U.S. Department
of Transportation

**Research and
Special Programs
Administration**

JUN 5 2000

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

DOT-E 12370

EXPIRATION DATE: April 30, 2002

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Eurotainer US, Inc.
Somerset, NJ

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of a non-DOT specification portable tank which meets the requirements for a DOT Specification IM 101 steel portable tank, except that the tank is fitted with an external discharge valve in place of an internal discharge valve, for shipment of the solid materials authorized by this exemption. 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 § 173.242 in that a non-DOT specification steel portable tank is authorized as described herein.

5. BASIS: This exemption is based on the application of Eurotainer US, Inc. dated October 21, 1999, and supplemental information dated March 22, 2000, submitted in accordance with § 107.105 and the public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Self-heating solids, toxic, inorganic, n.o.s.	4.2	UN3191	II and III
Toxic solids, organic, n.o.s.	6.1	UN2811	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification portable tank designed, manufactured and tested in accordance with the DOT specification IM 101 and Configuration T16 specified in § 172.102(c)(7)(i), except that an internal discharge valve is not required. Each discharge connection located below the normal liquid level of the tank must have at least two serially-mounted closures consisting of a butterfly valve and a bolted blind flange. Each tank must be equipped with a spring-loaded pressure relief valve. The portable tank must be designed and constructed in accordance with the specifications on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

b. TESTING - Each tank must be retested in accordance with the requirements for IM 101 specification portable tanks in § 173.32b at a minimum test pressure of 4 bar.

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 modifications or change are made to the package 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 and at each facility where the tank is requalified.

c. MARKING - Each tank must marked "DOT-E 12370" in place of the IM 101 specification marking as described in § 178.270-14 (B) (1).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, and cargo vessel.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel or 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:

    - All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

    - 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 this 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.:

JUN 5 2000

Robert A. McGuire (DATE)
Acting Associate Administrator for
Hazardous Materials Safety

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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

Website http://hazmat.dot.gov
PO: PTOlson