

May 3, 2006



U.S. Department
of Transportation

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

**Pipeline and
Hazardous Materials
Safety Administration**

DOT-SP 11644
(EIGHTH REVISION)

EXPIRATION DATE: January 31, 2010

(FOR RENEWAL, SEE 49 CFR § 107.109.)

1. GRANTEE: Ball Aerosol & Specialty Container, Inc.
Elgin, IL
(Former Grantee: United States Can Company)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the manufacture, mark, sale and use of a non-refillable non-DOT specification inside metal container conforming in part with the DOT Specification 2Q, to transport certain refrigerant gases. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. SPECIAL PERMIT SCOPE LIMITATIONS - A special permit authorization to manufacture, mark, sell, and transport only represents certification of safety for a package when it is an article of commerce in transportation. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.304a(e) and § 173.306(a)(3) in that a non-DOT specification package is not authorized, except as specified herein.
5. BASIS: This special permit is based on United States Can Company's application dated January 27, 2006 submitted in accordance with § 107.109 and additional information dated April 12, 2006 from the Ball Aerosol & Specialty Container, Inc.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description/proper shipping name	Hazard Class/ Division	Identification number	Packing Group
1,1,1,2 Tetrafluoroethane or Refrigerant gas R 134a	2.2	UN3159	n/a
Consumer commodity, as appropriate	ORM-D	None	n/a
Refrigerant gases, n.o.s.	2.2	UN1078	n/a

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-refillable non-DOT specification inside metal container conforming with United States Can Company drawing number 211VCTR, or drawings 211VCND and 2075PRM on file with the Office of Hazardous Materials Special Permits and Approvals (OHMSPA), and DOT Specification 2Q (§ 178.33a) except as follows:

§ 178.33a-2 Type and size.

(a) * * *

(b) The maximum capacity of the containers manufactured under this special permit may not exceed 32.5 cubic inches (18.0 fluid ounces). The maximum diameter must not be more than 2.7 inches.

§ 178.33a-6 Manufacture.

(a) * * *

(b) * * *

(c) Ends: The dome must be equipped with a pressure relief device (PRD) as depicted in the drawing on file with the OHMSPA. The bottom must be designed to buckle at pressures greater than the pressure at which the dome buckles and vents.

§ 178.33a-7 Wall thickness.

(a) The minimum wall thickness for containers manufactured under this special permit is 0.009 inches.

§ 178.33a-8 Tests.

(a) Each 2500 containers or less, successively produced as a batch or part thereof must constitute a lot. Two containers, one with a PRD and one without a PRD, taken randomly from each lot and complete with the ends assembled must be pressure tested to destruction. For containers fitted with a PRD, the dome must not buckle below 220 psig. Upon buckling, the dome must vent, and the bottom must not buckle. The burst pressure of containers without a PRD may not be less than 320 psig.

(b) If either of the test containers fails to meet the above requirements, the lot must be rejected. However, an additional 5 randomly selected pairs of containers from that lot may be pressure tested to qualify that lot. If any of the additional test containers fail the pressure test, that lot must be rejected.

§ 178.33a-9 Marking.

(a) * * *

(1) Containers must be marked "DOT-SP 11644" in lieu of "DOT 2Q".

(2) * * *

b. TESTING - Prior to shipment, each completed container 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 198 psig at 130° F. Acceptable containers must show no evidence of leakage, distortion or other defect.

c. OPERATIONAL CONTROLS - Each packaging must be prepared and shipped in accordance with the following:

(1) The liquid content of the lading may not completely fill the container at 130° F.

(2) The container must be packed in a strong outside packaging as prescribed in § 173.301(a)(9).

8. SPECIAL PROVISIONS:

a. Containers filled with a material meeting the definition of a "consumer commodity" in § 171.8 may be renamed "consumer commodity", reclassified as an ORM-D material and shipped in accordance with § 173.306(h). The outside packagings are not required to be marked "INSIDE CONTAINERS COMPLY WITH DOT-SP 11644".

b. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this special permit for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this special permit.

c. A person who is not a holder of this special permit, but receives a package covered by this special permit, may reoffer it for transportation provided no modifications or changes are made to the package and it is offered for transportation in conformance with this special permit and the HMR.

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

e. Each packaging manufactured under the authority of this special permit 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

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registration symbol designated by the Office of Hazardous Materials Special Permits and Approvals for a specific manufacturing facility.

- f. A current copy of this special permit must be maintained at each facility where the package is manufactured under this special permit. It must be made available to a DOT representative upon request.
- g. MARKING - Each outside packaging must be marked "INSIDE CONTAINERS COMPLY WITH DOT-SP 11644".
- h. Packagings permanently marked 'DOT-E 11644', prior to October 1, 2007 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 October 1, 2007 must be marked 'DOT-SP 11644'.
- i. Shipping papers displaying 'DOT-E 11644' may continue to be used until October 1, 2007, provided the special permit remains valid.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, and cargo only aircraft.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each aircraft and cargo vessel used to transport packages covered by this special permit. The shipper must furnish a current copy of this special permit 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 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.

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- 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 the 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 special permit 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 special permit 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 special permit.

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/special_permit Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: sln