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

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

NOV 15 2002

DOT-E 12195
(SECOND REVISION)

EXPIRATION DATE: October 31, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Custom Metalcraft, Inc.
Springfield, MO

2. PURPOSE AND LIMITATIONS:

a. This exemption authorizes the manufacture, marking, sale and use of metal intermediate bulk containers meeting UN design type 31A as prescribed in Part 178, except for minimum thickness requirements, for the transportation in commerce of the materials authorized by this exemption. 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 Part 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.203(a) in that marking the exemption number on the shipping paper is waived; § 172.302(c) in that marking the exemption number on package is waived; § 173.240-243 in that a packaging marked 31AW is authorized; and § 178.705(c)(iv)(A) in that the minimum required thickness is not met.

5. BASIS: This exemption is based on Custom Metalcraft, Inc's application dated October 28, 2002, submitted in accordance with 49 CFR § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi- fication Number**	**Packing Group**
Thoase materials for which a UN31A intermediate bulk container are prescribed in Part 173	As appro- priate	As Appro- priate	II, III

7. SAFETY CONTROL MEASURES:

a. Packagings prescribed must conform to the requirements for UN 31A intermediate bulk containers (IBCs) as provided in 49 CFR Subparts N and O, except that the minimum wall thickness of the IBC is less than prescribed in § 178.705(c)(iv)(A). The packaging capacity may not exceed 2082 liters (550 gallons).

b. For a reference steel having a product of Rm x Ao = 10,000 (for SI units), where Rm and Ao are as defined in § 178.705(c), the unprotected metal IBC may have a minimum wall thickness of not less than 3.5 mm; and

c. For steels other than the reference steel described in paragraph b. above, an equivalent minimum thickness is calculated in accordance with § 178.705(c)(iv)(B). The actual values for the tensile strength and percent elongation of the material to be used in the IBC may be substituted for the minimum values. The actual values substituted would be determined by the IBC manufacturer or material producer through tests on specimens from the steel coil(s) to be used in the fabrication of the IBC. Actual values must be determined in accordance with ASTM recommendations.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

b. A person who is not a holder of this exemption, but 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 offered for transportation in conformance with this exemption and the HMR.

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

d. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.

e. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.

g. The marking requirements of §§ 172.203(a) and 172.302(c) are waived. Each IBC must be durably and plainly marked with an identification code of 31AW.

f. This exemption serves as a Competent Authority Approval CA-9904001 issued by the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration of the United States Department of Transportation, in accordance with Section 10.3 of the General Introduction to the International Maritime Dangerous Goods Code.

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, used to transport packages covered by this exemption.

11. 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, 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 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 also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued in Washington, D.C.

Ann Mazzullo

Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

NOV 15 2002
(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: DB/sln