NOV 6 1997

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

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

DOT-E 9645
(SIXTH REVISION)

EXPIRATION DATE: **September 30, 1998**

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: Bonar, Inc.
Lindsay, Ontario
U.S. Agent: HMT Associates, Washington, DC

2. PURPOSE AND LIMITATION: This exemption authorizes the continued use of non-DOT specification rotationally molded, linear low density polyethylene portable tank, enclosed within either a protective steel frame or a foam-filled steel reinforced outer cage (intermediate bulk container) manufactured prior to October 1, 1996, for the transportation in commerce of certain class 8 and 3 materials, and division 5.1 and 6.1 materials. This exemption provides no relief from any regulation other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Part 173 Subpart F, Part 178, Subparts N and O in that a non-DOT specification packaging is authorized.

5. BASIS: This exemption is based on the application of Bonar, Inc., dated November 20, 1996, submitted in accordance with 49 CFR 107.109.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Class 8 liquids for which UN 1H1 plastic drums are authorized in 49 CFR Part 173, and which have no secondary hazards and a vapor pressure not greater than 14.7 psia at 130°F.	8	Various	II & III
Compounds, cleaning liquid	8	Various	II & III
Hydrogen peroxide, aqueous solution.	5.1	UN2014	II
Class 3 materials compatible with polyethylene which have no secondary hazards and have flash points greater than 73°F.	3	Various	II & III
Toluene diisocyanate and other Division 6.1 liquids with no secondary hazard	6.1	Various	II & III
Other Division 6.1 liquids with no secondary hazard.	6.1	Various	II & III

Other hazardous materials which have been specifically identified to, and acknowledged in writing by, the Office of Hazardous Materials Exemptions and Approvals prior to the first shipment.

7. SAFETY CONTROL MEASURES:

a. Packagings prescribed are non-DOT UN standard rotationally molded polyethylene portable tanks of 180- and 300-gallon capacity, enclosed within a protective steel frame, as shown on or represented by Bonar Plastics tank/frame composites are as depicted on drawings furnished with the petitioner's applications as follows:

15FR1243 dated 3 /10/82
14M18513 dated 1 /28/82
19M13226 dated 12/4 /84
14M18613 dated 2 /1 /82
17M17834 dated 9 /13/83

As submitted with application dated 15 July 85.

22M13627 dated 11/23/84
21M11227 dated 7 /14/87
22SP79F dated 12/22/88 Nos. 1 & 2
19M13236 dated 12/4 /84
As submitted with application dated 9 March 89.

15FR1243 dated 3 /10/82
22M12932 dated 7 /28/88
22M12632 dated 6 /28/88
22SP79F dated 12/22/88
22ML4136 dated 6 /12/88

As submitted with application dated 11 August 89.

910220 Rev C dated 2 /27/92
920713 dated 7 /13/92
920712 dated 7 /13/92
910122 Rev C dated 5 /15/91
910212 Rev B dated 11/26/91
910219 Rev B dated 6 /30/91

As submitted with application dated 3 November 92.

1733D21 Rev 3 dated 12-21-91
1732D01 Rev 2 dated 06-15-92
1351D25 Rev 7 dated 09-05-91
1351D24 Rev 12 dated 01-23-29
1351D01 Rev 2 dated 07-03-92
1587D01 Rev 2 dated July 28/88
As submitted with application dated 31 March 93.

A 300-gallon container supported by a urethane filled polyethylene outer frame as per drawings 22 ML 3627 and 19 ML 3226 outer shell, submitted with the petitioner's application dated March 14, 1989 or a 300-gallon "300ST" or model 2051 container as per drawings submitted with the petitioner's application dated July 29, 1993.

No new construction is authorized.

i. Each packaging is permanently marked by embossment or with a metal certificate plate permanently affixed to the side of the packaging. The marking must be in letters and numbers at least 1/4-inch high located on the side of the tank. The markings shall be understood to certify that the packaging complies with all requirements of this exemption and must contain at least the following information:

DOT-E 9645 portable tank
Tank manufacturer _____

Test pressure 15 psig.
Serial number _____
Date of manufacture (month and year)_____
Tare weight _____lbs.
Rated gross weight _____lbs.
Capacity _____U.S. gal.

ii. The minimum thickness of the portable tanks, measured at any point on the container, is 0.200 inch. Other details of the shipping containers must be as depicted in Bonar Plastics Drawings and photographs, included in petitioner's applications.

b. TESTING - Reuse of any packaging under this exemption must be in accordance with the applicable requirements of 49 CFR 173.28 and 173.32(e) as modified herein. Each packaging must be hydrostatically retested in accordance with 49 CFR 173.32(e) as applicable to DOT Specification 57 tanks, at a test pressure of 15 psig for 5 minutes without a drop in pressure or leakage. Any packaging that fails must be rejected and may not be used again for the transportation of hazardous materials. The date of the most recent periodic retest must be marked on the tank near the packaging identification markings required in paragraph 7.a. of this exemption. The owner of the packaging or authorized agent must retain a written record indicating the date and results of all required tests and the name and address of the tester, until the next retest has been satisfactorily completed and recorded.

c. OPERATIONAL CONTROLS -

i. Packagings with repaired bodies are not authorized.

ii. Commodities must be compatible with the polyethylene packaging, and may not permeate the polyethylene to an extent that a hazardous condition could be caused during transportation and handling.

iii. Packagings for hydrogen peroxide must have a vented closure to prevent accumulation of internal pressure.

iv. Packagings must always be filled and shipped while enclosed within the protective steel or plastic frame as shown in the petitioner's application.

8. SPECIAL PROVISIONS.

a. 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.

b. 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 by OHMEA for a specific manufacturing facility.

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 through 180.

e. MARKING - Each packaging must be plainly marked on both sides near the middle, in letters at least two inches high on a contrasting background, "DOT-E 9645". Additionally, the sides of each portable tank must be marked "KEEP THIS END UP" in two places, 180° apart, with an arrow pointing to the tank top.

f. Consistent with the regulations adopted under Docket HM-181E for intermediate bulk containers (IBCs), exemptions for IBCs of the type covered by those regulations will not allow new construction after September 30, 1996. Existing IBCs may be continued in service, provided renewal provisions under 107.109 are met, until September 30, 1998, under the conditions specified in the exemption that applies to their use. After September 30, 1998, each IBC must conform to, and be certified as meeting a UN IBC standard set forth in Subparts N and O of Part 178 of the Hazardous Materials Regulations (49 CFR).

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

10. MODAL REQUIREMENTS:

a. a copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

b. Shipments by rail must be in compliance with the requirements of 49 CFR 174.63 and may not be transported on flatcars or on flat trailers, except under conditions approved by the Federal Railroad Administration.

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. Section 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by 49 CFR 107.601 et seq., when applicable.

Each "hazmat employee", as defined in 49 CFR 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 49 CFR 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the 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. (49 CFR 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 incidents involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

NOV 6 1997

for Ann Mazzullo

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, 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

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