U.S. Department
of Transportation

**Research and
Special Programs
Administration**

NOV 29 1995

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

DOT-E 9637
(FIRST REVISION)

1. Connelly Containers, Inc., Bala Cynwyd, Pennsylvania, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark, and sell the packaging described in paragraph 7 below for use in the transportation in commerce of various corrosive solids and poison B solids authorized for shipment in DOT-21C fiber drums and described in paragraph 3 below subject to the requirements specified herein. This exemption authorizes the manufacture, marking and sale of non-reusable, fiberboard bulk boxes made of triple-wall corrugated fiberboard having an inside lining of 0.006-inch minimum thickness polyethylene film. Bulk boxes must be securely mounted to wood pallet bases and may not contain more than 2,400 pounds of waste corrosive solids or poison B solids, and 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 Connelly Containers' application dated June 30, 1995, submitted in accordance with 49 CFR 107.105.

3. HAZARDOUS MATERIALS (Descriptor and class). Corrosive solids (Class 8) and poisonous solids (Division 6.1) which are authorized for shipment in a DOT Specification 21C fiber drum.

4. PROPER SHIPPING NAME (49 CFR 172.101). Corrosive solid, n.o.s.; poisonous solids, n.o.s.; or the specific chemical name or generic commodity description, as appropriate, preceded by the word "Waste".

5. REGULATION AFFECTED. 49 CFR 173.245b; 173.365.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle and rail freight.

7. SAFETY CONTROL MEASURES. Packaging prescribed is a non-DOT specification non-reusable fiberboard bulk box of triple-wall corrugated fiberboard construction and mounted securely to a wood pallet base. Box, fabricated according to description in application dated June 24, 1986, is fitted with a lining of polyethylene film of 0.006-inch minimum thickness and is to contain no more than 2,400 pounds of product.

Box, closed as for shipment, must be capable of satisfactorily withstanding the performance tests (Vibration; Incline Impact; Bottom Tilt-Drop; Static Compression) prescribed and results of which are furnished in Package Research Laboratory report dated September 26, 1983, included in 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. Packagings are to be used as waste solids from plant site to waste disposal site and are not to be reused.

c. Shippers using the packaging covered by this exemption must comply with the shipping paper, marking, labeling, and placarding requirements of 49 CFR Part 172; the special packaging requirements of 49 CFR 173.3a for certain poisonous materials; all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 100-180.

d. 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.

e. 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.

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 October 1, 1996. Existing IBCs may continue in service until October 1, 1998 under the conditions specified in the exemption that applies to their use. After October 1, 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. 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, 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 unless a regulation has been amended making the exemption no longer necessary.

10. REPORTING REQUIREMENTS. The carrier is required to report any incident involving fire, explosion, or 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.

11. EXPIRATION DATE. July 31, 1997.

Issued at Washington, D.C.

J. Suzanne Hedgepeth

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

NOV 29 1995
(DATE)

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: Exemptions Branch.

Dist: FHWA, FRA.