JUN 17 1998

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

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

DOT-E 12091

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| EXPIRATION DATE: July 31, 1998 or upon completion of one shipment whichever occurs first. |

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: Hapag-Lloyd (America) Inc.
   Piscataway, New Jersey

2. PURPOSE AND LIMITATION:

   a. This emergency exemption authorizes the one-time, one-way transportation of an alcoholic beverage in commerce in a DOT Specification IM 101 steel portable tank containing an alcoholic beverage which has not been visually inspected as required by § 173.32b(b). This exemption provides no relief from any Hazardous Materials Regulation (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 173.32b(b) in that the requirement for a periodic visual inspection is waived to allow the unloading of the portable tank before the periodic visual inspection is performed; the marking requirements in §§ 172.203(a) and 172.302(c).

5. BASIS: This exemption is based on the application of Hapag-Lloyd (Americas) Inc. dated June 12, 1998, submitted in accordance with 49 CFR 107.117 and a determination that it is necessary to prevent potential economic loss.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

| Proper Shipping Name/ Hazardous Materials Description | Hazard Class | Identi-fication Number | Packing Group |
|---|---|---|---|
| Alcoholic beverages | 3 | UN3065 | III |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT Specification IM 101 steel portable tank bearing owners reporting mark TRLU 0241875 which was hydrostatically test and visually inspected on August 30, 1995.

b. TESTING - The portable tank must be visually inspected in accordance with § 173.32b(b) prior to being refilled and offered for transportation.

8. SPECIAL PROVISIONS:

a. One-time, one-way transportation is authorized from Norfolk, VA to Bardstown, KY where the tank will be emptied. The tank will then be transported empty, except for residue, to a facility at Louisville, KY for the visual inspection required in § 173.32b(b).

b. The marking requirements of §§ 172.203(a) and 172.302(c) are waived.

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

10. MODAL REQUIREMENTS: A copy of this exemption must be carried aboard each motor vehicle used to transport the tank 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, 49 CFR Parts

o 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, 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. (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 inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

JUN 17 1998

(DATE)

Alan I. Roberts
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, Washington, DC 20590-0001, Attention: Docket Section, 202-366-5046.

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