U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JAN 10 1994

DOT-E 10913

1. Aco-Assman of Canada Ltd. Pickering, Ontario, Canada (U.S. Agent: Assmann Corporation of America, Garrett, Indiana), 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 corrosive liquids, flammable liquids, and an oxidizer described in paragraph 3 below subject to the requirements specified herein. This exemption authorizes the use of a non-DOT specification rotationally molded, linear low density polyethylene portable tank enclosed within a protective steel cage for the shipment of corrosive liquids, flammable liquids, or an oxidizer, and provides no relief from any regulation other than as specifically stated.

2. BASIS. This exemption is based on Assmann Corporation's application dated October 1, 1992 submitted in accordance with 49 CFR 107.103 and the public proceeding thereon.

3. HAZARDOUS MATERIALS (Descriptor and class).

a. Corrosive liquids for which a DOT-34 reusable polyethylene container is prescribed in 49 CFR Part 173, and which have no secondary hazards and a vapor pressure of no greater than 14.7 psia at 130°F., Class 8.

b. Hydrogen peroxide solution in water containing 52 percent or less hydrogen by weight, Division 5.1.

c. Flammable liquids compatible with polyethylene which have no secondary hazards and have a flash point of 73°F. or higher, class 3; and other flammable liquids which have been specifically identified to, and acknowledged in writing, by the Office of Hazardous Materials Exemptions and Approvals (OHMEA) prior to the first shipment.

4. PROPER SHIPPING NAME (49 CFR 172.101). Specific chemical name or generic description, as appropriate.

5. REGULATION AFFECTED. 49 CFR Part 173, Subparts D, E, F.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, Rail freight, and Cargo vessel.

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7. SAFETY CONTROL MEASURES.

a. Packaging prescribed is a non-DOT specification rotationally molded polyethylene portable tank not exceeding 300 U.S. gallon (250 Imperial gallons) marked capacity. Portable tank must be as shown in Assmann's drawing numbers 0283A Rev. C dated 11/14/90, 0283B Rev. C dated 11/14/90, 0283C Rev. A dated 4/24/90, 018-6 Rev. A dated 5/9/90, 0248 Rev. A dated 5/9/90. The minimum thickness of the polyethylene portable tank shall be 0.188 inch. In addition, the tank must be in compliance with the provisions of 49 CFR 178.19, except as follows:

i. 178.19-3.- Does not apply.

ii. 178.19-4.- Does not apply.

iii. 178.19-6(a) - Does not apply. Instead, each portable tank must be permanently marked by embossment or with a metal certification plate permanently affixed to each tank. The markings must be in letters and numbers at least 1/4-inch high located on the side of the tank. The markings shall be understood to certify that the portable tank complies with all requirements of this exemption and must contain at least the following information:

DOT-E 10913 portable tank
Tank manufacturer _____
Test pressure 15 psig.
Serial number _____
Date of manufacture (month and year)
Tare weight _____ lbs.
Rated gross weight _____ lbs.
Capacity _____ U.S. gal.

iv. 178.19-7(a)(3)- Changed to read: Each portable tank shall be tested by retaining for 5 minutes, hydrostatic pressure of at least 15 psig at equilibrium without leakage or pressure drop.

v. 178.19-7(c)(2)- Does not apply.

b. Each tank must be fitted with a pressure relief device that will limit the pressure in the tanks to 15 psig and comply with 49 CFR 178.253-4 except as follows:

h. Portable tanks with repaired bodies are not authorized.

i. Commodities must be compatible with the polyethylene (PE) portable tank, and may not permeate the PE to an extent that a hazardous condition could be caused during transportation and handling.

j. Portable tanks for hydrogen peroxide must have a vented closure to prevent accumulation of internal pressure.

k. Any fitting must be protected in accordance with 49 CFR 178.253-3.

l. The sides of each portable tank must be marked "KEEP THIS END UP" in two places, 180° apart, with an arrow pointing to the tank top.

m. Tanks must always be filled and shipped in the outer steel cage as shown in the petitioner's application.

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. Each portable tank must be plainly marked on both sides near the middle, in letters at least two inches high on a contrasting background, "DOT-E 10913."

c. Shipments by rail must be in compliance with the requirements of 49 CFR 174.63(a) and (c).

d. 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.

e. Each packaging manufactured in accordance with the requirements of this exemption must be marked in a manner which identifies the physical location (city and state) of the facility at which it is manufactured.

f. Prior to shipment, the IBC closure must be lubricated with silicone grease at the closure gasket in a sufficient manner to insure proper seal and pressure retaining capability during transport.

9. REPORTING REQUIREMENTS. Any incident involving loss of packaging contents or packaging failure must be reported to the Associate Administrator for Hazardous Materials Safety as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undetaken 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.

10. EXPIRATION DATE. September 30, 1995.

Issued at Washington, D.C.:

JAN 10 1994

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

(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: 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 and FAA