



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

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

AUG 19 2003

DOT-E 8995
(FOURTEENTH REVISION)

EXPIRATION DATE: July 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: BASF CORPORATION
Mount Olive, New Jersey

(See Appendix A to this document for a list of additional grantees)
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of certain Division 2.2 materials in a non-DOT specification portable tank. 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 § 173.315(a) in that a non-DOT specification packaging is not authorized except as specified herein; and § 174.63(c)(1) in that Division 2.2 materials are not authorized except as specified herein.
5. BASIS: This exemption is based on the application of BASF Corporation dated August 6, 2003, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

AUG 19 2003

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Compressed gas, n.o.s.	2.2	UN1956	N/A
Flammable liquid, n.o.s. (Cyclopentane)	3	UN1993	II
1,1,1,2-Tetrafluoroethane or Refrigerant gas R 134a	2.2	UN3159	N/A

7. SAFETY CONTROL MEASURES:

a. Packaging prescribed is as follows:

(1) Non-DOT specification steel portable tanks with a nominal water capacity of not over 2,050 gallons, and a minimum design pressure of 250 psig. Each tank must be fabricated in accordance with the ASME Code and must conform to Olin Plastics drawing #630-010, dated September 9, 1969; American Bridge drawing #23-5814, Revision A, dated June 18, 1968; American Welding and Tank drawing #U-2050 dated January 3, 2000; or the Chemi-Trol Chemical Company drawings submitted with Flexible Products, Inc.'s application January 10, 1989. In addition, each tank must meet the following:

i. Each tank must be equipped with at least one pressure relief valve so arranged to discharge upward and unobstructed to the outside of the protective housing.

ii. Pressure relief valves on any tank must be set to start-to-discharge at a pressure not in excess of 110% of the design pressure of the tank and must have a total relieving capacity sufficient to prevent a maximum pressure in the tank of more than 120% of the design pressure.

AUG 19 2003

iii. The tank may be mounted on wheels. If so mounted, it must be the responsibility of the shipper to adequately secure the vehicle to insure compliance with § 177.834(g) under conditions normally incident to transportation. As an alternative, the carrier may provide vehicles specially designed to handle such wheeled tanks.

iv. Each wheeled tank must be equipped with adequate tie-down devices. The aggregate static breaking strength of the tie-down assemblies used to secure a tank against movement in any direction must be at least 2 times the weight of the fully loaded tank.

v. Each tank that is permanently mounted on a motor vehicle must comply with § 178.337-10.

vi. The maximum authorized pressure in the tank at 70°F is 100 psig, and in no case may the pressure exceed 150 psig at 115°F.

b. TESTING - Each portable tank must be reinspected and retested once every 5 years in accordance with § 180.605 as prescribed for DOT Specification 51 portable tanks.

c. OPERATIONAL CONTROLS - Each tank must be filled to provide a minimum ullage of 5 percent.

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 changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

b. Each portable tank must be plainly marked on both sides near the middle, in letters at least two inches high on contrasting background, "DOT-E 8995."

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

AUG 19 2003

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

10. MODAL REQUIREMENTS:

a. A current copy of this exemption must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this exemption.

b. A portable tank may not be transported by rail on flatcars or on flat trailers on flatcars, except under conditions approved by the Associate Administrator for Safety, FRA.

If a portable tank is shipped inside a rail car, the tank must be secured so that it cannot permanently change position during transit.

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 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.

AUG 19 2003

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.:

Robert A. McGuire
b7 Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

AUG 19 2003
(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: PTolson/sln

AUG 19 2003

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Flexible Products Company Marietta, GA	7/28/2003	8/5/2003	7/31/2005
General Latex & Chemical Corporation (of Ohio) Ashland, OH	7/28/2003	8/5/2003	7/31/2005

Robert A. McGuire
Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety