U.S. Department
of Transportation

**Research and
Special Programs
Administration**

AUG 28 1997

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

DOT-E 10340
(SIXTH REVISION)

EXPIRATION DATE: **September 30, 1998**

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: Schutz Werk GmbH & Co.
Selters, Germany
(U.S. Agent: Schutz Container Systems, Inc., North Branch, NJ)

2. PURPOSE AND LIMITATION: This exemption authorizes the continued use of a non-DOT specification polyethylene portable tank enclosed in a steel jacket or tubular steel frame enclosure, (intermediate bulk containers) manufactured prior to October 1, 1996, for the transportation in commerce of certain Class 8, Class 3 and combustible liquids. This exemption provides no relief from any regulation other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Part 173, Subpart F, Part 178, Subparts N and O in that non-DOT specification packaging is authorized.

5. BASIS: This exemption is based on the application of Schutz Werk GmbH & Co., Selters, Germany dated February 26, 1997, 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
Class 8 liquids for which UN 1H1 plastic drums are authorized in 49 CFR Part 173, and which have no secondary hazards and a vapor pressure not greater than 14.7 psia at 130° F.	8	various	II & III
Class 3 liquids, compatible with polyethylene, which have no secondary hazardous and have a flash port greater than 73° F.	3	various	I, II, III
Combustible liquid, n.o.s.	combusti ble liquid	NA1993	III

Other Class 8, Class 3 or combustible liquids which have been specifically identified to, and acknowledged in writing by, the office of Hazardous Materials Exemptions and Approvals prior to the first shipment.

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. Packaging prescribed is a nonreusable, non-DOT specification polyethylene portable tank (IBCs) having a nominal capacity of 1000 liters (285 U.S. gallons) or 650 liters (169 U.S. gallons), as shown on Schutz Werk's test report No. 97.478 and drawing identified as Palettenbehalter 10001 and D85-1753 or 3-2285. Minimum wall thickness of polyethylene must be not less than 0.060 inch. The tank must be equipped with a pressure relief device set at not less than 3 psig and have a minimum venting capacity of 6,700 SCFH at 5 psig. If a fusible plug is used as the pressure relief device, it must function at a temperature no greater than 250°F and at a pressure less than the specified test pressure. No new construction is authorized.

b. The polyethylene portable tank must be enclosed in either of the following:

(1) a galvanized steel container with 24 gauge top and bottom and 20 gauge sides as shown on Schutz Werk's test report 97.478 and accompanying drawing with a 4 way entry wood or steel pallet, or

(2) a tubular metal frame made of steel tubing having a diameter of 0.70 inch and a wall thickness of 0.04 inch. The tubing is spaced nominally seven inches apart and welded on the outside at every horizontal and vertical intersection. The tubular frame is in accordance with drawings, specifications and photographs submitted to OHMEA with the application and must be securely bolted to either a steel or wooden pallet.

c. Commodities must be compatible with the polyethylene tank and may not permeate the polyethylene to an extent that a hazardous condition could be caused during transportation and handling.

8. SPECIAL PROVISIONS:

a. Persons who receive the packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with and a current copy of this exemption is maintained at each facility from which such reoffering occurs.

b. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

c. 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 OHMEA for a specific manufacturing facility.

d. MARKING - Each packaging must be plainly marked on both sides near the middle, in letters at least two inches high on a contrasting background, "DOT-E 10340". Additionally, the sides of each portable tank must be marked "KEEP THIS END UP" in two places, 180° apart, with an arrow pointed to the tank top.

e. Consistent with the regulations adopted under Docket HM-181E for (IBCs), existing IBCs may be continued in service, provided renewal provisions under Section 107.109 are met, until September 30, 1998 under the conditions specified in the exemption that applies to their use. After September 30, 1998, each IBC must conform to, and be certified as meeting a UN IBC standard set forth in Subparts N and O of Part 178 of the Hazardous Materials Regulations (HMR; 49 CFR).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight and cargo vessel. Shipments by vessel must be made in conformance with Section 26 of the General Introductions to the IMDG Code.

10. MODAL REQUIREMENTS:

A copy of this exemption must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this exemption. The shipper shall furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

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. Section 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by 49 CFR 107.601 et seq., when applicable.

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.

Each "Hazmat employee", as defined in 49 CFR 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 49 CFR 172.700 through 172.704.

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. (49 CFR 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 at Washington, D.C.:

AUG 28 1997

(DATE)

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

continuation of 6th rev. DOT-E 10340 Page 5

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.

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