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

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

DOT-E 9164 (EXTENSION)
SECOND REVISION August 14, 1990

In accordance with 49 CFR 107.105 of the Department of Transportation (DOT) Hazardous Materials Regulations DOT-E 9164 is hereby extended for the party(ies) listed below by changing the expiration date in paragraph 10 to January 31, 1997. 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.

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

MAR 15 1995
(DATE)

Dist: FHWA FRA

EXEMPTION HOLDER	APPLICATION DATE
Fabricated Metals, Inc. San Leandro, CA	January 13, 1995

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.

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AUG 14 1990

DOT-E 9164
(SECOND REVISION)

1. Fabricated Metals, Inc., San Leandro, California, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark, and sell the packaging described in paragraph 7 below for use in the transportation of certain flammable liquids described in paragraph 3 below in commerce subject to the requirements specified herein. This exemption authorizes the manufacture, marking, and sale of a non-DOT specification steel portable tank of 345-gallon capacity, with removable head, for shipment of certain wastes and sludges and other flammable liquids, classed as flammable liquids, and provides no relief from any regulation other than as specifically stated.

2. BASIS. This exemption is based on Fabricated Metals, Incorporated's applications dated July 31, 1989 and January 11, 1990, and supplemental correspondence dated April 24, 1990, submitted in accordance with 49 CFR 107.103 and 107.105 and the public proceeding thereon.

3. HAZARDOUS MATERIALS (Descriptor and class). Paint; resin solution; ink; lubricating oil and greases; waste paint and waste paint sludge; antifreeze sludge; lube oil sludge; cutting oil sludge, having flash points above 20°F and vapor pressure not over 16 psia at 100°F; classed as flammable liquid.

4. PROPER SHIPPING NAME (49 CFR 172.101). The specific chemical name or generic commodity description, as appropriate.

5. REGULATION AFFECTED. 49 CFR 173.119(b)(6), 173.128.

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

7. SAFETY CONTROL MEASURES. Packaging prescribed is a non-DOT specification steel portable tank of 345-gallon capacity made in conformance with the specifications of a DOT Specification 57 except for a fully-removable top head larger than 23 inches in diameter. Portable tank, as depicted in Drawing No. 53853 Rev. 1, must conform with the general design and construction requirements of 49 CFR 178.251 and 178.253, and the performance testing criteria prescribed in 49 CFR 178.251-4 and 178.253-5. Tank is circular in cross-section, 45 1/2 inches in diameter, with 12 gauge top and bottom heads and a 16 gauge shell.

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 reinspected and retested once every two years in accordance with 49 CFR 173.32 as prescribed for DOT Specification 57 cargo tanks.

c. 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 9164" and "DO NOT PLACE OTHER FREIGHT ON TOP OF THIS TANK".

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 for a specific manufacturing facility.

9. REPORTING REQUIREMENTS. Any incident involving loss of packaging contents or packaging failure must be reported to the Office of Hazardous Materials Transportation as soon as practicable.

10. EXPIRATION DATE. June 30, 1992.

Issued at Washington, D.C.:

AUG 14 1990

Alan I. Roberts (DATE)
Director
Office of Hazardous Materials Transportation

Address all inquiries to: Director, Office of Hazardous Materials Transportation, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. Attention: Exemptions Branch.

Dist: FHWA, FRA