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

JAN 2 1 2003

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

DOT-E 10429
(TWELFTH REVISION)

EXPIRATION DATE: September 30, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: ONDEO Nalco Company
Naperville, IL

(See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the discharge of certain Class 3, Class 8 and Class 9 liquids from DOT Specification UN Intermediate Bulk Containers (IBCs) and DOT Specification 57 portable tanks without removing the tanks from the vehicle on which it is transported. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 172.203(a), and 172.302(c) in that the marking requirements are waived; and § 177.834(h) in that an IBC or DOT Specification 57 portable tank is unloaded while on a motor vehicle.

5. BASIS: This exemption is based on the application of ONDEO Nalco Company dated December 20, 2002 submitted in accordance with § 107.109.

JAN 21 2003

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Those hazardous materials currently authorized to be shipped in a DOT Specification 57 portable tank or in a UN31A IBC.	Class 3, Class 8, or Class 9 as appropiate	As Appro-priate	As Appro-priate

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are stainless steel DOT Specification 57 portable tanks having capacities not exceeding 400 gallons or DOT Specification UN IBCs having capacities not exceeding 793 gallons.

b. OPERATIONAL CONTROLS -

(1) The portable tanks and IBCs must be attended at all times during unloading operations by a qualified person. For the purposes of this requirement, "attended" and "qualified" have the meanings described in § 177.834(i)(3) and (4), respectively.

(2) Hoses may not be attached to discharge outlets during transportation.

(3) Portable tanks and IBCs may be unloaded but may not be refilled while on a motor vehicle.

(4) Portable tanks or IBCs may not be manifolded together.

(5) Two or more materials may not be loaded on the same vehicle if, as a result of any mixture of the materials, an unsafe condition would occur.

(6) Hazardous materials listed in paragraph 6 may only be shipped in DOT Specification 57 portable tanks or DOT Specification UN IBCs authorized for those materials.

c. TESTING - Each portable tank must be retested as specified in § 173.32(e) and each IBC must be retested and inspected as specified in § 180.352.

8. SPECIAL PROVISIONS.

a. Commodities authorized in UN IBCs but not authorized in DOT 57 portable tanks may not be shipped in portable tanks bearing only a DOT 57 specification.

b. MARKING - The marking requirements in §§ 172.203(a) and 172.302(c) are waived.

c. Drivers must be instructed as to necessary safeguards and proper procedure in the event of unusual delay, fire or accident.

d. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current 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. 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

- Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this 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. (Sections 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 incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

Ann Bazzulli

for Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

JAN 21 2003
(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.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: AM