U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 10764 (EXTENSION)
ORIGINAL July 17, 1992

In accordance with 49 CFR 107.105 of the Department of Transportation (DOT) Hazardous Materials Regulations DOT-E 10764 is hereby extended for the party(ies) listed below by changing the expiration date in paragraph 10 to March 31, 1996. 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.

APR - 9 1994

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(DATE)

Dist: FHWA FRA

EXEMPTION HOLDER	APPLICATION DATE
Snyder Industries, Inc. Lincoln, NE	March 31, 1994

ADVISORY

IF YOU ARE A HOLDER OF AN EXEMPTION THAT AUTHORIZES THE USE OF A PACKAGING WITH A MAXIMUM CAPACITY LESS THAN 450 L (119 GALLONS) OR A MAXIMUM NET MASS LESS THAN 400 KG (882 POUNDS), PLEASE BE ADVISED THAT YOUR EXEMPTION MAY NOT BE RENEWED BEYOND SEPTEMBER 30, 1996. IN ADDITION, NO NEW CONSTRUCTION OF PACKAGINGS WHICH FALL WITHIN THE NON-BULK CAPACITIES LISTED ABOVE ARE AUTHORIZED AFTER SEPTEMBER 30, 1994. THIS IS CONSISTENT WITH THE IMPLEMENTATION OF THE NEW PACKAGING REQUIREMENTS ADOPTED UNDER DOCKET HM-181. ANY APPLICATION SUBMITTED TO THIS OFFICE TO RENEW AN EXEMPTION BEYOND THE SEPTEMBER 30, 1996 DATE WILL BE DENIED UNLESS THE APPLICATION CONTAINS SUPPORTING INFORMATION TO JUSTIFY THE CONTINUATION OF THE EXEMPTION.

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DOT-E 10764

1. Snyder Industries, Inc., Lincoln, Nebraska 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 in commerce of corrosive liquids, flammable liquids, and an oxidizer described in paragraph 3 below subject to the requirements specified herein. This exemption authorizes the use of a non-DOT specification rotationally molded, linear low density polyethylene portable tank for the shipment of corrosive liquids, flammable liquids, or an oxidizer, and provides no relief from any regulation other than as specifically stated. Reference to 49 CFR sections in this exemption are to regulations in effect on September 30, 1990.

2. BASIS. This exemption is based on Snyder Industries' Inc.'s application dated March 27, 1992 submitted in accordance with 49 CFR 107.103 and the public proceeding thereon.

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 by weight, classed as an oxidizer.

c. Ethyl, isopropyl, and methyl alcohols, including water solutions thereof; flammable liquids compatible with polyethylene which have no secondary hazards and a vapor pressure of no grater than 14.1 psia at 130°F. and have a flash point of 73°F. or higher; 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.

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

5. REGULATION AFFECTED. 49 CFR Part 173, Subparts D, E, F,

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle and rail freight.

7. SAFETY CONTROL MEASURES.

a. Packaging prescribed is a non-DOT specification rotationally molded polyethylene portable tank not exceeding 330-gallon marked (rated) capacity. Portable tank must be as shown in Snyder's drawing numbers D-2199 REV 17 dated 06/05/91. The minimum thickness of the portable tank shall be 0.375 inch. In addition, each portable tank must be made from linear low density polyethylene which has been specifically identified and is acceptable to the OHMEA and must be in compliance with the provisions of 49 CFR 178.19, except as follows:

i. 178.19-3.- Does not apply.

ii. 178.19-4.- Does not apply.

iii. Does not apply. Instead, each portable tank must be permanently marked by embossment or with a metal certificate 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 stamping or etching is performed on the tank, the marked area may not be reduced below the minimum thickness prescribed herein. The marking 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 10764 portable tank
Tank manufacturer
Test pressure 15 psig.
Serial number _____
Date of manufacture (month and year)
Tare weight _____lbs.
Rated gross weight _____lbs.
Capacity _____U.S. gal.

iv. 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.

v. 178.19-7(c)(2)- Does not apply.

b. Each tank must be fitted with a pressure relief device that will open at not less than 10 psig and limit the pressure in the tanks to not more than 15 psig and is in accordance with 49 CFR 178.253-4 except as follows:

i. 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 gauge.

ii. 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.

iii. Frangible device, if used, must comply with 49 CFR § 178.253-4.

c. Portable tanks must be capable of satisfactorily withstanding the drop test and hydrostatic pressure tests 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 0.375 inch. Other details of the shipping container must be as depicted on Snyder drawings mentioned in paragraph 7.a.

e. Additionally, each portable tank must possess the chemical and physical properties as reported to the OHMEA in the petitioner's application.

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.

i. Each portable tank must be hydrostatically retested in accordance with 49 CFR 173.32(f) as applicable to DOT Specification 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.

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ii. The date of the most recent periodic retest must be marked on the tank near the tank identification markings required in paragraph 7.a.iii 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 may 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 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. 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. 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 10764."

c. Shipments by rail must be in compliance with the requirements of 49 CFR 174.63. Portable tanks may not be transported on flatcars or on flat trailers on flat cars, except under conditions approved by the Federal Railroad Administration.

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 the 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. 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.

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. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.)

10. EXPIRATION DATE. May 31, 1994.

Issued at Washington, D.C.:

JUL 17 1992

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 Program.

Dist: FHWA, FRA.