U.S. Department
of Transportation

**Research and
Special Programs
Administration**

MAY 21 1998

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

DOT-E 11171
(THIRD REVISION)

EXPIRATION DATE: **April 30, 2000**

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEES: Dart Container Corporation of Pennsylvania
Leola, PA

(See Appendix A of this document for a list of additional grantees)

2. PURPOSE AND LIMITATION: This exemption authorizes the transportation in commerce of reusable, Flexible and Fibreboard Intermediate Bulk Containers, used exclusively to hold expandable polystyrene beads, subject to the limitations and special requirements specified herein. This exemption provides no relief from any regulation other than as specifically stated.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 173.35(b) in that reuse of flexible and fibreboard IBCs is not authorized.

5. BASIS: This exemption is based on the application submitted by Dart Container Corporation dated May 6, 1998, in accordance with 49 CFR 107.109 and supplemental information dated May 6, 1998.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Polymeric Beads, expandable (evolving flammable vapor)	9	UN2211	III

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - The following packaging types and gross weigh limits are authorized:

Packaging	Gross Weight Limit
UN13H3*	1000 Kg
UN13H4*	1000 Kg
UN11G*	480 Kg

* with disposable interior liner

b. TESTING - Each packaging prepared for shipment must be capable of satisfactorily withstanding the applicable design type tests specified in 49 CFR 178 Subpart O at the packing group III level or higher.

c. OPERATIONAL CONTROLS - Reuse of Flexible IBCs (FIBCs) and Fibreboard IBCs (FRIBC):

(i) Prior to reuse, each FIBC or FRIBC must pass inspection which includes, as a minimum, the follow items:

(A) The packaging must be in such conditions, including closure devices, that they conform in all respects to the prescribed requirements of this exemption and to 49 CFR 173.24, as applicable.

(B) The liner must be replaced with a new liner prior to each reuse.

(C) Packagings may only be reused to transport expandable polystyrene beads in Hazardous Class 9.

(D) Only packagings with no significant wear or flaws may be reused. The inspection must be of all sides, top and bottom, and all attachments.

(E) Markings -- All markings must be legible.

(F) Repaired FIBCs must be inspected for fabric degradation near repaired area. This includes as a minimum, inspection for zippering, tearing of repair-patch from FIBC body, and loose or torn stitching or sewing threads.

(G) FRIBCs may not be repaired.

(ii) No FIBC may be used more than fifteen (15) times subject to the following provisions:

(A) No FIBC may be used more than two (2) years after the first date of shipment.

(B) When FIBCs have been used for 10 shipments, a sample of at least 3 FIBCs per lot of 1000 must be tested according to 49 CFR 178 Subpart O at the packing group III level or higher. (Lot sizes of 1000 assume at least 5000 FIBCs are in service. Where service number is less than 5000, lot size must be no greater than 20% of the total number of FIBCs in service.) Upon completion of 15 shipments, another sample of at least 3 FIBCs per lot must be tested as above.

(iii) No FRIBC shall be used more than six (6) times subject to the following provisions:

(A) No FRIBC may be reused more than two (2) years after the first date of shipment.

(B) When FRIBCs have been used for three (3) shipments, a sample of at least three (3) FRIBCs per lot of 500 must be tested according to 49 CFR 178 Subpart O at the packing group III level or higher. Upon completion of six (6) shipments, another sample of at least three (3) FRIBCs per lot of 500 must be tested as above.

d. RECORD KEEPING - Total number of uses of each FIBC and each FRIBC and dates of shipments must be logged and recorded. A bag or box rejected by the reuse inspection must have reason for rejection and person performing inspection recorded. All results of tests performed on reused bags and boxes must be recorded. After the first year of transport experience and data is established and recorded, an annual summary of results including reused bag and box test reports and rejection reports must be sent to OHMEA.

e. LOADING AND UNLOADING -

(i) FIBCs and FRIBCs must be loaded and unloaded on pallets. FIBCs may not be loaded or unloaded by their lifting loops at the top.

(ii) No other hazardous material, other than materials of trade, may be transported on the same transport unit or in the same freight container.

8. SPECIAL PROVISIONS:

a. 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.

b. A copy of this exemption, in its current status, must be maintained at each manufacturing facility at which this packaging is manufactured and each facility at which design and reused FIBC and FRIBC testing is performed and must be made available to a DOT representative upon request.

c. MARKING: Each FIBC and FRIBC must be permanently and durably marked in accordance with the requirements if Section 172.331 in letters at least two inches high on a contrasting background as follows:

(i) DOT-E 11171, REUSABLE or

(ii) DOT-E 11171, REUSABLE, REPAIRED

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

10. MODAL REQUIREMENTS: A copy of this exemption must be carried aboard each 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. 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 incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

J. Suzanne Hedgepeth

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

MAY 21 1998
(DATE)

MAY 21 1998

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.

Dist: FHWA
PO:RDT

MAY 21 1998

APPENDIX A

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with 49 CFR 107.107 or 107.109, as appropriate:

Company Name City & State	Application date	PTE	Expiration Date	Issue Date
Dart Container Corporation of KY, Owensboro, KY	5/6/98	1	4/30/2000	MAY 21 1998

Suzanne Hedgepeth

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety