U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

SEP 22 1994

DOT-E 10864 (EXTENSION)
ORIGINAL September 25, 1992

In accordance with 49 CFR 107.105 of the Department of Transportation (DOT) Hazardous Materials Regulations DOT-E 10864 is hereby extended for the party(ies) listed below by changing the expiration date in paragraph 10 to July 31, 1996. This change is effective from the issue date of this extension. All other terms of the exemption remain unchanged.

This extension applies only to party(ies) listed below based on the application(s) received in accordance with 49 CFR 107.105. This extension constitutes a necessary part of this exemption and must be attached to it.

J. Suzanne Hedgspeth

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

SEP 22 1994
(DATE)

Dist: FHWA FRA USCG

EXEMPTION HOLDER	APPLICATION DATE
Helios Container Systems, Inc. Bloomingdale, IL	July 7, 1994
Sanwey Ind. de Containers, Ltda. Sao Paulo, Brazil (U.S. AGENT: Helios Container Systems, Inc. Bloomingdale, IL)	July 7, 1994 & July 30, 1993

CONTINUATION OF DOT-E 10864 (EXTENSION)

SEP 22 1994

ADVISORY

IF YOU ARE A HOLDER OF AN EXEMPTION THAT AUTHORIZES THE USE OF A PACKAGING WITH A MAXIMUM CAPACITY LESS THAN 450 L (119 GALLONS) OR A MAXIMUM NET MASS LESS THAN 400 KG (882 POUNDS), PLEASE BE ADVISED THAT YOUR EXEMPTION MAY NOT BE RENEWED BEYOND SEPTEMBER 30, 1996. IN ADDITION, NO NEW CONSTRUCTION OF PACKAGINGS WHICH FALL WITHIN THE NON-BULK CAPACITIES LISTED ABOVE ARE AUTHORIZED AFTER SEPTEMBER 30, 1994. THIS IS CONSISTENT WITH THE IMPLEMENTATION OF THE NEW PACKAGING REQUIREMENTS ADOPTED UNDER DOCKET HM-181. ANY APPLICATION SUBMITTED TO THIS OFFICE TO RENEW AN EXEMPTION BEYOND THE SEPTEMBER 30, 1996 DATE WILL BE DENIED UNLESS THE APPLICATION CONTAINS SUPPORTING INFORMATION TO JUSTIFY THE CONTINUATION OF THE EXEMPTION.

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DOT-E 10864
(SECOND REVISION)

1. Sanwey Industria de Containers, LTDA., San Paulo, Brazil (U.S. Agent: Helios Container Systems, Inc., Bloomingdale, Illinois), is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark, and sale the packaging described in paragraph 7 below for use in the transportation in commerce of various Hazard class 8 and 9 and Division 4.1, 4.2, 4.3, 5.1 and 6.1 materials prescribed in paragraph 3 of this exemption subject to the requirements specified herein. This exemption authorizes the manufacturing, marking, and sale of collapsible, nonreusable polyethylene-lined woven polypropylene bulk bags having a capacity not to exceed 2208 pounds for 6.5 oz. polypropylene material and 2583 pounds for 8 oz. polypropylene material, and top and bottom outlets, for shipment of certain Class 8 and 9 and Division 4.1, 4.2, 4.3, 5.1 and 6.1 materials. This exemption provides no relief from any regulation other than as specifically stated.
NOTE: REFERENCE TO 49 CFR SECTIONS IN THIS EXEMPTION ARE TO REGULATIONS IN EFFECT ON SEPTEMBER 30, 1991.

2. BASIS: This exemption is based on Sanwey Industria De Containers, Ltda., application dated May 28, 1996, submitted in accordance with 49 CFR 107.105.

3. HAZARDOUS MATERIALS (Descriptor and class). Packing group III solid materials meeting the definition of Class 8 and 9 and Division 4.1, 5.1 and 6.1 may be transported in packaging prescribed in paragraph 6 of this exemption. Solid materials meeting the definition of Class 8 and 9 and Division 1.5D, 4.1, 4.2, 4.3, 5.1 and 6.1 listed in Appendix (A) of this exemption and other solid materials which are compatible with polyethylene are specifically identified to, and acknowledged in writing by, the Office of Hazardous Materials Exemptions and Approvals (OHMEA) prior to the first shipment. For shipments by vessel, hazardous materials that are authorized by Appendix 2 to Section 26 of the General Introduction to the International Maritime Dangerous Goods (IMDG) Code to be transported in flexible intermediate bulk containers (FIBCs) may be transported in the bulk bags under this exemption. Such materials, which are part of an import or export shipment, may also be transported in bulk bags under this exemption by motor vehicle and rail freight, provided a portion of the shipment is by cargo vessel.

4. PROPER SHIPPING NAME (49 CFR 172.101): The specific chemical name or generic commodity description, as appropriate.

5. REGULATION AFFECTED: 49 CFR 172.331; 173.114a; 173.154; 173.164; 173.178; 173.182; 173.204; 173.217; 173.234; 173.245b; 173.366; 173.367.

6. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight and cargo vessel. Shipments by cargo vessel must be made in conformance with Section 26 of the General Introduction to the IMDG Code.

7. SAFETY CONTROL MEASURES: Packaging prescribed is a non-DOT specification collapsible, nonreusable, flexible bulk bag. The bag is fabricated of woven polypropylene, incorporating lifting straps of woven polyester webbing, plus a lining of polyethylene film (of 0.003-inch minimum thickness), and having discharge and inlet openings closed by means of nylon tie ribbons, and a capacity of not over 2208 pounds for the 6.5 ounce polypropylene bag or 2583 pounds for the 8.0 ounce polypropylene bag. The bag, prepared as for shipment, must be capable of satisfactorily withstanding: free-fall drop tests (three from a height of four feet); Jerk test; Topple test; Topple and Drag test; Righting test; Abrasion test; as described in "Procedures for Performance Testing of Flexible Intermediate Bulk Containers" Packaging Institute, U.S.A. Procedure T 4102-05 dated February 1985 and the tests contained in the United Nations Recommendation for the Transport of Dangerous Good for flexible intermediate bulk containers.

8. SPECIAL PROVISIONS:

a. Offerors for transportation of the 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. 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 100-180.

c. Shipment by highway must be in closed vehicles or freight containers, in full truckloads only, except that ammonium nitrate fertilizer and sodium nitrate need not be in closed vehicles.

d. Shipment by rail must be in box cars except that COFC or TOFC service is authorized in accordance with 49 CFR 174.61.

e. When bulk bags are transported by vessel, the following additional special provisions apply:

i. Materials in Classes 4.2 (Flammable solids) (Dangerous when wet) and 5.1 (Oxidizers) that are permitted by the IMDG Code to be transported without secondary protection may be carried as break-bulk cargo, provided -

(1) The hold or compartment is dry and thoroughly cleaned of all residue of previous cargo, and all loose debris and dunnage are removed.

(2) The hatches are inspected for watertightness before loading.

(3) The hold is free of sharp projections that could tear or puncture the bags.

(4) After the bags are unloaded, the hold or compartment is inspected for spillage and any residue removed.

ii. When any Class 5.1 material (Oxidizer) that is carried as break-bulk cargo is loaded or unloaded -

(1) Firehoses must be laid out in the loading or unloading area and must be operable at all times.

(2) Smoking, carrying matches or lighting devices, or performing hot work is prohibited in the loading or unloading area; and the area must be posted with appropriate warning signs.

iii. The provisions of 49 CFR 176.410(d), except subparagraphs (d)(1) and (d)(2), do not apply to shipments of ammonium nitrate fertilizer by vessel under this exemption.

f. A copy of this exemption must be carried aboard each cargo vessel and motor vehicle used to transport packages covered by this exemption.

g. 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.

h. Each bag must be permanently and durable marked, in accordance with the requirements of Section 172.331 in letters at least two inches high on a contrasting background. In addition, for shipments by vessel, the marking requirements of subsection 26.1.5 of the General Introduction to the IMDG Code are required. The use of labels, tags or signs for marking purposes is prohibited.

i. 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 for a specific manufacturing facility.

j. **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 Section 107.105 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 (HMR; 49 CFR). A provision for approval of an equivalent IBC is specified in 49 CFR 178.801(i).**

9. 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, 40 CFR Parts 171-180.
- Registration required by 49 CFR 107.601 et seq., when applicable.

10. REPORTING REQUIREMENTS: Any incident involving loss of packaging contents or packaging failure must be reported to the Associate Administrator for Hazardous Materials Safety as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.)

11. EXPIRATION DATE: May 31, 1998.

Issued at Washington, D.C.

for Marilyn J. Morris July 25, 1996
Alan I. Roberts (DATE)
Associate Administrator
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator, for Hazardous Materials Safety, Research and Special Programs Administration, U.S. 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, FRA, USCG

SEE APPENDIX A ATTACHED

APPENDIX (A)

Hazardous materials description/proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Aluminum bromide, anhydrous	8	UN 1725	II
Aluminum chloride, anhydrous	8	UN 1726	II
Ammonium hydrogen fluoride, solid	8	UN 1727	II
Ammonium nitrate mixed fertilizer	5.1	UN 2067	II
mmonium nitrate-fuel oil mixture[1]	1.5D	NA 0331	II
nmonium perchlorate	5.1	UN 1442	II
Antimony compounds, inorganic, solid, n.o.s.	6.1	UN 1549	II
Antimony tribromide, solid	8	NA 1549	II
Arsenic compounds, solid, n.o.s. [3]	6.1	UN 1557	II
Arsenic trioxide	6.1	UN 1561	II
Bromoacetic acid, solid	8	UN 1938	II
Calcium carbide [1]	4.3	UN 1402	II
Calcium cyanide [1]	6.1	UN 1575	I
Calcium hypochlorite, hydrated	5.1	UN 2880	II
Calcium silicide [4]	4.3	UN 1405	II\III

APPENDIX (A)

Carbamate pesticides, solid, toxic, n.o.s. (contains 15% or less aldicarb by weight)	6.1	UN 2757	II
Chloroacetic acid, solid	8	UN 1751	II
Chromic acid, solid [1]	5.1	NA 1463	II
Dichloroisocyanuric acid, dry	5.1	UN 2465	II
Lithium hypochlorite mixtures, dry (containing not more than 42 % available chlorine) [1]	5.1	UN 1471	II
Magnesium granules, coated	4.3	UN 2950	III
Nicotine sulfate, solid	6.1	UN 1658	II
rganophosphorus pesticides, solid, toxic, n.o.s. Fonofos) {Dyfonate II 10-G}; {Dyfonate II 15-G} or {Dyfonate II 20-G}	6.1	UN 2783	II
Oxidizing substances, solid, n.o.s. (1-Bromo-3-chloro-5,5 -demethylhydantion)	5.1	UN 1479	II
Pesticides, solids, toxic, n.o.s.	6.1	UN 2588	II
Poisonous solids, n.o.s. (Amyl phenol) (Butyl phenol) (Octyl phenol)	6.1	UN 2811	II
Potassium cyanide [1]	6.1	UN 1680	I
Potassium hydroxide, solid	8	UN 1813	II
Potassium perchlorate, solid	5.1	UN 1489	II
lf heating substance, lid, n.o.s. (sulfur, hermal cracked coke)	4.2	UN 3088	II\III
odium azide	6.1	UN 1687	II

APPENDIX A

Sodium hydrogen fluoride	8	UN 2439	II
Sodium chlorate	5.1	UN 1495	II
Sodium cyanide [1]	6.1	UN 1689	I
Sodium hydrosulfite [1]	4.2	UN 1384	II
Sodium hydroxide, solid	8	UN 1823	II
Sodium perchlorate	5.1	UN 1502	II
Sodium sulfide, anhydrous [1]	4.2	UN 1385	II
Thallium compounds, n.o.s.	6.1	UN 1707	II
Trichloroisocyanuric acid, dry	5.1	UN 2468	II
Trichloro-s-triazinetrione, dry [2]	5.1	UN 2468	II
Zinc dust	4.3	UN 1436	II\III

Legend:

[1] Transport by vessel not authorized.

[2] This shipping description may be used only when all or part of the transport is by vessel. For transport by motor vehicle or rail freight, use "trichloroisocyanuric acid, dry."

[3] For mixtures of arsenic compounds, the name(s) of the hazardous components of the mixture must appear in the parenthesis.

[4] Packaging for calcium silicide must be hermetically sealed.