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

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

DOT-E 9917 (EXTENSION)
FIRST REVISION October 29, 1990

In accordance with 49 CFR 107.105 of the Department of Transportation (DOT) Hazardous Materials Regulations DOT-E 9917 is hereby extended for the party(ies) listed below by changing the expiration date in paragraph 10 to August 31, 1994. This change is effective from the issue date of this extension. All other terms of the exemption remain unchanged.

This extension applies only to party(ies) listed below based on the application(s) received in accordance with 49 CFR 107.105. This extension constitutes a necessary part of this exemption and must be attached to it.

SEP 28 1992

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(DATE)

Dist: FHWA FRA USCG

EXEMPTION HOLDER	APPLICATION DATE
Rotocast Plastic Products, Inc. d/b/a Enviropack Bossier City, LA	September 4, 1992

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

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

OCT 29 1990

DOT-E 9917
(FIRST REVISION)

1. Rotocast Plastic Products, Inc., Bossier City, LA, 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 of corrosive materials, flammable liquids, an oxidizer or a blasting agent described in paragraph 3 below in commerce subject to the limitations and special requirements specified herein. This exemption authorizes the use of a non-DOT specification rotationally molded, cross-linked polyethylene portable tank, for the shipment of corrosive materials, flammable liquids, an oxidizer, or a blasting agent and provides no relief from any regulation other than as specifically stated.

2. BASIS. This exemption is based on Essex Environmental Industries, Incorporated's application dated January 11, 1988, submitted in accordance with 49 CFR 107.103 and the public proceeding thereon and Wonder Products, Inc.'s letter of September 13, 1990.

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., classed as corrosive material.

(b) Hydrogen peroxide solution in water containing 52 percent or less hydrogen peroxide by weight, classed as an oxidizer.

(c) Isopropyl alcohol, ethyl alcohol, methyl alcohol and solutions thereof, classed as flammable liquids; flammable liquids compatible with polyethylene which have no secondary hazards and have a flash point of 73°F. or higher, and a vapor pressure of no greater than 14.7 psia at 130°F; and other flammable liquids which have been specifically identified to, and acknowledged in writing, by the Office of Hazardous Materials Transportation (OHMT) prior to the first shipment. Isopropyl alcohol, ethyl alcohol and methyl alcohol are not authorized for shipment by cargo vessel.

(d) Blasting agents, n.o.s., classed as blasting agents, which are specifically identified to and acknowledged in writing by the OHMT prior to 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, Subpart F; 173.119, 173.125, 173.266, 178.19, 178.253.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, rail freight, cargo vessel.

7. SAFETY CONTROL MEASURES.

a. Packaging prescribed is a non-DOT specification rotationally molded, cross-linked polyethylene portable and stackable tank having nominal water capacities of 120, 185, 250 and 350 U.S. gallons. The polyethylene portable tank must be as shown on Essex Environmental Industries Drawings 8003, 8005, 8006, 8007, dated December 15, 1987, included in petitioner's application. Each tank must be constructed in compliance with 49 CFR 178.19 except as follows:

i.	178.19-2(a)	Does not apply. Instead, container must be rotationally molded of polyethylene which has been specifically identified to and is acceptable to the OHMT.
ii.	178.19-3	Minimum thickness of container must be 0.1875-inch.
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. 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 contain at least the following information:

DOT-E 9917 portable tank
Tank Manufacturer_____
Test pressure 15 psig.
Serial number_____
Date of manufacture month/year
Tare weight_____lbs.
Rated gross weight_____lbs.
Capacity_____U.S. gal.
Two high Stacking

v. 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.

vi. 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 tank 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), the stacking and lifting device tests prescribed in 49 CFR 178.251-5(a)(2), 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 OHMT by the

petitioner's letters dated January 11 and 27, 1988.

e. Any changes in design, resin, or process methods must be approved by the OHMT. 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.

f. 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 near the tank identification marking required in 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, until the next retest has been satisfactorily completed and recorded.

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 must 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 degrees apart, with an arrow pointing to the tank top.

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

8. <u>SPECIAL PROVISIONS</u>.

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; the special packaging requirements of 49 CFR 173.3a for certain poisonous materials; all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 100-180.

c. 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 9917".

d. Portable tanks may not be transported in container-on-flat car (COFC) or trailer-on-flat car (TOFC) service except under conditions approved by the Associate Administrator for Safety, Federal Railroad Administration. Portable tanks may be shipped only in a railcar that provides specific facilities for bracing and tie down of the tanks.

e. When a blasting agent is transported in a portable tank under this exemption:

(i) The bulk blasting agent must not be allowed to remain in the portable tank for any time period that could result in caking. The equipment must be cleaned frequently enough to assure against any accumulation of product or its packing.

(ii) Drivers must have been instructed as to necessary safeguards and proper procedure in the event of unusual delay, fire, or accident. A copy of written instructions must be provided to the masters of cargo vessels used to transport bulk blasting agents under this exemption.

f. For transportation of blasting agents by cargo vessel:

(i) The portable tanks must be stowed "on deck only."

(ii) The blasting agents must be segregated from other hazardous materials in accordance with the requirements for Class A Explosives. In addition, the blasting agents must be stowed "separate from" non-regulated readily combustible materials, as defined in 49 CFR 176.83(d).

(iii) The portable tanks must be stowed in a readily accessible location which can be reached by at least

two streams of water from separate fire hydrants or if carried on an unmanned barge by an effective stream of water from a vessel alongside.

(iv) Before packages of a blasting agent covered by this exemption are loaded on or discharged from a vessel at any place in the United States, the carrier must obtain a permit from the Coast Guard Captain of the Port. A copy of this exemption must be provided to the Captain of the Port when requesting a permit.

g. 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.

h. 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.

9. REPORTING REQUIREMENTS: Any incident involving loss of packaging contents or packaging failure must be reporting to the Associate Administrator for Hazardous Materials Safety as soon as practicable.

10. EXPIRATION DATE. September 30, 1992.

Issued at Washington, D.C.

Donald R Smith

for Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

OCT 29 1990
(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, FRA, USCG.