U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 10226 (EXTENSION)
FIRST REVISION May 23, 1991

In accordance with 49 CFR 107.105 of the Department of Transportation (DOT) Hazardous Mater als Regulations DOT-E 10226 is hereby extended for the party(ies) listed below by changing the expiration date in paragraph 10 to October 31, 1993. 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 and the public proceeding thereon. This extension constitutes a necessary part of this exemption and must be attached to it.

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

NOV 29 1991
(DATE)

Dist: FHWA

EXEMPTION HOLDER	APPLICATION DATE
Jaco Waterproofing, Inc. Hamilton, OH	October 7, 1991

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

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

MAY 23 1991

DOT-E 10226
(FIRST REVISION)

1. JACO Waterproofing Inc., Hamilton, Ohio, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to offer for transportation packages prescribed herein of the hazardous material described in paragraph 3 below in commerce, subject to the limitations and special requirements specified herein. This exemption authorizes the shipment of a waterproofing resin solution in non-DOT specification cargo tanks, and provides no relief from any regulation other than as specifically stated.

2. BASIS. This exemption is based on JACO Waterproofing Inc.'s application dated June 17 and July 24, 1989, submitted in accordance with 49 CFR 107.103 and the public proceeding thereon and supplemental letter dated April 4, 1991.

3. HAZARDOUS MATERIALS (Descriptor and class). An asphalt-like, viscous waterproofing resin solution classed as a flammable liquid.

4. PROPER SHIPPING NAME (49 CFR 172.101). Resin solution.

5. REGULATION AFFECTED. 49 CFR 173.119(a) and (k), 178.340-8(d), 178.340-10, 178.341-3, 178.341-4, 178.341-5.

6. MODE OF TRANSPORTATION AUTHORIZED. Motor vehicle.

7. SAFETY CONTROL MEASURES.

(a) Packagings prescribed are an elliptical 300 gallon non-DOT specification cargo tank and a rectangular 500 gallon non-DOT specification cargo tank designed and constructed in accordance with JACO Waterproofing, Inc. Drawings F350 dated June 11, 1989 and F700 dated June 3, 1989 on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). Tanks are equivalent in design and construction to DOT Specification MC-306 cargo tanks except for the requirements of §§178.340-8(d), 178.340-10, 178.341-3, 178.341-4, and 178.341-5. No new construction is authorized.

(b) Each cargo tank manufactured after the issuance of this exemption must conform with the requirements of §173.131 with a minimum design pressure of 2.5 psig and a test pressure of at least 5.0 psig.

8. SPECIAL PROVISION.

a. A copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

b. Drivers must have been instructed as to necessary safeguards and proper procedures in the event of unusual delay, fire or accident.

c. Each tank must be reinspected and retested at least once every two years in accordance with 49 CFR 177.824 as prescribed for DOT Specification MC 306 cargo tanks.

d. Each cargo tank must be plainly marked on the curb side near the front, in letters and numbers at least two inches high on a contrasting background, "DOT-E 10226".

e. The composition of the waterproofing resin authorized in paragraph 3 above must be as described in the Material Safety Data Sheet submitted with Jaco Waterproofing Inc.'s application dated July 24, 1989. Any lading with characteristics that vary from this must be approved by this Office prior to initial shipment.

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: January 31, 1992.

Issued at Washington, D.C.

MAY 23 1991

for Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(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.