DEC 10 1996

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

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

DOT-E 9696
(FOURTH REVISION)

EXPIRATION DATE: July 31, 1998

(FOR RENEWAL, SEE 49 CFR 107.105.)

1. GRANTEE: Fluoroware, Incorporated, Chaska, Minnesota.

2. PURPOSE AND LIMITATIONS: This exemption authorizes the manufacture, mark and sell of a non-DOT specification rotationally molded Teflon PFA packaging of 100 liter capacity with filament-wound fiberglass reinforcement and a high density polyethylene overpack, for the shipment of up to 71% nitric acid, and those flammable or corrosive liquids currently authorized to be shipped in a UN1H1 plastic drum, or a UN6HA1 or a UN6HH1 composite packagings, 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 Section 173.158, Part 173, Subpart E.

5. BASIS: This exemption is based on Fluoroware, Incorporated's applications dated June 21, 1996, submitted in accordance with 49 CFR 107.105.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description/proper shipping name	Hazard Class/ Division	Identification Number	Packing Group
Those materials authorized to be shipped in a UN1H1, or a UN6HH1, or a UN6HA1	Various	As appropriate	As appro-priate
Nitric acid, of 71% concentration or less	Class 8	UN 2031	II

NOTE: These packagings are not authorized for the shipment of materials which are poisonous by inhalation unless they meet the requirements of 49 CFR 173.226 or 173.227, as appropriate.

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification reusable packaging of 100 liter capacity, rotationally molded of 0.110 inch thick Teflon PFA plastic and having an outer covering of filament-wound fiberglass reinforced epoxy or vinylester resin composite material of 0.200-inch thickness. The entire composite inner liner is encased in a removable high density polyethylene overpack and must be fabricated in accordance with Fluoroware, Inc. specifications and Drawing No. D153-72-1, Rev. A, or Drawing No. 703-301, Rev. 01, on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

b. TESTING - The composite packaging, assembled as for shipment, must be tested in accordance with 49 CFR Subpart M of Part 178, at the Packing Group I level for liquids.

c. MARKING - 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.

ii. The outside of each package must be plainly and durably marked "DOT-E 9696."

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. 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.

c. 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.

d. Any change in the material used to manufacture the Teflon PFA liner or polyethylene overpack must be approved by the Associate Administrator for Hazardous Materials Safety. Prototype test results for the tests required in paragraph 7 of this exemption must accompany any request for changes in the plastic resin.

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.

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

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 also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued at Washington, D.C.

Marilyn J. Morris

for Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

December 10, 1996
(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 permitted. Any alteration of this exemption is prohibited.

Dist: FHWA, FRA.