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

APR 30 1998

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

DOT-E 11762

EXPIRATION DATE: **December 30, 1999**

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Owens Fabricators, Inc., Baton Rouge, LA

2. PURPOSE AND LIMITATIONS:

This exemption authorizes the manufacture, marking, sale and use of non-DOT specification steel potable tanks conforming with DOT Specification 51 except as specified herein for the transportation in commerce of those materials identified in paragraph 6 below. 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 §178.245-1(b), in that pre heat treatment (plus interpass heating) of the welds in lieu of the postweld heat treatment is authorized.

5. BASIS: This exemption is based on the application of HMT Associates, L.L.C. filed on behalf of Owens Fabricators, Inc. dated September 26, 1996 and supplemental information dated July 03, 1997, submitted in accordance with 49 CFR 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Dimethyl ether	2.1	UN 1033	N/A
Ethyl chloride	2.1	UN 1037	N/A
Methyl chloride	2.1	UN 1063	N/A
Halogenated hydrocarbon refrigerated gases permitted by §173.315 for DOT Specification 51 portable tank.	2.1 & 2.2	Various	N/A

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed are non-DOT specification steel portable tanks manufactured in accordance with the DOT 51 specification in §178.245 except the following procedures are used in lieu of the required Postweld treatment, §178.245-1(b):

(1) A minimum material preheat of 200ºF and minimum interpass of 400ºF. must be used on all welding.

(2) After completion of welding and without allowing the weldment to cool below the minimum preheat temperature, the temperature of the weldment must be raised to a minimum of 400ºF and maintained at that temperature for at least 4 hours.

(3) All welds must be examined by nondestructive testing in accordance with the provision of Part UHT of the ASME Code.

(4) The impact resistance of weld and plate material in the heat affect Zone must be determined by Charpy V-notch impact test at maximum temperature of -40ºF, be maintained at not less than 30 ft-lb.

(5) After fabrication, all welds in the tank shell must be 100% radiographed, with any cracks removed or repaired as required by the ASME Code.

(6) After the first hydrostatic testing of the tank, welds in the shell must be examined by one of the following methods:

(i) magnetic particle or
(ii) dye penetrant methods or
(iii) ultrasonic shear wave examination in accordance with ASTM, E 273.

Removal or repair of any cracks must be in accordance with the ASME VIII-2 Code.

b. TESTING - The first hydrostatic test must be performed at not less than 2 times the maximum allowable working pressure. Each tank must be requalified for use every five years in accordance with 49 CFR 173.32 as prescribed for DOT-51 portable tank. Portable tanks requalified after having been subjected to the action of fire, must be reported to Office of Hazardous Materials Exemptions and Approvals (OHMEA) prior to being placed back in service.

c. OPERATIONAL CONTROLS -

(1) Commodities transported in portable tanks under terms of the exemption would be limited to commodities, that do not adversely affect the structural integrity of the tank through stress corrosion cracking or hydrogen embrittlement.

(2) Filling limits specified in 49 CFR 173.315(a) for DOT Specification 51 portable tank are authorized.

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 Office of Hazardous Materials Exemptions and Approvals 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 portable tank authorized herein must be marked DOT-E 11762, as required by 49 CFR §172.302(c).

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

10. MODAL REQUIREMENTS: A copy of this exemption must be carried aboard each cargo vessel, or aircraft 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.

    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 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 1998

(DATE)

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

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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