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

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

AUG 14 1990

DOT-E 10435

1. Enviro-Vac, Inc., Houston, Texas, is hereby granted an emergency exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark, and sell certain non-DOT specification cargo tanks as described in paragraph 7 below for use in the transportation of the hazardous materials described in paragraph 3 below in commerce 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 Enviro-Vac, Inc.'s application dated July 30, 1990, submitted in accordance with 49 CFR 107.113 and 107.115 and a determination that it is necessary to preclude serious economic loss.

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

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

5. REGULATION AFFECTED. 49 CFR 173.119(a) and (m), 173.245(a), 173.346(a), 178.340-7, 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-312 (49 CFR 178.340, 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 and must be stamped for both internal and external pressure ratings:

Basic Cargo Tank Specification	Design Pressure (psig) Internal (See Note 1)	External (See Note 2)	Minimum Test Pressure (psig)
MC 312	40	15	60

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. The rear head of the tank may be equipped with a 20 inch manway, as shown on drawing number EV000025, dated July 3, 1990, submitted as part of the application.

c. In place of internal valves prescribed in 49 CFR 178.343-5(b), each tank may be equipped with one 4-inch diameter bottom inlet/outlet valve located near the rear of the tank as shown on drawing number EV000025 dated July 3, 1990 with remote operated, self-closing valve system in accordance with Enviro-Vac Inc. drawing number 00030A and 00028-A dated April 16, 1990; and these drawing are on file with the Office of Hazardous Materials Transportation (OHMT). Each bottom inlet/outlet valve 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-312 specifications but instead must bear reference to DOT-E 10435.

e. Tanks must be equipped with at least two reclosing pressure relief valves set to start to open at no less than 120 percent of the MAWP. Venting capacity must be in accordance with 49 CFR 178.342-4. Non-reclosing pressure relief devices are not authorized except when in series with a reclosing pressure relief device.

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. 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-312 cargo tanks at one and one-half times the MAWP.

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 10435."

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

f. 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.

g. Motor carrier operating under this exemption must hold either a "Conditional" or "Satisfactory" safety rating in accordance with 49 CFR Part 385.

9. REPORTING REQUIREMENTS. Any incident involving loss of packaging contents or packaging failure must be reported to the Office of Hazardous Materials Transportation as soon as practicable.

10. EXPIRATION DATE. January 31, 1991.

Issued at Washington, D.C.:

AUG 14 1990

Alan I. Roberts
Director
Office of Hazardous Materials
Transportation

(DATE)

Address all inquiries to: Director, Office of Hazardous Materials Transportation, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. Attention: Exemptions Branch.

Dist: FHWA Parties of record.