U.S. Department
of Transportation

**Research and
Special Programs
Administration**

NOV 17 1997

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

DOT-E 10172
(SIXTH REVISION)

EXPIRATION DATE: September 30, 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 continued use of non-DOT specification, rotationally molded, cross-linked, high density polyethylene wire framed enclosed portable tank (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.

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 the Hoover Materials Handling Group, Inc. dated August 27, 1997, submitted in accordance with 49 CFR 107.109.

Expired - No Renewal
Not Active

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials authorized	Hazard Class/ Division	Identi-fication Number	Packing Group
Class 8 liquids for which UN1H1 plastic drums are authorized 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.	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, organophosophorus pesticide liquid, flammable, toxic, n.o.s.(oxydemetomethyl); class 3 materials compatible with polyethylene which have no secondary hazards and have flash points above 73°F; 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

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. PACKAGING AND SAFETY CONTROL MEASURES: Packagings prescribed are non-DOT/UN specification rotationally molded polyethylene intermediate bulk containers(IBCs) of up to 360-gallon capacity, enclosed within a protective wire frame. Only container and frame height dimensions shall be allowed to vary from those shown in the drawings for tank capacities less than 360 gallons. Each tank must be made of linear high density polyethylene which has been specifically identified to and is acceptable to the OHMEA. No new construction is authorized.

a. Tanks and protective wire frames are authorized as follows:

1. As shown on, or represented by Hoover Group drawing Nos. 342612 Rev. J and 317686 Rev. F both dated January 24, 1991; 328992 dated December 6, 1990; 342612 dated September 20, 1988; 317686 dated April 7, 1989; and 328315 Rev. D dated April 27, 1989.

2. As shown on, or represented by Chemical Handling Equipment Co., Inc. drawing No. M-1041 dated April 3, 1987, and Hoover Group drawing Nos. 700002 dated February 18, 1993 and 328315 Rev. D dated April 27, 1989.

3. Polyethylene portable tanks as shown on, or represented by Hoover Group drawing No. 740000 dated June 15, 1992 enclosed within a protective wire frame as shown on, or represented by, any of the following:

i. Hoover Group drawing Nos. 710001 Rev. A dated May 20, 1993 and 720013 Rev. B dated May 13, 1993.

ii. Hoover Group drawing Nos. 710002 dated May 20, 1993 and 720013 Rev. B dated May 13, 1993.

iii. Hoover Group drawing Nos. 710003 dated May 20, 1993 and 720017 dated May 7, 1993.

iv. Hoover Group drawing Nos. 710004 dated May 20, 1993 and 720017 dated May 7, 1993.

b. 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 10172 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

c. Except for the portable tanks described in paragraph 7.a.2) above, the minimum polyethylene thickness of the portable tank measured at any point is 0.140 inches. For tanks described in paragraph 7.a.2), the minimum thickness for the polyethylene at any point on the tank is 0.185 inch, except that such a tank may have a total accumulated surface area of no more than 50 square inches having a minimum thickness of no less than 0.140 inches.

d. High density crosslinkable polyethylene, low density crosslinkable polyethylene, and low density linear polyethylene which possess the chemical and physical properties as reported to the OHMEA by enclosures to petitioner's letters dated April 27, 1989 and October 26, 1990 are authorized for portable tank construction.

e. 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.

f. OPERATIONAL CONTROLS - Portable tanks with repaired bodies are not authorized.

g. 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.

h. Packaging for hydrogen peroxide must have a vented closure to prevent accumulation of internal pressure.

i. Packagings must always be filled and shipped while enclosed within the protective wire frame as shown in the 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. 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 10172". Additionally, 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.

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 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 OHMEA for a specific manufacturing facility.

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).

g. 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.

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.
- 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.:

Ann Mazzulla

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

NOV 17 1997
(DATE)

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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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