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

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

JUN 27 2000

DOT-E 7023
(EIGHTH REVISION)

EXPIRATION DATE: March 31, 2002

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: PVS Chemicals, Inc.
Buffalo, New York

(See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION: This exemption authorizes the transportation in commerce of certain oxidizer or corrosive materials in a non-DOT specification portable tank built in compliance with Section VIII of the ASME Code and DOT Specification 60 except the top head is a full opening bolted flange with flat cover and lining consisting of FEP Teflon or a combination of FEP Teflon and polypropylene. 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 § 173.3(a), § 173.241, § 173.242, § 173.243, § 173.245(a), § 173.263(a), § 173.264(a), § 173.266, § 173.268(f)(5), § 173.272(g) and (i)(24).

5. BASIS: This exemption is based on the application of PVS Chemicals, Inc. dated April 10, 2000 submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Sulfuric acid *with more than 51 percent acid.*	8	UN1830	II
Sulfuric acid *fuming with 30 percent or more free sulfur trioxide.*	8	UN1831	I
Nitric acid *other than red fuming, with not more than 70 percent nitric acid.*	8	UN2031	II
Phosphoric acid	8	UN1805	III
Hydrofluoric acid *with not more than 60 percent strength.*	8	UN1790	II
Hydrochloric acid	8	UN1789	II
Hydrogen peroxide *aqueous solution with not less than 20 percent but not more than 40 percent hydrogen peroxide (stabilized if necesary).*	5.1	UN2014	II
Ammonia solutions *relative density between 0.880 and 0.957 at 15 degree c in water, with not more than 10 percent but notr more than 35 percent ammonia.*	8	UN2672	III
Corrosive liquids, toxic, n.o.s (ammonium fluoride, hydrofluoric acid)	8	UN2922	II

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT Specification steel portable tank built in compliance with Section VIII of the ASME Code and DOT Specification 60 except top head is a full opening bolted flange with flat cover and lining consisting of FEP Teflon or a combination of FEP Teflon and polypropylene.

1. Linings must be in accordance with the appropriate drawings on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA), and must comply with § 178.255-10 except a minimum thickness of 0.060 inch is permitted.

2. Annually, the lining of each tank must be removed and the interior tank surface and liner must be visually inspected to determine their adequacy for continued use an whether the integrity of containment has been maintained.

3. Tanks used for hydrogen peroxide must be vented to prevent accumulation of internal pressure. The annual visual inspection of tank linings must include visual inspection of safety relief device for any evidence of corrosion that may lead to malfunction.

4. One valve in the lower portion of the tank is allowed to aid in removal of the lining for the annual inspection and hydrostatic testing. This valve must be constructed according to § 178.255-5 and protected from damage according to § 178.255-7.

5. The following tank designs are authorized, viz:

Capacity (gallons)	Design Pressure	Tank Diameter	Wall Thickness
A. 140	30 psig	30 inches	.250
B. Up to 230	40 psig	36 inches	.250

b. TESTING - Tanks must be annually reinspected and retested in accordance with § 173.32(e) as prescribed for DOT Specification 60 portable tanks.

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 - Tanks may not be marked "DOT Specification 60". Instead, each tank must be plainly and durably marked on both sides near the middle in letters and numbers at least two inches high, on a contrasting background, "DOT-E 7023".

1. In addition, each tank used for the shipment of sulfuric acid, fuming, must be marked "INHALATION HAZARD" in letters at least three and one-half inches high on a contrasting background in close proximity to the required placards.

2. Each tank used for hydrogen peroxide service must be plainly marked "FOR HYDROGEN PEROXIDE ONLY".

d. The following additional requirements apply to the transportation of materials which are defined as poisonous by inhalation as specified in § 172.101:

1. Each portable tank must be secured to the motor vehicle by a system which conforms with the requirements contained in § 393.100 through § 393.106.

2. For highway transportation, each motor carrier used to transport packagings authorized by this exemption must have a safety rating, as assigned by the Office of Motor Carrier Field Operations (OMCFO), Federal Highway Administration, of "Satisfactory". Written verification of the safety rating for each motor carrier must be obtained at least once each year. A copy of the safety rating notification letter for each motor carrier, as received from OMCFO must be submitted with the annual report required by this exemption.

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9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle

10. MODAL REQUIREMENTS:

A current copy of this exemption must be carried aboard each motor vehicle 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 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 inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption (see Special Provisions for details).

Issued at Washington, D.C.:

R. Ryan Paden

Robert A. McGuire
Acting Associate Administrator
for Hazardous Materials Safety

JUN 27 2000
(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.

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, SW, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: sln