



U.S. Department
of Transportation

Research and
Special Programs
Administration

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

MAR 15 2004

DOT-E 9228
(FIFTH REVISION)

EXPIRATION DATE: February 28, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Phibro-Tech, Inc.
Fort Lee, NJ
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the use of non-DOT specification cargo tanks to transport certain Class 8 and 9 materials, subject to the limitations and special requirements specified herein. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 173.241, 173.242, and 173.243 in that the use of non-DOT specification cargo tanks for the materials listed in paragraph 6 below is not authorized, except as specified herein.
5. BASIS: This exemption is based on the application of Phibro-Tech, Inc., dated February 27, 2004, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Copper chloride, solution	8	UN2802	III
Corrosive liquid, n.o.s.	8	UN1760	I, II, III
Corrosive liquid, acidic, inorganic, n.o.s.	8	UN3264	I, II, III
Corrosive liquid, basic inorganic, n.o.s.	8	UN3266	I, II, III
Environmentally hazardous substance, liquid, n.o.s.	9	UN3082	III
Ferric chloride, solution	8	UN2582	III
Ferrous chloride, solution	8	NA1760	II
Hazardous waste liquid, n.o.s.	9	NA3082	III

7. SAFETY CONTROL MEASURES: Prescribed packagings are four (4) non-DOT specification, ASME Code "U" stamped tanks securely mounted on two (2) trailer chassis. Each tank has a maximum allowable working pressure of 50 psig and a design external pressure of 15 psig. The tanks were manufactured by Downey Welding and Manufacturing Co., Inc. and bear manufacturer's serial numbers 3848, 3849, 4020 and 4021. Tanks with serial numbers 3848, 3849 and 4020 have a capacity of 1,151 gallons and the tank with serial number 4021 has a capacity of 1,535 gallons. Each bottom outlet must be provided with a shear section in accordance with the MC 312 specification of § 178.343-5, 1990 edition. Tanks must be designed and constructed in accordance with Downey Welding and Manufacturing Co., Inc. drawing 17-1106-F, Southern California Chemical Co., Inc. drawings T1 and T2 and calculations on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). Each cargo tank conforms with the DOT Specification MC 312, except that it is not certified or marked "MC-312". No new construction is authorized.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

c. Each cargo tank must be reinspected and tested in accordance with § 180.407 as prescribed for DOT Specification MC 312 cargo tanks.

d. Each cargo tank must be plainly marked on the left side near the front, in letters at least two inches high on a contrasting background, "DOT-E 9228".

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle 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. 5101 et seq.:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 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 §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, 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. (Sections 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 inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

MAR 15 2004

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.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

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