APR 30 1997

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

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

DOT-E 9889
(THIRD REVISION)

EXPIRATION DATE: September 30, 1998

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Assmann Corporation of America
Garrett, Indiana

2. PURPOSE AND LIMITATIONS:

This exemption authorizes the continued use of non-DOT specification rotationally molded, linear low density polyethylene, portable tank enclosed within a protective steel cage (intermediate bulk container) manufactured prior to October 1, 1996, for the transportation in commerce of certain Class 8, Class 3 and Division 5.1 materials. This exemption provides no relief from any regulation other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Part 173 Subpart F, Part 178 Subparts N and O in that the use of non-DOT specification packaging is authorized.

5. BASIS: This exemption is based on the application of Assmann Corporation dated January 20, 1997, submitted in accordance with 49 CFR 107.109.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Class 8 liquids for which UN 1H1 plastic drums are authorized in 49 CFR Part 173, and which have no secondary hazards and a vapor pressure not greater than 14.7 psia at 130°F.	8	Various	II & III
Hydrogen peroxide, aqueous solutions	5.1	UN2014	II
Class 3 materials compatible with polyethylene which has no secondary hazards and a flash point greater than 73°F.	3	Various	I, II, III

Other hazardous materials 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.

7. SAFETY CONTROL MEASURES.

a. PACKAGING - Packagings prescribed are non-DOT/UN standard rotationally molded polyethylene intermediate bulk containers (IBCs) of up to 550-gallon capacity, enclosed within a protective steel cage, as shown on or represented by Assmann Corporation drawings TR134-1, TR134-2, dated 10/14/87, TR134-3 dated 10/24/87, TR134-4 dated 10/21/87, TR134-5 dated 10/14/87, and AR110 dated 10/28/87, and drawings TX101 dated 6/27/89. Each tank must be made of linear low density polyethylene which has been specifically identified to and is acceptable to the OHMEA. No new construction is authorized.

i. Each packaging is permanently marked by embossment or with a metal certificate plate permanently affixed to the side of the packaging. The markings and letters must be at least 1/4-inch high. The markings shall be understood to certify that the packaging complies with all requirements of this exemption and must contain at least the following information:

DOT-E 9889 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

ii. The minimum thickness of the portable tank, measured at any point on the container, is 0.250 inch, as specified in Assmann corporation's drawing TR134-2. Other details of the shipping container must be as depicted on Assmann Corporation's drawings TR134-1, TR134-2, TR134-3, TR134-4, TR134-5, AR110, and TX101 included in the petitioner's application.

b. TESTING - Reuse of any packaging under this exemption must be in accordance with the applicable requirements of 49 CFR 173.28 and 173.32(e) as modified herein. Each packaging must be hydrostatically retested in accordance with 49 CFR 173.32(e) 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 packaging 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 packaging identification markings required in paragraph 7.a. of this exemption. The owner of the packaging or 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.

c. OPERATIONAL CONTROLS -

i. Packagings with repaired bodies are not authorized.

ii. Commodities must be compatible with the polyethylene packaging, and may not permeate the polyethylene to an extent that a hazardous condition could be caused during transportation and handling.

iii. Packagings for hydrogen peroxide must have a vented closure to prevent accumulation of internal pressure.

iv. The packagings must always be filled and shipped in the outer steel cage as shown in the petitioner's application. In addition, tanks must always be shipped with the foamed pillow insert in place, as shown in Drawings TR134-1, TR134-5, and TX101 submitted with the petitioner's application.

8. SPECIAL PROVISIONS:

a. Offerors for transportation of the hazardous materials specified in this exemption may use the packaging described in this exemption for the transportation of such hazardous materials provided 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 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 by the OHMEA for a specific manufacturing facility.

c. 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.

d. 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.

e. MARKING - Each packaging must be plainly marked on both sides near the middle, in letters at least two inches high on a contrasting background, "DOT-E 9889". Additionally, 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.

f. Consistent with the regulations adopted under Docket HM-181E for IBCs, existing IBCs may be continued in service, provided renewal provisions under Section 107.109 are met, until September 30, 1998, under the conditions specified in the exemption that applies for their use. After September 30, 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 (HMR; 49 CFR).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle

10. MODAL REQUIREMENTS:

A copy of this exemption must be carried aboard each motor vehicle 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, 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 also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued at Washington, D.C.

APR 30 1997

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.

Dist: FHWA, FRA, USCG
PO: CHH/alb