



SEP 2 2003

DOT-E 11883
(SECOND REVISION)

EXPIRATION DATE: **July 31, 2005**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Determan Brownie, Inc.
Minneapolis, MN
2. PURPOSE AND LIMITATIONS:
 - a. This exemption authorizes the manufacture, mark, sale and use of non-DOT specification volumetric meter provers described in paragraph 7.a. below mounted on motor vehicles for the transportation in commerce of the materials authorized by this exemption. 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 §§ 173.202, 173.203, and 173.242 in that non-DOT specification packagings are not authorized, except as specified herein.
5. BASIS: This exemption is based on the application of Determan Brownie, Inc., dated August 12, 2003, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Material Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Ethanol	3	UN1170	II
Fuel oil (No. 1, 2, 4, 5 or 6)	3	NA1993	III
Gasoline	3	UN1203	II
Gasohol	3	NA1203	II
Kerosene	3	UN1223	III
Methanol	3	UN1230	II
Toluene	3	UN1294	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are non-DOT specification containers described as volumetric meter provers conforming to requirements of the National Institute of Standards and Technology (NIST) Handbook 105-3, Specifications and Tolerances for Graduated Neck Type Volumetric Field Standards, dated 1996. Typical construction details are shown on Brownie Tank drawing number 1914-02C dated March 14, 1991 on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). These packagings are mounted on either truck chassis or motor vehicle trailers. The volumetric meter provers are manufactured from steel and have capacities ranging from 5 gallons to 1500 gallons.

b. TESTING -

(1) Each prover must be visually inspected once each year in accordance with § 180.407(d).

(2) Each prover must be retested at least once every 5 years in accordance with § 180.407(g). Only meter provers requalified after March 31, 2001 are required to be in conformance with § 180.407(g).

c. OPERATIONAL CONTROLS -

(1) Rear-end protection of the vehicles to which these provers are mounted must meet requirements of § 178.345-8(d).

(2) Provers must be drained before transportation to the lowest residual practicable, not to exceed two gallons.

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 modification or change is made to the package or its contents 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.

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:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 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.

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.



fa Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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(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: ALB