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

MAY 8 2000

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

DOT-E 12390

EXPIRATION DATE: **February 28, 2002**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Industrial Metals
Beaumont, Texas

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of the Class 3 materials authorized by this exemption in non-DOT specification portable tanks for delivery to oil and gas production facilities within the jurisdiction of the United States of America. 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 § 172.203(a) in that the exemption number is not required to be marked on the shipping paper and § 173.242 in that a non-DOT specification portable tank as described herein is authorized.

5. BASIS: This exemption is based on the application of Industrial Metals dated November 12, 1999, and supplemental information dated February 8 and March 10, 2000, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Proper Shipping Name/ Hazardous Materials Description | Hazard Class/ Division | Identi-fication Number | Packing Group |
|---|---|---|---|
| Hydrocarbon, liquid, N.O.S. | 3 | UN3295 | III |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed are 60 non-DOT specification steel portable tanks, manufacturer's serial numbers 196201 through 196260, designed and constructed in accordance with DOT Specification IM 101 except as described herein including the location of the pressure relief valve specified in § 178.270-11(b)(1)(i). The pressure relief valve is located more than 1/6 of the tank length from the longitudinal center of the tank as specified in the HMR. New construction is not authorized.

b. TESTING - Tanks must be qualified and requalified in accordance with the provisions for DOT Specification IM 101 portable tanks as specified in §§ 173.32a and 173.32b.

c. OPERATIONAL CONTROLS - Tanks being transported by motor vehicle must be loaded on the vehicle in transverse position, with the long axis of the tank perpendicular to the length of the vehicle.

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.

c. MARKING:

(1) The marking requirement specified in § 172.203(a) is waived.

(2) Each portable tank must be marked "DOT-E 12390 in place of the "IM 101" specification number on the line of the identification plate which reads "US DOT Specification number".

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

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

MAY 8 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.

PO: PTOlson