SEP 18 1997

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 8225
(SEVENTH REVISION)

EXPIRATION DATE: September 30, 1998

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: **Hoover Materials Handling Group, Inc.**
Beatrice, Nebraska

2. PURPOSE AND LIMITATION: Hoover Materials Handling Group, Inc., is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark and sell, until September 30, 1996, the packaging described in paragraph 7 below for use in the transportation in commerce of certain Class 8 materials, Class 3 materials, or a Class 5.1 material described in paragraph 6 below subject to the limitations and special requirements specified herein. This exemption 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 Part 173.242, 173.243 and Part 178, Subparts N and O, and Part 180, Subpart D.

5. BASIS: This exemption is based on the application of Hoover Materials Handling Group, Inc.'s dated August 27, 1997, submitted in accordance with 49 CFR Part 107.109.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Proper Shipping Name	Hazard Class/ Division	Identi-fication Number	Packing Group
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, classed as corrosive material; compound, cleaning, liquid (containing not more than 52 percent hydrofluoric acid), classed as corrosive material	8	as appli-cable	as appli-cable
Hydrogen peroxide solution in water containing 52% or less hydrogen peroxide by weight, classed as an oxidizer	5.1	as appli-cable	as appli-cable
Flammable liquids compatible with polyethylene which have no secondary hazards and have a flash point of 73°F or higher; combustible liquids; 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	3	as appli-cable	as appli-cable

7. PACKAGING AND SAFETY CONTROL MEASURES:

NOTE: References to 49 CFR Part 178 in the following paragraphs are regulations in effect on September 30,1991.

a. Packaging prescribed is a non-DOT specification rotationally molded polyethylene portable tank not exceeding 350-gallon marked (rated) capacity, as shown in applicant's Drawings Nos. 314280 Rev. A and 315985 and letter dated September 28, 1981, describing portable tanks identical to those meeting Drawing no. 314280 Rev. A except for height. Each portable tank must be made from high density or medium density, cross-linkable or medium density linear

polyethylene which has been specifically identified and acceptable to the (OHMEA) and be in compliance with the provisions of 49 CFR 178.19-2, 178.19-6 and 178.19-7(a)(3), except as follows:

i. 178.19-2(a) - Does not apply. Instead, manufacturer shall carry out the following tests of materials properties on specimens cut from finished portable tanks produced by their process and meeting the requirements of this exemption:

- The swelling ratio of the polyethylene, as determined by Method C of ASTM Test D-2765-68, "Test for Degree of Cross-linking in Cross-linked Ethylene Plastics as Determined by Solvent Extraction;"

- The density of the polyethylene, as determined by ASTM Test D-1505-68, or any acceptable equivalent test method.

The manufacturer shall also retain a number of samples cut from portable tanks meeting the requirements of this exemption, in the form of squares of material at least six inches by six inches. (Total mass of all samples to be equal to at least two kilograms.)

Such samples and records of data pertaining to their materials properties must be maintained in current status, at each producing plant, for a period of five years.

ii. 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:

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"DOT-E 8225" portable tank
Tank manufacture _____
Test pressure 15 psig.
Serial number _____
Date of manufacturer (month and year)
Tare weight _____ lbs.
Rated gross weight _____ lbs.
Capacity _____ U.S. gal.
Do Not Stack
Do Not Place Other Freight On Top of This Tank

iii. 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.

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

(i) 178.253-4(a) - Frangible devices are not authorized.

(ii) 178.253-4(c)(1) - The pressure relief device must open at not less than 10 psig and not over 15 psig.

- The minimum venting capacity for pressure activated vents must be 6,000 SCFH at not more than 15 pounds per square inch gage.

(iii) 178.253-4(c)(3) - A fusible device that will function at a temperature no greater than 250°F may be used provided the vapor pressure in the tank at 250°F does not exceed 15 psig.

c. Portable tanks must be capable of satisfactorily withstanding the drop test and hydrostatic pressure test prescribed in 49 CFR 178.19-7(a) and the vibration test prescribed in 49 CFR 178.253- 5(a)(1).

d. The minimum thickness of the portable tank, measured at any point on the container, is 0.194-inch. Other details of the shipping container must be as depicted in Drawings Nos. 314280 Rev. A and 315985, included in the petitioner's applications.

e. Additionally, the portable tank must possess the chemical and physical properties as reported to the OHMS by enclosures to petitioner's letter dated May 30, 1979.

f. Any changes in design, resin, or process methods must be approved by the OHMEA. Prototype test results for the tests required in paragraph 7.c. of this exemption must accompany any request for changes in design, resin, or process methods.

g. Reuse of any portable tank must be in accordance with the applicable requirements of 49 CFR 173.28 and 173.32(f) as modified herein. Each portable tank must be hydrostatically retested in accordance with 49 CFR 173.32(f) as applicable to DOT Spec. 57 tanks, at a test pressure of 15 psig for 5 minutes without a drop in pressure or leakage. Any tank that fails must be rejected and may not be used again for the transportation of hazardous materials. The date of the most recent periodic retest must be marked on the tank near the tank identification markings required in 7, a, ii of this exemption. The owner of the tank or his authorized agent must retain a written record indicating the date and results of all required tests and the name and address of the tester, until the next retest has been satisfactorily completed and recorded.

h. Portable tanks with repaired bodies are not authorized.

i. Commodities must be compatible with the polyethylene (PE)portable tank, and must 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 used 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.

8. SPECIAL PROVISIONS.

a. Persons who received 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 is maintained at each facility from which such reoffering 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 8225", "Do Not Stack", and "Do Not Place Other Freight On Top Of This Tank.

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 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. 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 September 30, 1996. Existing IBCs may continue in service, provided renewal provisions under 107.105 are met, until September 30, 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 49CFR 178.801(i).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight and cargo vessel.

10. MODAL REQUIREMENTS: A copy of this exemption must be carried aboard each cargo vessel 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. 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.

Each "Hazmat employee", as defined in 49 CFR 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 49 CFR 172.700 through 172.704.

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 inform the AAHMS, in writing, of any incidents involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

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for 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, 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.

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