U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

29 1996

DOT-E 11395

EXPIRATION DATE: **January 31, 1998**

(FOR RENEWAL, SEE 49 CFR 107.105.)

1. GRANTEE: Dart Container Corporation
Leola, PA

2. PURPOSE AND LIMITATIONS: This exemption authorizes the reuse of Fiberboard Intermediate Bulk Containers (FIBC) type 11G conforming to Subpart N and O of Part 178 with replaceable liners having a capacity not over 480 kg (1057 pounds) for shipment of polystyrene beads, expandable, in commerce, subject to the limitations and special requirements specified herein, and 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).

5. BASIS. This exemption is based on the Dart Container Corporation's application dated December 28, 1994 and additional information dated January 22, 1996, submitted in accordance with 49 CFR 107.103 and the public proceeding therein.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description/proper shipping name	Hazard Class or Division	Identification Number	Packing Group
Polystyrene Beads, Expandable	9	UN 2211	III

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a UN 11G specification fiberboard intermediate bulk container with a non-reusable liner. Gross mass may not exceed 480 kg. Replacement interior liners must be identical to those liners used in the design qualification testing in paragraph 7.b.

b. TESTING - Each box prepared for shipment must be capable of satisfactorily withstanding the applicable design type tests for 11G boxes specified in 49 CFR 178 Subpart O at the packing group III level or higher.

c. MARKING - In addition to the marking requirements for FIBCs as found in 49 CFR 178 Subpart N, each box must be permanently and durably marked in accordance with the requirements of Section 172.331 in letters and numerals at least two inches high on a contrasting background:

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REUSABLE

The use of labels, tags or signs for marking purposes is prohibited.

d. REUSE - No FIBC marked with the exemption number in paragraph 7.c. above shall be used more than six (6) times. Further, no reused FIBC may be filled with a hazardous material until an unused liner has replaced the previously used liner. Total number of uses for each box must be recorded. When FIBCs have been used for three shipments, a sample of at least three FIBCs per lot of 500 must be tested according to the full requirements of the standard in paragraph 7.b above. Upon completion of six shipments, another sample of at least three FIBCs per lot of 500 must be tested as above. Records must be kept in accordance with paragraph 7.f.

e. INSPECTION - Before reuse, each box must pass the inspection which includes, as a minimum, the items which follow:

(1) A box used more than once must be in such condition including closure devices, that they conform in all respects to the prescribed requirements of this exemption and to 49 CFR 173.24, as applicable.

(2) The inner liner must be replaced with a new liner prior to reuse.

(3) A box may only be reused to transport the same hazardous material that was in the box during its first use in hazardous materials transport.

(4) Prior to filling for reuse, each box must be inspected and judged suitable for reuse. The inspection must be of all sides, top and bottom, and all lifting devices and attachments, and must include, as a minimum, the following:

(i) General Appearance -- must be free of punctures, holes and abrasions that penetrate outer fiberboard sheet and expose fluting and tears, regardless of size.

(ii) Lifting devices - Pallets must be free of cracks and breaks that would effect performance in transportation.

(iii) Lap joints, seams, flanged heads -- no signs of glue, stitching, or adhesive deterioration.

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

(v) Fill/Discharge Openings -- when present, must be free of tears in corrugate, and liner closures intact.

f. RECORDKEEPING - Total number of uses of each FIBC and dates of shipments must be logged and recorded. An FIBC rejected by the reuse inspection must have a reason for rejection and the person performing inspection must be recorded. All results of tests performed on reused FIBCs must be recorded. An annual summary of results including reused box test reports and rejection reports must be submitted to the Office of Hazardous Materials Exemptions and Approvals (OHMEA) every twelve month after issuance of this exemption.

g. SEGREGATION - FIBCs covered under this exemption must be transported in dedicated loads.

h. FIBCs must be loaded and unloaded on pallets and no intermediate loading or unloading of IBCs is allowed. Only shipments from origin to destination are allowed.

8. SPECIAL PROVISIONS.

a. Persons who receive the packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with and a current copy of this exemption is maintained at each facility from which such reoffering occurs.

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b. 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.

9. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, 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. Shipment by highway must be in closed vehicles or freight containers.

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 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.

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.

for Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

2/29/96
(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.