

**MYERS CONTAINER CORPORATION  
PROCUREMENT QUALITY CLAUSES**

**For Container Manufacturing**

<b>SUPPLIER GROUP</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>
Cold Rolled   Galvanized Steel, Covers   Heads   Bottoms, Rings and Nuts and Bolts	<b>A</b>						
Closure Systems – Rings		<b>B</b>					
Closure Systems – Lid Gaskets, Plugs, Flanges and Plug and Flange Gaskets			<b>C</b>				
Hazardous Materials, Solvents, Paints and Linings, Coatings, Washer Chemicals, Adhesives, Compounds, Inks, other VOC Containing Materials. Cover Gaskets, Fitting and Plug Gaskets and Zinc Wire (product data only).				<b>D</b>			
Finished Product – Packaging’s: UN, Stainless Steel, Composite, IBC’s, Oversized Containers, etc.					<b>E</b>		
Plastic Liners – 4, 15, 30, 55 mil (all sizes), Handling Storage Packaging and Delivery Related Products (EP Meter Pack, Strapping)						<b>F</b>	
Calibration Services and Products							<b>G</b>

**INFORMATION SUBMITTAL INSTRUCTIONS**

<b>MI-03 and MI-03A (Air Emission Data Only)</b>	<b>Mail   E-mail All Other Submittals</b>
<p>Send one copy <b>Attention: Quality Supervisor</b> with the first shipment or mailed or E-Mail to the Buyers <b>Quality Supervisor</b> (at the shipment to address) prior to the first shipment. <b>Repetitive submittal of information which does not change is not required.</b></p>	<p><b>Quality Manager</b> <b>Myers Container Corporation</b> <b>900 Brookside Drive</b> <b>Richmond, CA 94801</b>      <b>Or Email to:</b>  <b><u><a href="mailto:dzanone@myerscontainer.com">dzanone@myerscontainer.com</a></u></b></p>

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**QUALITY CLAUSE SUMMARY BY SUPPLIER GROUP**

**X = Applicable Requirement**

<b>SUPPLIER GROUP</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>
<b>SUPPLIER QUALITY PROGRAM DESCRIPTION</b>							
QA-01 Quality Assurance Program Submittal, Annual Survey and Evaluation	X	X	X	X	X	X	X
QA-02 Supplier Quality Program Evaluation	X	X	X	X	X	X	X
QA-03 Maintenance of Certified or Stated Quality Program	X	X	X	X	X	X	X
QA-04 Quality System for Materials Specifying Testing and meeting Regulatory Requirements	X	X	X	X	X	X	X
QA-05 Ring Supplier Requirements (Supplementary Welding Req)		X					
<b>MATERIAL IDENTIFICATION AND PRODUCT DATA</b>							
MI-01 Identification of Items and Product Data Request	X	X	X	X	X	X	
MI-02 Identification and Traceability of Items	X	X	X	X	X	X	
MI-03 Product Data – VOC Containing Materials and Gaskets				X			
MI-03A Product Data – Emission Factors - VOC Containing Materials				X			
MI-04 Identification of Age Control Items			X	X			
<b>TESTING AND TEST DATA</b>							
TD-02 Certified Material Test Report	X	X	X	X		X	
TD-03 Inspection and Test Report	X	X	X	X			
TD-05 Calibration Report							X
TD-06 Certification of Calibration							X
TD-07 Repair and Calibration Services							X
<b>INSPECTION, DELIVERY AND ACCEPTANCE CRITERIA</b>							
AC-01 Closure Notification Requirement and UN Performance Testing Certification					X		
AC-02 Supplier Furnished Items							
AC-03 Control of Graded Fasteners – Nuts & Bolts only	X						
AC-04 Procurement of Potentially Suspect or Counterfeit Items – Nuts and Bolts only	X						
AC-05 Certificate of Conformance	X	X	X	X			
AC-06 Consignment Inventory Procedure (by Agreement Letter)		X	X	X			
<b>MATERIAL HANDLING</b>							
MH-01 Packaging/Shipping Procedures (as established in PO)	X	X	X	X	X	X	
<b>INFORMATION SUBMITTAL INSTRUCTIONS</b>							
See Next Page	X	X	X	X	X	X	X

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**QA-01 QUALITY ASSURANCE PROGRAM SUBMITTAL, ANNUAL SURVEY AND EVALUATION**

**The Supplier shall submit a quality assurance program manual and applicable certifications (i.e. An ISO Certificate) that addresses the quality assurance programs to be applied to this order.** This submittal is required for each production or manufacturing location where materials or services are produced. Broker, Importer or Warehouse suppliers will submit comparable supplier evaluation data from sub-tier suppliers (for the originating manufacturing or production location for each product or service offered).

**The Supplier shall promptly respond to the Buyers Annual Supplier Survey and if applicable provide an updated Quality Manual and Applicable Certifications.**

**The Buyer shall evaluate the Supplier's Quality Assurance program and quality performance.** The minimum evaluation will consist of a desk audit of quantitative and qualitative data. The buyer will be measured based on a Service Rating (VCAR's, Product Pricing, Vendor Cooperation and Attitude and Overall Service) and a Quality Rating (Lots Accepted vs. Lots Received - Representing Returned Goods).

**On-Site Evaluation** - The Buyer may request to evaluate the Suppliers technical and quality capability as determined by a direct on-site evaluation of facilities and personnel, and the implementation of the Quality Assurance Program. A deficient or inadequate program may be used as the basis to deny award of purchase contracts.

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**QA-02 SUPPLIER QUALITY PROGRAM EVALUATION**

**The Supplier shall document, implement, and maintain a quality assurance program which is consistent with applicable criteria of:**

\_\_\_\_\_, edition \_\_\_\_\_, or

\_\_\_\_\_  
(Describe the specific program on SP-740-02-02 Vendor Quality Survey Long Form)

**The Supplier's program is subject to review at all times by the Buyer.** The Supplier's program, written for compliance with a quality assurance program standard other than the one imposed on the Purchase Order/Contract Order, may be acceptable if it complies with the quality assurance program requirements specified.

**When subcontracting any portion of this Purchase Order/Contract Order, the Supplier is required to pass down applicable quality assurance program requirements on the subcontractor.**

**The Buyer reserves the right to verify the quality of work at the Supplier's facility, including any subcontractor's facility.** Access to a subcontractor's facility shall be requested through the Supplier and verification may be performed jointly with the Supplier.

**The Supplier, during the performance of this Purchase Order/Contract Order, shall submit proposed (significant) changes to the quality assurance program to the Buyer for review.**

**QA-03 MAINTENANCE OF CERTIFIED OR STATED QUALITY PROGRAM**

**The Supplier shall maintain the certified quality program (e.g., ASME, ISO, NIST, Federal Regulations) or the Program Described in QA-02 (QA-02 as referenced in the Buyers Purchase Order).** The Certificate shall remain current for the duration of the Purchase Order/Contract Order. The Supplier shall notify the Buyer of Certificate cancellation or revocation.

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**QA-04 QUALITY SYSTEM FOR MATERIALS SPECIFYING TESTING AND MEETING REGULATORY REQUIREMENTS**

ASTM Quality System Program, Other Specified Testing Quality System Program or Specification of Regulatory Requirements:

**Materials manufactured and controlled under:**

- ASTM Quality System Program (i.e., Steel A1008),
- Other Test Methods Specified (NIST,
- Regulatory Requirement specified (i.e., FDA 21 CFR, DOT CFR 49, etc.)

**in the manufacture of materials or providing critical services will be specified in MCC Form SP-740-02-02 Vendor Quality Survey Long Form.** Where the Quality Program is based on a nationally recognized standard, the manufacturer shall be audited, approved, and qualified by a third party registrar and possess a Quality System Certificate.

**When a material is specified to comply with a Regulatory or Test Method,** the manufacturer will provide the Buyer or the Broker, Importer or Warehouse Supplier evidence of testing (Certifications and Actual Laboratory Test Results) and the documentation will be forwarded to the Buyer. The Supplier or Manufacturer will provide a General Certification Letter for Conformance to the Test Method or the Regulatory Requirement for each material being purchased.

Related Quality Clauses:

TD-02 Certified Material Test Report  
AC-05 Certificate of Conformance

**Importers, Brokers and Warehouse Only Suppliers** - The Supplier (if not the manufacturer) shall, as a minimum, document and maintain a Quality System which includes a Material Traceability and Identification and a Verification Program where applicable (a review to ensure that the activities have been performed and documented in accordance with applicable requirements).

**QA-05 Ring Supplier Requirements**

See the following file for supplementary Welding Requirements.

SP-740-01-05 Ring Supplier Quality Clauses - Rev C - 04 24 2006.doc

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**MI-01 IDENTIFICATION OF ITEMS AND PRODUCT DATA REQUEST**

**IDENTIFICATION OF ITEMS** - Unless specifically indicated otherwise in the face of the Purchase Order, or by correspondence which proposes the form of the identification, all items shall be identified with:

- 1) Business name of the supplier (manufacturer, warehouse or broker). This may be directly on labels or on packaging materials.
- 2) Business name the sub-tier manufacturer or producer (business, facility and location name). This applies only if all of the manufacturing was performed by sub-tier manufacturer(s).
- 3) The part number / model number, product name and (if applicable) the proper shipping name (PSN) of hazardous materials. Identification shall be on the item or the package containing the item.
- 4) All other identification requirements required by law or specifically requested by the Buyer.

**MI-02 IDENTIFICATION AND TRACEABILITY OF ITEMS**

As appropriate, all items shall be identified with a manufacturer or mill order number, IMACC/MCC purchase order number, product name, bundle-coil or lift number, part number, heat, batch, lot or serial numbers, etc.

This identification shall be sufficient to cross-reference and trace the product to shipping documents, certified test reports, advance shipping notices, shipping / tally notices, invoices, etc. Identification shall be on the item or the package containing the item. Where identification is on the item, such markings shall not impair the service of the item or violate dimensional, chemical, or physical requirements.

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**MI-03 PRODUCT DATA – VOC CONTAINING MATERIALS AND GASKETS**

**Scope: Hazardous Materials, Solvents, Paints and Linings, Coatings, Chemicals, Adhesives, Compounds, Inks, other VOC Containing Materials, Zinc Wire, Cover Gaskets, Fitting and Plug Gaskets.**

**The supplier will respond to product data requests in the text of purchase orders and provide the legible copies of following data to enable the Buyer to verify the form and function of the articles procured and compatibility of materials with products to be placed**

- 1) Product specifications and Inspection Requirements
- 2) Manufacturing Inspection Records and/or Batch Reports
- 3) Controlled drawings, Part Numbers and/ or Catalog page or brochure
- 4) Certification and Test Data Verifying FDA or 21 CFR Status of Material (as applicable).
- 5) Data Sheets (as requested by location):
  - a) Material Safety Data Sheet
  - b) Technical Data Sheet
  - c) EPA VOC Data Sheet and
  - d) Environmental Data Sheet
  - e) VOC Data Sheet – See MI-03A or Electronic Data Submittal – Late 2006 (contact [dzanone@myerscontainer.com](mailto:dzanone@myerscontainer.com) )
- 6) Cured Coating and Material Compatibility Data. As requested, the Supplier will work cooperatively with Myers Customers to determine material compatibility and provide a basis for material selection. A systematic approach will be developed and material selection recommendations will be provided to the Buyer and Myers Customer.
- 7) Other data requested by the Buyer

For documentation which does not change, one copy of the documentation, unless otherwise specified, shall accompany the applicable item(s) shipped (first shipment only) or be mailed to the Buyers Quality Supervisor (at the ship to address) prior to the first shipment. Repetitive submittals are not required.

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Instructions: This data shall be provided for each coating and each revised formulation using a suffix identifier in the Product Code Number.

**MI-03A PRODUCT DATA – EMISSION FACTORS - VOC CONTAINING MATERIAL  
PROPERTIES OF THE PRODUCT “AS SUPPLIED” AND “AS APPLIED”**

**VOC DATA SHEET**

Manufacturer/Supplier: \_\_\_\_\_  
 Product Name: \_\_\_\_\_  
 Product Code: \_\_\_\_\_ (On BOL and on Packaging)  
 Supplied to: **MYER CONTAINER CORPORATION  
CONTAINER MANAGEMENT SERVICES, LLC**

**Standard Data**

			AS SUPPLIED	AS APPLIED
1.	MATERIAL LB / GAL	(1)		
2.	V.O.C. LBS / GAL	(2)		
3.	V.O.C. LBS / GAL	(1)		
4.	% SOLVENT BY WEIGHT	(1)		
5.	% SOLID BY WEIGHT	(1)		
6.	% SOLVENT BY VOLUME	(1)		
7.	% SOLID BY VOLUME	(1)		
8.	SOLVENT DENSITY LBS / GAL (2)			

**Mixing Ratio Required (worst case)**

	Mixing Ratio Gallons	Solvent Density Lbs / Gal	Addition % by Weight
Material – As Supplied		---0 --	---0 --
Xylene		7.380	
Methyl Ethyl Ketone		6.750	
Other VOC -		_____	
Water		8.345	---0 --
Acetone		6.556	---0 --
Other Exempt Solvent -		_____	---0 --

(1) Includes Water and Exempt Solvents      Lbs/Gal = XX.XXX  
 (2) Excludes Water and Exempt Solvents      Percent = XXX.XX%

**Summary of All HAPs & Form R Chemicals – As Applied - % by Weight (Formulation % = XXX.XX%)**  
 Attach Continuation Sheet if Required (Trace Amounts Required)

CAS					
%					

PREPARED BY \_\_\_\_\_ Date \_\_\_\_\_.

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**MI-04 IDENTIFICATION OF AGE CONTROL ITEMS**

**Scope: Includes but not limited to Coatings, Compounds, Adhesives and Gaskets**

**The Supplier shall identify each package**, item, assembly, container, or material, having limited shelf life, with the **cure, vulcanization, extrusion or manufacturing date** and the **expiration date**. The Supplier shall provide a letter describing the shelf life periods and specify any storage temperatures, humidity and environmental conditions which should be maintained. Material shall **NOT** be furnished having less than 75 percent of total shelf life available at time of shipment.

**TD-02 CERTIFIED MATERIAL TEST REPORT**

The Certified Material Test Report (CMTR) shall be originated by the material manufacturer and include actual results of all chemical analysis, tests, examinations, and treatments required by the material specification (for example the ASTM of the material) and this Purchase Order/Contract Order. The CMTR shall be legible, reference applicable specification number and year of edition, and be traceable to the material furnished by heat or lot number. All CMTR's shall be provided on report forms providing the manufacturer's name. All reports are subject to review and acceptance by the Buyer.

The report(s) shall contain the Purchase Order/Contract Order number and a description of the item to which the report applies. The report shall be signed by an authorized representative of the manufacturer.

When applicable, the CMTR shall include the manufacturer's ASME Certificate number and expiration date. One copy of the documentation, unless otherwise specified, shall accompany the applicable item(s) shipped or be mailed to the IMACC / MCC buyer.

Certified Material Test Report Content:

The chemical analyses and mechanical results as specified by the Purchase Order/Contract Order shall be submitted with each shipment or mailed to the buyer. Each report shall contain the following:

1. Product Description - Specification(s), Codes, Type of Material, etc.
2. Actual results of chemical analysis/mechanical testing in accordance with the provisions of the Code, standard and/or specifications.
3. The specification (or reference to) defining the chemistry/test requirements.
4. Traceability to the item tested (Heat No., Lot No., etc.).
5. The name and address of the manufacturer which shall be identified by letterhead, logo or other similar marking.
6. The manufacturer's ASME Certificate No. and expiration date (as applicable).
7. The IMACC / MCC Purchase Order number to which the report applies.

The reports are for review and acceptance by the Buyer.

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**TD-03 INSPECTION AND TEST REPORT**

The Supplier shall submit legible, reproducible copies of Inspection/Test Reports.

The report(s) shall include the following:

1. Identification of the applicable inspection and/or test procedure utilized.
2. Resulting data for all characteristics evaluated, as required by the governing inspection/test procedure.
3. Traceability to the item inspected/tested, (i.e., serial number, part number, lot number, etc.).
4. Signature of the Supplier's authorized representative or agency which performed the inspections/tests.

One copy of the documentation, unless otherwise specified, shall accompany the applicable item(s) shipped.

**TD-05 CALIBRATION REPORT**

Certification stating the equipment furnished to the Purchase Order/Contract Order requirements has been calibrated utilizing standards whose calibration is traceable to the National Institute of Standards and Technology or other documented evidence must be submitted stating the basis of the calibration. In addition, the Supplier shall submit a report of actual calibration results. The report shall be identifiable to the acceptance criteria of the items submitted and shall meet Purchase Order/Contract Order requirements. The report shall contain the signature of the authorized representative of the agency verifying compliance.

One copy of the documentation, unless otherwise specified, shall accompany the applicable item(s) shipped.

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**TD-06 CERTIFICATION OF CALIBRATION**

The Supplier shall submit legible, reproducible copies of Certificates of Calibration, which are traceable to the National Institute of Standards and Technology, for each article ordered. Each certificate shall be identified with:

1. The Buyer's Purchase Order/Contract Order number.
2. Identification of the article to which the certificate applies.
3. The standards used for calibration. Each calibration certificate shall be signed by the Supplier's representative that is responsible for the calibration to attest to its authenticity.

One copy of the documentation, unless otherwise specified, shall accompany the applicable item(s) shipped.

**TD-07 REPAIR AND CALIBRATION SERVICES**

When repair and calibration services are required, the Supplier shall perform the repairs in accordance with the manufacturer's instructions. The report of calibration shall include:

1. Actual calibration or test data
2. The as-found data or condition
3. As-left data (after repair and calibration, before leaving the Lab) if different than the as-found data
3. The scope and description of repairs completed or attempted, if applicable.
4. The instrument identification or serial number

The report shall be signed by the Supplier's authorized representative.

One copy of the documentation, unless otherwise specified, shall accompany the applicable item(s) shipped.

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**AC-01 CLOSURE NOTIFICATION REQUIREMENT AND UN PERFORMANCE TESTING CERTIFICAITON**

49 CFR 178.2 (c ) Notification and UN Assembly Instructions - It is the responsibility of each 3<sup>rd</sup> Party Supplier or Manufacturer of UN Packaging's to provide MCC, CMS and direct shipment customers the Notification required by the most current version of 49 CFR 178.2 (c). The notification must be in writing (hard copy) and accompany the shipment and be annotated as a line item on the Bill of Lading. The record keeping provisions of this section must be maintained.

UN Performance Testing must be current on the date of manufacturing and be promptly provided to customers upon request.

**AC-02 SUPPLIER FURNISHED ITEMS**

Suppliers shall obtain the items on this Purchase Order/Contract Order directly from the original manufacturer. The supplier shall provide legible and reproducible documentation, with the delivery, that provides objective evidence that the items were provided by the original manufacturer. These may include the Purchase Order/Contract Order to the original manufacturer, shipping documentation, or manufacturer invoice; each of which identifies the items obtained from the original manufacturer.

One copy of the documentation, unless otherwise specified, shall accompany the applicable item(s) shipped.

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**AC-03 CONTROL OF GRADED FASTENERS**

The provisions stated below are the minimum Department of Energy requirements for high strength graded fasteners produced in compliance with national consensus standards (e.g., SAE, ASTM, and ASME).

1. Fasteners shall exhibit grade marks and manufacturer's identification symbols (headmarks) as required in the specifications referenced in the Purchase Order/Contract Order.
2. Any fasteners supplied with headmarks matching those displayed on the attached Suspect/Counterfeit Fastener Headmark list, or facsimiles thereof, shall be deemed to be unacceptable under the terms of this Purchase Order/Contract Order.
3. When requested by the Buyer, the Supplier shall provide a legible and reproducible copy of the manufacturer's Certified Material Test Reports (CMTR). These CMTR's shall report the values of the actual chemical and physical tests performed on the represented fastener lot/material heat. Fastener packaging/labeling shall be traceable by lot number or other positive means to the CMTR's.
4. Fasteners shall be inspected to verify compliance with the Purchase Order/Contract Order requirements. Additionally, fasteners may also be subjected to destructive testing.
5. When requested by the Buyer, the Supplier shall provide a Certificate of Conformance which must certify conformance and traceability of supplied materials to the subject Purchase Order/Contract Order. The document must be legible and reproducible.

**AC-04 PROCUREMENT OF POTENTIALLY SUSPECT OR COUNTERFEIT ITEMS**

Supplier shall provide a written statement that "all items furnished under this Purchase Order/Contract Order are genuine (i.e., not counterfeit) and match the quality, test reports, markings and/or fitness for use required by the Purchase Order/Contract Order".

The statement shall be on supplier letterhead and signed by an authorized agent of the supplier.

Any materials furnished as part of this Purchase Order/Contract Order which have been previously found to be suspect/counterfeit by the Department of Energy shall not be accepted.

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**AC-05 CERTIFICATE OF CONFORMANCE**

The Supplier shall provide a legible/reproducible Certification of Conformance. The Certification of Conformance shall be signed by the Supplier's authorized representative responsible for quality.

This Certification of Conformance shall, as a minimum:

1. Identify the appropriate Purchase Order/Contract Order.
2. Provide traceability by means of positive identification from the material, equipment, item, or service to the Certification of Conformance.
3. Identify the specific procurement requirements met by the material, equipment, item or service supplied, such as codes, standards, and other applicable specifications.

One copy of the documentation, unless otherwise specified, shall accompany the applicable item(s) shipped.

The Supplier shall provide Myers a description of the Final Inspection performed on the product prior to Acceptance to Finished Inventory (prior to the release for shipment). The supplier will describe Acceptance Criteria, Sampling Plans and include a copy of the Inspection Work Instruction and an example of an Acceptance Inspection Record for a Buyers order.

**MH-01 PACKAGING / SHIPPING PROCEDURES**

The Supplier shall prepare and submit for approval, prior to use, a procedure or plan for the packaging and shipping of items during the performance of this Purchase Order/Contract Order.

The procedures shall include as appropriate cleanliness inspections prior to packaging, use of preservatives and coatings, descriptions of specially designed shipping containers, handling and rigging procedures, final inspections, and the type of transfer and shipping vehicles

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