 173.323.

5. BASIS. This exemption is based on Balchem Corporation's application dated December 16, 2002, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi- fication Number**	**Packing Group**
Ethylene oxide *or* Ethylene oxide with nitrogen up to a total pressure of 1MPa(10bar) at 50 degrees C	2.3	UN1040	N/A

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7. SAFETY CONTROL MEASURES:

a. PACKAGING - DOT Specification 5P drums manufactured prior to January 1, 1993. Except for the specification and the reference to performance at the Packing Group I level, drums must meet all requirements of § 173.323(b)(5).

b. MARKING - Each drum must be marked "DOT-E 10967".

8. SPECIAL PROVISIONS:

a. Persons who receive packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with and a current copy of this exemption is maintained at each facility from which such reoffering 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. This exemption also constitutes an approval of the Competent Authority of the United States under Section 10.3 of the International Maritime Dangerous Goods Code authorizing the shipment of ethylene oxide in DOT-5P drums authorized under this exemption by cargo vessel.

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

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this exemption.

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, 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 t the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or it 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. (Sections171.15 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 in Washington, D.C.:

R. Ryan Pate

Robert A. McGuire
for Associate Administrator
for Hazardous Materials Safety

DEC 17 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.

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: sln