U.S. Department
of Transportation

**Pipeline and
Hazardous
Materials Safety
Administration**

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

MAR 2 1 2005

DOT-E 11903
(SIXTH REVISION)

EXPIRATION DATE: February 28, 2007

(FOR RENEWAL, SEE 49 § 107.109)

1. GRANTEE: Comptank Corporation
Bothwell, Ontario, Canada
(U.S. AGENT: North American Transportation
Consultants, Inc.
Hightstown, NJ)

2. PURPOSE AND LIMITATIONS:

a. This exemption authorizes the manufacture, mark, sale and use of non-DOT specification cargo tank motor vehicles constructed from glass fiber reinforced plastics (GFRP) conforming with all regulations applicable to a DOT 407 or DOT 412 cargo tank motor vehicle except as specified herein, for the transportation in commerce of the materials listed in paragraph 6 below. 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 § 107.503(b) and (c) in that the manufacturer does not hold an ASME "U" or National Board "R" stamp; § 172.102(c)(3) Special Provision B15 in that the cargo tank motor vehicle is not protected with a non-metallic lining; § 172.102(c)(3) Special Provision B23 in that the cargo tank motor vehicle is not

made of steel; §§ 173.241, 173.242, 173.243, 180.405, and 180.413(d) in that the use of a non-DOT specification cargo tank motor vehicle is not authorized; and §§ 178.345-1, -2, -3, -4, -7, -14, -15, 178.347-1, -2, 178.348-1, -2, except as specified herein.

5. BASIS: This exemption is based on the application of the Comptank Corporation dated February 28, 2005, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Class 8 materials authorized to be transported in a lined MC-312 cargo tank motor vehicle, Class 8 liquid and semi-solid waste materials/specific chemical name or generic description as appropriate	8	Various	I, II or III
Class 3 liquid and semi-solid waste materials/specific chemical name or generic description as appropriate	3	Various	I, II or III
Class 6.1 liquid and semi-solid waste materials/specific chemical name or generic description as appropriate	6.1	Various	I, II or III
Class 9 liquid and semi-solid waste materials/specific chemical name or generic description as appropriate	9	Various	III

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are non-DOT specification glass fiber reinforced plastic (GFRP) cargo tanks having a design pressure of 35 psig and inside diameters and nominal capacities as described in paragraphs

7.a(1), (2) and (3) below. Cargo tanks must be designed and manufactured in accordance with the drawings, calculations and technical specifications on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

(1) Three (3) cargo tank designs having an inside diameter of 4-feet as follows:

(i) a capacity of 3750 U.S. gallons, designed and constructed in accordance with California State University Structures Laboratory (CSUSL) Report No. 99-2-37, revised March 16, 1999,

(ii) a capacity of 2000 U.S. gallons, designed and constructed in accordance with CSUSL Report No. 99-2-39, revised March 16, 1999, and

(iii) a capacity of 1000 U.S. gallons, designed and constructed in accordance with CSUSL Report No. 99-2-38, revised March 16, 1999.

(2) Four (4) cargo tank designs having an inside diameter of 5-feet as follows:

(i) a capacity of 5500 U.S. gallons, designed and constructed in accordance with CSUSL drawings CC-101-97 through CC-112 dated April 17, 1997 and related calculations and technical specifications,

(ii) a capacity of 4000 U.S. gallons, designed and constructed in accordance with CSUSL Report No. 98-2-22A, revised March 16, 1999,

(iii) a capacity of 2500 U.S. gallons, designed and constructed in accordance with CSUSL Report No. 98-2-21A, revised March 16, 1999, and

(iv) a capacity of 600 U.S. gallons, designed and constructed in accordance with CSUSL Report No. 98-2-20A, revised March 16, 1999.

(3) One (1) cargo tank design having an inside diameter of 6 feet and having a maximum capacity of 10,430 U.S. gallons, designed and constructed in accordance with CSUSL Report No. 99-11-21 dated December 30, 1999.

(4) For each cross-sectional diameter, cargo tanks smaller than the capacity described in each CSUSL

Report may be constructed using the same design and safety details as the largest tank in each CSUSL design report. For example, cargo tanks having an inside diameter of 4 feet may not exceed 3750 U.S. gallons as described in paragraph 7.a.(1)(i) but may have lower capacities. Similarly, cargo tanks having an inside diameter of 5 feet may not exceed 5500 U.S. gallons as described in paragraph 7.a.(2)(i) but may have lower capacities. Each such cargo tank motor vehicle must be certified as a separate design type, defined in § 178.320(a), by a Design Certifying Engineer as specified in § 178.345-15(b)(1).

b. The GFRP cargo tanks must be in compliance with §§ 173.241, 173.242, or 173.243, as prescribed in the Hazardous Materials Table (§ 172.101), except that Special Provisions B15 and B23 are waived. A Quality Assurance Plan comparable to provisions set forth in the ASME Code must be followed during all production and test phases of manufacture. In addition, they must meet all performance requirements for the DOT 407 and DOT 412 Specification cargo tank motor vehicle (§§ 178.345, 178.347 and 178.348), except as follows:

(i) § 178.345-1(d) and (f) requiring the manufacturer to have an ASME certification and to certify that the construction meets the ASME Code do not apply.

(ii) § 178.345-2 Material and material thickness. Does not apply.

(iii) § 178-345-3 Structural integrity. References to the ASME Code do not apply. Stress factors calculated using the GFRP materials and strengths must equal or exceed those specified for steel.

(iv) § 178.345-4 Joints. Does not apply.

(v) § 178.345-7 Circumferential reinforcements. Does not apply. Calculations for reinforcements must be at least equal to or greater than specified for steel and aluminum.

(vi) § 178.345-14 Marking. Nameplate requirements in paragraph (b) are changed as follows:

(A) line (1), the DOT Specification number is replaced with the exemption number DOT-E 11903.

(B) lines (10), (13) and (14) are not required.

(vii) § 178.345-15 Certification. Manufacturer's certification documents must be appropriately modified to reflect compliance with the terms of this exemption. Each design type must be certified by a Design Certifying Engineer.

(viii) § 178.347-1 General requirements. Paragraphs (c), and (d), with the exception that (d)(2), (3), (4), (5), (6) and (7) do not apply.

(ix) § 178.347-2 Material and thickness of material. Does not apply.

(x) § 178.348-1 General requirements. Except for paragraphs (ii), (iv), (vii), subsection (e) does not apply.

(xi) § 178.348-2 Material and thickness of material. Does not apply.

c. TESTING - The non-DOT specification (GFRP) cargo tank motor vehicles must conform with all test and inspection requirements of §§ 178.345, 178.347 and 178.348 for DOT 407 and DOT 412 Specification cargo tank motor vehicles, and must meet the requirements in Subpart E of Part 180 for the periodic testing and inspection of DOT 407 and DOT 412 Specification cargo tank motor vehicles.

d. OPERATIONAL CONTROLS:

(1) Cargo tanks that are used in transporting Class 3 materials must be equipped with a spring loaded relief valve.

(2) The compatibility of commodities with the GFRP cargo tank must be based on ASTM C 581 "Standard Test Method for Chemical Resistance of Thermosetting Resins Used in Glass Fiber Reinforced Structures". Test reports must be maintained by the owner or manufacturer for as long as the cargo tank remains in active operation.

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 retained by each person who offers hazardous materials for transportation under this exemption. The training requirements referenced in paragraph 11 apply to that person and all employees who perform functions that affect compliance with this exemption.

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 (OHMEA) 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.

f. The manufacturer's data report for the first cargo tank of each design type which is fabricated must be submitted to the OHMEA prior to the initial shipment of hazardous materials.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS:

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

b. Drivers must have been instructed as to necessary safeguards and proper procedures in the event of unusual delay, fire or accident.

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, Parts 171-180.
- Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- 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: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any

incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.

MAR 2 1 2005
DATE

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

for

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety 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.

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