U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 10361 (EXTENSION)
ORIGINAL July 31, 1992

In accordance with 49 CFR 107.105 of the Department of Transportation (DOT) Hazardous Materials Regulations DOT-E 10361 is hereby extended for the party(ies) listed below by changing the expiration date in paragraph 10 to April 30, 1995. 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.

for J. Suzanne Hedgspeth
Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

JUN - 2 1993
(DATE)

Dist: FHWA FRA

EXEMPTION HOLDER	APPLICATION DATE
American Cyanamid Company Wayne, NJ	January 25, 1993

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DOT-E 10361

1. American Cyanamid Company, Wayne, New Jersey, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to offer packages prescribed herein of certain Poison B materials for transportation in commerce subject to the limitations and special requirements specified herein. This exemption authorizes the shipment of certain dry organic phosphate compound mixtures, classed as Poison B, in a non-DOT specification polyethylene (PE) portable tank as described in paragraph 7 below and provides no relief from any regulation other than as specifically stated.

2. BASIS. This exemption is based on American Cyanamid Company's application dated August 6, 1991 and supplemental material dated and March 13, 1992, submitted in accordance with 49 CFR 107.103 and the public proceeding thereon.

3. HAZARDOUS MATERIALS (Descriptor and class). "COUNTER 20CR" (terbufos not exceeding 20.7% by weight); "COUNTER 15G" (terbufos not exceeding 15.5% by weight); "THIMET 20G" (phorate not exceeding 20.5% by weight); "THIMET 15G" (phorate not exceeding 15.0% by weight); "AASTAR" (phorate not exceeding 15.0% by weight); classed as Poison B. Other organic phosphate compound mixtures, dry, classed as Poison B, specifically identified to, and acknowledged in writing by, the Office of Hazardous Material Exemptions and Approvals (OHMEA) prior to the first shipment.

4. PROPER SHIPPING NAME (49 CFR 172.101). Organic phosphate compound mixture, dry; or the specific chemical name or generic commodity description, as appropriate.

5. REGULATION AFFECTED. 49 CFR 173.377(a), 175.3, 178.19, 178.251, 178.252.

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

7. SAFETY CONTROL MEASURES.

a. Packaging prescribed is a non-DOT specification rotationally molded, PE portable tank consisting of a tank and a support base. The tank and base must be molded from a resin classified as high density linear PE with ultraviolet inhibitors which has been specifically identified and is acceptable to the OHMEA.

Minimum wall thickness must be 0.25-inch. The tank has a 12-inch nominal top opening closed by means of a threaded, blow molded PE, leak tight cover, and a 3-inch nominal side discharge bottom opening closed by means of a waterproof cam lock coupling device and a PE cap. Both closures are positively secured to the tank by means of braided steel wire cable and crimp seals, and both closure devices must be capable of retaining product under the test conditions outlined in paragraph 7.c. below. Container components must be in accordance with Murray Equipment Inc. drawing numbers LAYME318, TNKME063, TNKME064, and FABME136, all dated December, 28, 1989, submitted as part of the application. The capacity of the tank is approximately 36 cubic feet and the maximum weight of product to be shipped is 1500 pounds.

b. In addition, the packaging must be in compliance with the provisions of 49 CFR 178.19, except as follows:

(1) § 178.19-3 - Does not apply.

(2) § 178.19-4 - Does not apply.

(3) § 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 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 used, it may not reduce the thickness in the marked area below the minimum thickness prescribed herein. The markings must be in letters and numbers at least 0.25-inch high located on the side of the tank. The markings shall be understood to certify that the tank complies with all requirements of this exemption and must contain at least the following information:

DOT-E 10361 portable tank
Manufacturer_____Serial number_____Date of manufacture (month and year)_____Tare weight_____ _____lbs.
Rated gross weight_____lbs.
Capacity_____cubic ft.
Test Pressure_____psig.
Original test date_____
Do not stack
Do not place other freight on top of this tank

(4) § 178.19-7 - Does not apply. See test requirements at paragraph 7.c below.

c. Design qualification testing is required as described in this paragraph. For all tests, the tank must be filled to not less than its rated gross weight with solid material such as clay pellets and sand no larger in size than the specific organic compound mixtures authorized for transport in these containers.

(1) Vibration test. This test must be done in accordance with 49 CFR 178.252-3(a)(1).

(2) Drop tests. The assembled container must be dropped from a height of four feet onto a rigid, non-resilient, flat and horizontal surface so as to strike specific areas of the tank as prescribed in subparagraphs (i), (ii) and (iii) below. Tanks must be capable of withstanding these drop tests with no loss of contents. No single container shall be expected to withstand more than one of the following tests:

(i) diagonally on the top corner and top closure;

(ii) flat on one side; and

(iii) diagonally on the support base at the point nearest the bottom closure.

d. Commodities must be compatible with the PE tank material, and may not permeate the PE to an extent that a hazardous condition could be caused during transportation and handling.

e. Each portable tank must possess the chemical and physical properties as reported to the Office of Hazardous Materials Exemptions and Approvals (OHMEA) by the petitioner's application.

f. Any changes in design, resin, or process methods must be approved by the OHMEA. Prototype test results for the tests required in paragraph 7.c. of this exemption must accompany any request for changes in design, resin, or process methods.

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 56 portable tanks. 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 in subparagraph 7.b.3. 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. Tanks must always be filled and shipped while enclosed in the support base as shown in the application.

i. Portable tanks with repaired bodies are not authorized.

8. SPECIAL PROVISIONS.

a. Persons who receive 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.

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 10361" and "DO NOT STACK", and "DO NOT PLACE OTHER FREIGHT ON TOP OF THIS TANK".

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

d. The portable tank must be secured to the motor vehicle by a system which conforms with the requirements of 49 CFR 393.100 through 393.106 and must be located at least six inches forward of the motor vehicle's rear bumper.

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

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. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.)

10. EXPIRATION DATE. March 30, 1993.

Issued at Washington, D.C.

JUL 31 1992

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 Program.

Dist: FHWA, FRA.