U.S. Department
of Transportation

**Research and
Special Programs
Administration**

JAN 22 1998

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

DOT-E 9923
(FIFTH REVISION)

EXPIRATION DATE: **OCTOBER 1, 1998**

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: Hoover Materials Handling Group, Inc.
Beatrice, Nebraska

2. PURPOSE AND LIMITATION: This exemption authorizes the manufacture, mark and sell, until September 30,1996, of the non-DOT specification, rotationally molded, cross-linked, high density polyethylene portable tank enclosed within a protective wire frame for the shipment of hazardous materials listed in paragraph 6 below, and 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 the Hoover Group, Inc. dated December 17, 1997, submitted in accordance with 49 CFR 107.109.

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6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials authorized	Hazard Class/ Division	Identi-fication Number	Packing Group
Class 8 liquids for which a DOT specification 34 reusable polyethylene container is 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
Isopropyl, ethyl, and methyl alcohols and solutions thereof; class 3 materials compatible with polyethylene which have no secondary hazards and have flash points above 73°F or higher, and a vapor pressure of no greater than 14.7 psia at 130°F; combustible liquids; 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

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. Packagings prescribed are non-DOT specification rotationally molded polyethylene portable tanks having a nominal water capacity of 200-gallons, enclosed in an outer steel frame. The polyethylene portable tank has a bottom outlet (2" ball valve, quick coupler, and cap) and must be shown on C.H.E.C. Drawing Nos. 121086, Rev. 2, dated August 27, 1987; G.E. Mathis Co., Drawing Nos. GEM-1 and-2 dated March 25, 1987; and Nalco Chemical Co., Drawing Nos. 11282-D, dated December 9, 1986, 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 OHMEA.

ii. 178.19-3 - Minimum thickness of polyethylene container must be 0.200 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 must contain at least the following information:

DOT-E 9923 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. gallons

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 tanks 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) - Any fusible device used will function at a temperature no greater than 250° F. The vapor pressure in the tank may not exceed 15 psig when the device functions.

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 OHMEA by the petitioner's letters dated January 27, 1988, and supplemental letter dated December 26, 1991.

e. 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.

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 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. The date of the most recent periodic retest must be marked on the tank near the tank identification markings required in paragraph 7.a. 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 portable tank, and may not permeate the polyethylene to an extent that a hazardous condition could be caused during transportation and handling.

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

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

k. 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.

l. Portable tanks must always be filled and shipped in the outer steel frame as shown in Nalco Chemical Company Drawing No. 11282-D, included in petitioner's application.

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 9923".

c. 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.

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.

e. No corrosive liquids for which bottom outlets are prohibited by the IM Tank Table may be transported by vessel in polyethylene portable tanks that have bottom outlets.

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 October 1, 1996. Existing IBCs may continue in service, **provided renewal provisions under 107.105 are met,** until October 1, 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).

h. Persons who receive the 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 from which such reoffering occurs.

i. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight 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.

- o Registration required by 49 CFR 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in 49 CFR 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by 49 CFR 172.700 through 172.704.

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.:

JAN 22 1998

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, 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.

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