U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAY 6 1991

DOT-E 8790
(FIRST REVISION)

1. BC Vacuum, Nederland, Texas, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to offer packages as described in paragraph 7 below for use in the transportation in commerce of hazardous materials described in paragraph 3 below subject to the requirements specified herein. This exemption authorizes use of a non-DOT specification cargo tank, and provides no relief from any regulation other than specifically stated.

2. BASIS. This exemption is based on Rose Industries, Incorporated's application dated January 28, 1982, submitted in accordance with 49 CFR 107.103, 107.105 and 107.111 and the public proceeding thereon and the April 29, 1991 letter from BC Vacuum.

3. HAZARDOUS MATERIALS (Descriptor and class). Liquid and semi-solid waste material, including mixtures, compatible with the packaging, containing flammable liquids or corrosive materials or poison B materials, or combinations thereof, classed as flammable liquids or corrosive materials or poison B materials, as appropriate.

4. PROPER SHIPPING NAME 49 CFR 172.101) Specific commodity name, or generic description, as appropriate, preceded by the word "Waste."

5. REGULATION AFFECTED. 49 CFR 173.119(a) and (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle.

7. SAFETY CONTROL MEASURES. Packaging prescribed is a non-DOT specification cargo tank designed and constructed in full compliance with DOT Specification MC-307 or MC-312 (49 CFR 178.340, 178.342, 178.343) except as follows:

a. The cargo tank must be designed, built and certified in accordance with Section VIII of the ASME Code to a minimum design pressure as follows:

Expired - No Renewal
Not Active

Basic Cargo Tank Specification	Design Pressure (psig) Internal (SEE Note 1)	External (See Note 2)
MC 307	25	15
MC 312	25	15

Note 1: The design pressure must be at least equal to the maximum pressure used for unloading.

Note 2: Vacuum tanks must have an external design pressure of at least 15 psi.

b. Circumferential reinforcement must comply with 49 CFR 178.340-7 except the maximum unreinforced portion of the shell may exceed 60-inches provided thickness and tensile strength of the shell material in combination with the frame and circumferential reinforcement produces structural integrity at least equal to that prescribed in 49 CFR 178.340-4(b).

c. In place of internal valves prescribed in 49 CFR 178.342-5(a) and 178.343-5(b), each tank may be equipped with one 6-inch maximum diameter bottom outlet with gate, plug or butterfly valve and one optional 4-inch maximum diameter bottom inlet with gate, plug or butterfly valve located near the rear of tank in accordance with Drawing RII-60-130-82 submitted with the January 28, 1982 application on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). Each bottom outlet and each bottom inlet must be equipped with an additional shut-off valve, or a blank flange or a sealing cap.

d. The metal identification plate and the manufacturer's certificate may not be marked to indicate compliance with DOT MC-307 or MC-312 specification but instead must bear reference to DOT-E 8790.

e. Tanks that are to be used in transporting flammable waste materials must be equipped with a spring loaded relief valve.

8. SPECIAL PROVISIONS.

a. Persons who receive 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 are complied with, and a current copy of this exemption is maintained at each facility form which such reoffering occurs.

b. A copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

c. Each cargo tank must be reinspected and retested once every two years in accordance with 49 CFR 177.824 as prescribed for DOT Specification MC-307 or MC 312 cargo tanks, as appropriate, at one and one-half times the sum of the design pressure plus the static head.

d. Each cargo tank must be plainly marked on the right side near the front, in letters at least two inches high on a contrasting background, "DOT-E 8790."

e. The Manufacturers's Data Report for the first cargo tank fabricated must be submitted to the OHMEA prior to initial shipment.

f. Cargo tanks complying with paragraph 7 above may be loaded with any waste materials listed in paragraph 3 of the exemption.

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.

10. EXPIRATION DATE. April 30, 1993.

Issued at Washington, D.C.

MAY 6 1991

Joseph T. Horning
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, U.S. Department of Transportation, Washington, D.C. 20590. Attention: Exemptions Branch.

Dist: FHWA.