JUL 8 1998

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 9374
(TENTH REVISION)

EXPIRATION DATE: September 30, 1998

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Poly Processing Company
Monroe, Louisiana

2. PURPOSE AND LIMITATIONS: This exemption authorizes the manufacture, mark and sale, until September 30, 1996, of the non-DOT specification rotationally molded crosslinked polyethylene portable tank enclosed within a protective steel frame for use in the transportation in commerce of certain Class 8 materials, Class 3 materials, Division 5.1 material and a blasting agent described in paragraph 6 below. This exemption provides no relief from any regulation other than as specifically stated.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Part 173.242, 173.243 and Part 178, Subparts N and O, and part 180, Subpart D.

5. BASIS: This exemption is based on Poly Processing Company's application dated May 18, 1998, submitted in accordance with 49 CFR 107.109 and a supplemental letter dated June 24, 1998.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials authorized	Hazard Class/ Division	Identi- fication Number	Packing Group
Class 8 liquids for which a DOT specification 34 reusable polyethylene drum is prescribed in 49 CFR Part 173, **effective on September 30, 1991**, and which have no secondary hazards and a pressure of no greater than 14.7 psia at 130°F.	8	as appli- cable	as appli- cable
Nitric acid solutions containing 10% or less nitric acid by weight, classed as class 8 material (not authorized for shipment by cargo vessel).	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, 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
Blasting agent identified as GEL-PAC and other blasting agents specifically identified to, and acknowledged in writing by the office of Hazardous Materials Exemptions and Approvals (OHMEA) prior to the first shipment.			

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

NOTE: Reference to 49 CFR Part 178 in the following paragraphs are references to the regulations in effect on September 30, 1991.

a. Packagings prescribed are non-DOT specification rotationally molded polyethylene portable tanks of 200-,300-, and 400-gallon capacity, enclosed within a protective steel frame, as shown on Poly Processing Drawings PPC 112784-1 and PPC 112784-2 or PPC 061885-2 and PPC 0611985-1 or PPC 050588-2 or PPC 021292-1 furnished with the petitioner's applications. Each portable tank must be made from high density cross-linkable polyethylene which has been specifically identified and is acceptable to OHMEA and be in compliance with the provisions of 49 CFR 178.19-6 and 178.19-7(a)(3), except as follows:

(i) 178.19-6(a) - Does not apply. Instead, each portable tank must be permanently marked by embossment or with a metal certification plate permanently affixed to each portable 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 etching or stamping is used, it may not reduce the marked area thickness below the minimum thickness prescribed herein. The markings must be in letters and numbers at least ¼-inch high located on the side of the portable 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 9374 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. gal.

(ii) 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.

b. Each tank must be fitted with a pressure relief device that will limit the pressure in the tanks to 15 psig and is in accordance with 49 CFR 178.253-4 except as follows:

(i) 178.253-4(a) - Frangible devices are not authorized.

(ii) 178.253-4(c)(1) - The pressure relief device must open 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 pounds per square inch gauge.

(iii) 178.253-4(c)(3) - A fusible device that will function at a temperature no greater than 250°F may be used provided vapor pressure in the tank does not exceed 15 psig.

c. Portable tanks must be capable of satisfactorily withstanding the drop test and hydrostatic pressure test prescribed in 49 CFR 178.19-7(a)and the vibration test prescribed in 49 CFR 178.253-5(a)(1).

d. The minimum thickness of each portable tank measured at any point on the container, is 0.260 inch. Other details of the shipping container must be as depicted in Drawings PPC 112784-1 and -2, or PPC 061885-2 and PPC 061985-1 or PPC 050588-2 included in petitioner's applications.

e. Additionally, each portable tank must possess the chemical and physical properties as reported to the OHMEA by the petitioner's application.

f. Any changes in design, resin, or process methods must be approved by the OHMEA.

g. Reuse of any portable tank must be in accordance with the applicable requirements of 49 CFR 173.28 and 173.32(e) as modified herein. Each portable tank must be hydrostatically retested in accordance with 49 CFR 173.32(e) as applicable to DOT Specification 57 tanks, at test pressure of 15 psig 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, iii. 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 (PE) portable tank, and may not permeate the PE to an extent that a hazardous condition could be caused during transportation and handling.

j. Portable tanks for hydrogen peroxide and isothiazilone microbicide of greater than 1.5% concentration must have a vented closure to prevent accumulation of internal pressure. When venting is required, continuous venting devices must consist of a polyethylene plug with a porous membrane cartridge. Tanks used to ship isothiazilone microbicide in any concentration, may not be equipped with a bottom outlet. Tanks must be equipped with a dip pipe arrangement for top unloading.

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 in the steel skid and stacking frame as shown in 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 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 9374".

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

d. Each portable tank used to ship Nitric acid solution must be visually inspected once every four months for evidence of oxidation, embrittlement, discoloration, stress cracking or crazing, container collapse, or any other condition which would adversely affect the tanks structural integrity. Any tank showing such evidence must be immediately removed from service and have its serial number

reported to the OHMEA.

e. When a blasting agent is transported in a portable tank under this exemption:

(i) The bulk blasting agent may not be allowed to remain in the portable tank for any time period that could result in caking. The equipment must be cleaned frequently enough to assure against any accumulation of product on its packaging.

(ii) Drivers must have been instructed as to necessary safeguards and proper procedures in the event of unusual delay, fire, or accident. A copy of written instructions must be provided to the master of the cargo vessel used to transport bulk blasting agents under this exemption.

f. For transportation of blasting agents by cargo vessel:

(i) The portable tanks must be stowed "on deck only".

(ii) The blasting agents must be segregated from other hazardous materials in accordance with the requirements for Class A Explosives. In addition, the blasting agents must be stowed "separate from" non-regulated readily combustible materials, as defined in 49 CFR 176.83(d).

(iii) The portable tanks must be stowed in a readily accessible location which can be reached by at least two streams of water from separate fire hydrants or if carried on an unmanned barge by an effective stream of water from a vessel alongside.

(iv) Before packages of a blasting agent covered by this exemption are loaded on or discharged from a vessel at any place in the United States, the carrier must obtain a permit from the Coast Guard Captain of the Port. A copy of this exemption must be provided to the Captain of the Port when requesting a permit.

g. 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.

h. Each packaging manufactured under the authority of this

at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Exemptions and Approvals Program for a specific manufacturing facility.

i. 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.

j. Consistent with the regulations adopted under Docket HM-181E for intermediate bulk containers (IBCs), exemptions for IBCs of the type covered by those regulations will not allow new construction after September 30, 1996. Existing IBCs may be continued in service, provided renewal provisions under 107.105 are met, until September 30, 1998 under the conditions specified in the exemption that applies to their use. After September 30, 1998, each IBCs 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). A provision for approval of an equivalent IBC is specified in 49 CFR 178.801(i).

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, 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, 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.

for Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

7/8/98
(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.

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