U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 9817
(FOURTH REVISION)

EXPIRATION DATE: October 31, 1997

(FOR RENEWAL, SEE 49 CFR SECTION 107.105)

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 application dated April 19, 1996, submitted in accordance with 49 CFR Part 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101): JUN 18 1996

Hazardous materials authorized	Hazard Class/ Division	Identi-fication Number	Packing Group
Class 8 liquids for which a DOT-37M/2SL or DOT 37M/2U nonreusable containers are prescribed in 49 CFR Part 173, **effective on September 30, 1991**, and which have no secondary hazards and a pressure of no greater than 14.7 psia at 130°F.	8	as appli-cable	as appli-cable
Hydrogen peroxide solution in water containing 52% or less hydrogen peroxide by weight.	5.1	as appli-cable	as appli-cable
Class 3 materials compatible with polyethylene which have no secondary hazards and have flash points above 73°F; and other class 3 materials which are 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

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

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. Packaging prescribed is a non-DOT specification limited-life polyethylene portable tank with a capacity of 275 U.S. gallons, enclosed in a steel jacket, as shown on Hoover Universal drawings 315682 or 317943. Minimum wall thickness of the steel outer enclosure is 0.027 inch on the top and bottom, and 0.036 inch on the sides. Each polyethylene tank must be

constructed in accordance with 49 CFR 178.19 except as follows:

i. 178.19-2(a) - Does not apply. Instead, polyethylene tank shall be blow molded of polyethylene which has been specifically identified and is acceptable to the OHMEA.

ii. 178.19-3 - Minimum thickness of the polyethylene tank shall be 0.070 at the corners, with a minimum wall thickness of 0.090 inch at all other locations on the tank.

iii. 178.19-4 - Does not apply.

iv. 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. Where the tank is marked by embossment on the polyethylene unit, the serial number and date of manufacture may be etched or stamped into the polyethylene. Where etching or stamping is performed it may not reduce the marked area thickness below the minimum thickness prescribed herein. 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 9817 portable tank
Tank manufacturer _____
Test pressure 14.5 psig
Serial number _____
Date of manufacture (month and year)
Tare weight _____ lbs.
Rated gross weight _____ lbs.
Capacity _____ U.S. gal.
Do Not Stack Over 3-high
Do Not Place Other Freight On Top Of This Tank
Date of Last Permissible Use (2.5 years from date of manufacture - month and year)

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 14.5 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 14.5 psig.

The minimum venting capacity for pressure activated vents must be 6,000 SCFH at not more than 14.5 psig.

iii. 178.253-4(c)(3) - The fusible device must function at a temperature no greater than 250°F and no greater than the tank test pressure of 14.5 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. Each portable tank must possess the chemical and physical properties as reported to the OHMEA by enclosures to petitioner's letters dated July 17, 1986, March 31 and September 21, 1987.

e. Any changes in design, resin, or process method 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 method.

f. Reuse of any portable tank must be in accordance with applicable requirements of 49 CFR 173.28 and 173.32(f) as modified herein.

i. Prior to each reuse, each portable tank and steel jacket must be visually inspected according to "Hoover Group Inc. Retest procedure for IBC's" as outlined in August 9, 1991 letter on file with the OHMEA for leakage, defective fittings and welds, defective closures, significant dents and crimps, and other defects or abnormalities which indicate a potential or actual weakness that could render the tank unsafe for the transportation of a hazardous material.

Any tank that shows evidence of leakage or any of

these deficiencies may not be used again for the transportation of a hazardous material. The outer steel jacket may be repaired, provided the repair does not cause leakage or cracks, or the likelihood of leakage or cracks, by areas of stress concentration due to shrinkage of cooling metal in welding operations, sharp fillets, reversal of stresses, or otherwise.

ii. Each portable tank must be retested after 12 months use in accordance with 49 CFR 173.32(e)(2)(i), and "Hoover Group Inc. retest procedure for IBC's" as outlined in their August 9, 1991 letter on file with OHMEA at a minimum test pressure of 3 psig 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 paragraph 7.a.iv. 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, for as long as the portable tank is in use.

g. Portable tanks having any portion of their molded body or components repaired are not authorized.

h. 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.

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

j. 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.

k. Tanks must always be filled and shipped in the outer steel jacket as shown in Hoover Group, Inc. drawing 317943.

l. Tanks for hydrogen peroxide solution must have a vented closure to prevent accumulation of internal pressure.

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 in 49 CFR Parts 100-180.

c. Each portable tank manufactured under the authority of this exemption may only be used for 2.5 years from the date of manufacture marked on the portable tank in accordance with paragraph 7.a.iv. of this exemption.

d. Each container must be plainly and durably marked on two sides near the middle, in letters at least two inches high on a contrasting background, "DOT-E 9817," and "THIS TANK MAY NOT BE FILLED AFTER (2.5 years from date of manufacture-month and year)."

e. 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.

f. 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.

g. 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 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.

- 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.:

For Marilyn J. Morris

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

JUN 18 1996
(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.

Dist: FHWA, FRA, USCG