U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 9846 (EXTENSION)
THIRD REVISION May 22, 1992

In accordance with 49 CFR 107.105 of the Department of Transportation (DOT) Hazardous Materials Regulations DOT-E 9846 is hereby extended for the party(ies) listed below by changing the expiration date in paragraph 10 to March 31, 1997. 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.

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

APR 5 1995
(DATE)

Dist: FHWA FRA USCG

EXEMPTION HOLDER	APPLICATION DATE
Flexcon and Systems, Inc. Lafayette, LA	March 28, 1995

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 9846
(THIRD REVISION)

1. FlexCon and Systems, Inc., Lafayette, LA, 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 the flammable solids, corrosive solids, poison B solids, oxidizers solids and the blasting agent solid described in paragraph 3 below subject to the requirements specified herein. This exemption authorizes the manufacture, marking and sale of large, collapsible polyethylene-lined woven polypropylene bulk bags having a capacity of approximately 2300 pounds each, and top and bottom outlets, for the shipment of flammable solids, oxidizing solids, poison B solids, blasting agent solid, and corrosive solids, and provides no relief from any regulation other than as specifically stated.

2. BASIS. This exemption is based on FlexCon and Systems, Incorporated's applications dated May 9, 1991 and July 31, 1991, submitted in accordance with 49 CFR and 107.105 and supplemental letters dated January 10 and March 10, 1992.

3. HAZARDOUS MATERIALS (Descriptor and class). Those materials classed as Oxidizers, Corrosive materials, Poison B, Blasting agents and Flammable solids listed in Appendix A of this exemption and other oxidizer solids, corrosive solids, Poison B solids, blasting agents and flammable solids which are compatible with polyethylene and 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 cargo 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; 173.365; 173.366; 173.367.

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6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, rail freight, 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. Each bag must be 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 securely by means of nylon tie ribbons, and a capacity of not over 2300 pounds. 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-4102-85, dated February, 1985. Bulk bags that will be transported by vessel must pass the tests specified in subsection 26.3.5 of the General Introduction to the IMDG Code.

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. 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 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 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.

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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 waning 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.

9. REPORTING REQUIREMENTS: Any incident involving loss of packaging contents or packaging failure must be reporting 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.)

10. EXPIRATION DATE. July, 31, 1993.

Issued at Washington, D.C.

MAY 2 2 1992

(DATE)

Alan I. Roberts
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: Exemptions Program.

Dist: FHWA, FRA, USCG.

APPENDIX A

Hazardous Material	UN Number
Aluminum bromide, anhydrous	UN 1725
Aluminum chloride, anhydrous	UN 1726
Aluminum nitrate	UN 1438
Ammonium hydrogen fluoride, solid	UN 1727
Ammonium nitrate	UN 1942
Ammonium nitrate-carbonate mixture	UN 2068
Ammonium nitrate fertilizer	UN 2067
Ammonium nitrate fuel oil mixture *	NA 0331
Ammonium persulfate	UN 1444
Antimony compound, inorganic, n.o.s.	UN 1549
Antimony tribromide	UN 1549
Arsenic trioxide	UN 1561
Arsenical compound, solid, n.o.s.	UN 1557
Bromoacetic acid	UN 1938
Calcium carbide *	UN 1402
Calcium cyanide, solid *	UN 1575

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Calcium Hypochlorite, hydrated	UN 2880
Calcium silicide * and * * * *	UN 1405
Carbamate pesticide, solid N.O.S. (contains 15% or less aldicarb by weight)	UN 2757
Chloroacetic acid, solid	UN 1751
Chromic acid, solid *	UN 1463
Cyanuric chloride	UN 2670
Dichloroisocyanuric acid salts (Sodium dichloro-s-triazinetrione)	UN 2465
Environmentally hazardous substance solid, n.o.s.	UN 3077
Ferric chloride, solid, anhydrous	UN 1773
Lithium hypochlorite mixture, dry * (containing not more than 42% available chlorine)	UN 1417
Magnesium granules, coated	UN 2950
Nickel sulfate (crude)	UN 1759
Organophosphorus Pesticide, solid, toxic, (Fonofos) {Dyfonate II 10-G};{Dyfonate II 15-G} or {Dyfonate II 20-G}	UN 2783
Oxidizer, n.o.s. (1-Bromo-3-chloro-5,5-demethylhydantion)	UN 1479
Para-nitro-toluene sulfonic	UN 2811
Pentachlorophenol	UN 2020

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Pesticide, solid, toxic, n.o.s. (Tefuthrin) {Force (GFU524)}	UN 2588
Poisonous solid, N.O.S. or Poison B, solid, N.O.S. (Amyl Phenol) (Butyl Phenol) (Octyl Phenol)	UN 2811
Potassium cyanide *	UN 1680
Potassium dichloro-s-triazinetrione	UN 1479
Potassium hydroxide, flake	UN 1813
Potassium hydroxide, solid	UN 1813
Potassium nitrate	UN 1486
Potassium persulfate	UN 1492
Sodium azide	UN 1687
Sodium bifluoride	UN 2439
Sodium chlorate	UN 1495
Sodium cyanide *	UN 1689
Sodium hydrosulfite *	UN 1384
Sodium hydroxide, solid	UN 1823
Sodium nitrate	UN 1498
Sodium nitrite	UN 1500
Sodium perborate monohydrate	UN 1479
Sodium persulfate	UN 1505

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Sodium sulfide, anhydrous *	UN 1385
TEMIK (Aldicarb pesticide)	UN 2588
Thallium compounds, n.o.s.	UN 1707
Trichloroisocyanuric acid, dry	UN 2468
Trichloro-s-triazinetrione, dry * *	UN 2468
Waste arsenical mixture, n.o.s. * * *	UN 1557
Zinc dust	UN 1436

* Transport by vessel not authorized.

* * 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."

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

* * * * Packaging for calcium silicide must be hermetically sealed.