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

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

DOT-E 9070
(SIXTH REVISION)

AUG 15 2003

EXPIRATION DATE: July 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Warner Bros., Inc.
Sunderland, Massachusetts

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the filling and discharge of two non-DOT specification portable tanks containing gasoline, while remaining securely mounted on a truck chassis. 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 §§ 173.32(a)(1) and 173.242 in that non-DOT specification portable tanks are not authorized except as specified herein.

5. BASIS: This exemption is based on the application of Warner Bros., Inc. dated August 1, 2003, submitted in accordance with § 107.109.

HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Gasoline	3	UN1203	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are two(2), non-DOT Specification steel portable tanks manufactured by Welding Division, O.R. Cote Company. The tanks have nominal water capacities of 210 and 340 gallons and have a baffle plate welded in the middle of the tank. The tank must be secured to the truck chassis as described in the applicant's petition.

b. TESTING - Each portable tank must be reinspected and retested once every 2 years in accordance with § 173.32 as prescribed for DOT Specification 57 portable tanks.

8. SPECIAL PROVISIONS:

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

b. Transportation is limited to private carriage and within the State of Massachusetts only.

c. MARKING - 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 9070."

d. No new construction is authorized.

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:

- 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 received 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 incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

AUG 1 5 2003

Robert A. McGuire
for Associate Administrator
for Hazardous Materials Safety

(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.

PO: sln