U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 10392 (EXTENSION)
FIRST REVISION January 18, 1991

In accordance with 49 CFR 107.105 of the Department of Transportation (DOT) Hazardous Materials Regulations DOT-E 10392 is hereby extended for the party(ies) listed below by changing the expiration date in paragraph 10 to May 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.

JUL - 7 1994

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(DATE)

Dist: FHWA FRA

EXEMPTION HOLDER	APPLICATION DATE
ENICON, Division of Ameri-Kart Corporation Bristol, IN	May 27, 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.

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

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

JAN 18 1991

DOT-E 10392
(FIRST REVISION)

1. ENICON, Engineered Plastics, Inc., Bristol, Indiana, is hereby granted an exemption from certain provisions of this Department's Hazardous materials Regulations to manufacture, mark and sell a reusable, rotationally molded, polyethylene, steel-frame enclosed portable tank described in paragraph 7 below for use in the transportation in commerce of corrosive liquids, flammable liquids or 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, enclosed within a protective metal frame for the shipment of corrosive liquids, flammable liquids or an oxidizer, and provides no relief from any regulation other than specifically stated.

2. BASIS. This exemption is based on an application from Riblet Plastics, dated May 30, 1990, and additional information dated September 5, 1990 and October 3, 1990, submitted in accordance with 49 CFR 107.103 and the public proceeding thereon and supplemental correspondence dated December 4, 1990, submitted by ENICON, Engineered Plastics, Inc.

3. HAZARDOUS MATERIALS (Descriptor and class).

a. Corrosive liquids for which a DOT Specification 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 peroxide by weight, classed as oxidizer.

c. Isopropyl, and methyl alcohols including water solutions thereof classed as flammable liquids; other flammable liquids compatible with polyethylene which have no secondary hazards 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 Associate Administrator for Hazardous Materials Safety (AAHMS) prior to the first shipment.

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

5. REGULATION AFFECTED. 49 CFR Part 173 Subparts D, and F, 178.19.

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

7. SAFETY CONTROL MEASURES.

a. Packagings prescribed are non-DOT specification rotationally molded polyethylene portable tanks of up to 340-gallon capacity, enclosed within a protective rigid steel frame, as shown on or represented by Riblet Products Inc. drawings No. RP 340 DT dated 5/17/90 and No. RP 340 DR dated 5/17/90 on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). Each tank must be made of linear low density polyethylene which has been specifically identified and is acceptable to the (AAHMS) and be in conformance 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. 178.19-6(a) - 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, marked area thickness may not be reduced below the minimum thickness stated herein. The markings must be in letters and number 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 10392 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

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 limit the pressure in the tanks to 15 psig and 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 psig.

ii. 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 must not exceed 15 psig when the device functions.

c. The minimum polyethylene thickness at any point for these tanks must be 0.200 inches.

d. 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).

e. The tanks must be molded from USI's Microthene® MP625U linear low density polyethylene resin meeting the specifications on file with (OHMEA). In addition, once during each shift (not to exceed ten hours):

i. A randomly selected sample of representative material from each tank mold must be impact and tensile tested.

ii. Each sample tested must perform in accordance with the tank material specifications on file with (OHMEA).

f. Any changes in design, resin, or process methods must be approved by the (AAHMS) prior to change. Prototype test results for the drop, hydrostatic pressure, and vibration tests required in paragraph 7.d. of this exemption must accompany any request for changes in design, resin, or process method. In addition, prototype test results for the stacking and lifting device tests required in paragraph 7.d. of this exemption must accompany any request for changes in the design or construction of the frame enclosures.

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. 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 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.

h. Portable tanks with repaired bodies are not authorized.

i. 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.

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.

m. Tanks must always be filled and shipped while enclosed within the protective wire frame as shown in the petitioner's application.

8. <u>SPECIAL PROVISION.</u>

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 10392".

c. 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.

d. Shipments by rail must be in compliance with the requirements of 49 CFR 174.63(a) and (c).

e. 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.

f. A record of test results from tests required in paragraph 7. must be maintained at each manufacturing facility and must be made available to a DOT representative upon request.

g. 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.

10. EXPIRATION DATE. September 30, 1992.

Issued at Washington, D.C.:

J. Suzanne Hedgspeth

for Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

JAN 18 1991
(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 Branch.

Dist: FHWA, FRA.

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SEP 04 1992
(DATE)

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

Dist: FHWA FRA

EXEMPTION HOLDER	APPLICATION DATE
Enicon, Division of Ameri-Kart Corporation Bristol, IN	July 28, 1992