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

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

DOT-E 11499
(FIRST REVISION)

OCT 3 1995

EXPIRATION DATE: September 1, 1997

(FOR RENEWAL, SEE 49 CFR 107.105)

1. GRANTEE: Brownie Tank Manufacturing Company
Minneapolis, Minnesota.

2. PURPOSE AND LIMITATIONS: This exemption authorizes the manufacture, marking and sale of cargo tank motor vehicles conforming to DOT 406 specifications, except for head material, to be used for the transportation in commerce of certain Class 3 liquids, subject to the requirements prescribed herein. 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 107, Appendix B Subpart B, Paragraph (1); 172.301 (c); 178.345-2(a)(1) and 178.346-2(a) insofar as the cargo tank head material is not authorized.

5. BASIS: This exemption is based on the application of Brownie Tank Manufacturing Company dated August 22, 1995 submitted in accordance with 49 CFR 107.103, and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

| Hazardous materials description -- proper shipping name | Hazard Class/ Division | Identi-fication Number | Packing Group |
|---|---|---|---|
| Diesel fuel/Fuel oil | Class 3 | NA1993 | III |
| Gasoline | Class 3 | UN1203 | II |

7. PACKAGING and SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed must conform to the specifications for a DOT 406 cargo tank motor vehicle except that the head material to be used for the cargo tank is ASTM A-622, a low carbon hot-rolled steel similar to ASTM A-569.

b. TESTING - Testing is as required under § 178.346 and Part 180 for Specification DOT 406 cargo tank motor vehicles.

c. MARKING - The requirements of 49 CFR Section 172.301(c) and Appendix B, Subpart B Paragraph (1) of 49 CFR Part 107, regarding marking an exemption number on a package, does not apply to this exemption. "DOT 406" may be stamped on the nameplate of cargo tank motor vehicles manufactured under this exemption.

8. SPECIAL PROVISIONS:

a. A copy of this exemption, in its current status, must be maintained at each manufacturing facility at which this packaging is manufactured and must be made available to a DOT representative upon request.

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. Offerors for transportation of the hazardous materials specified in this exemption may use the packaging described in this exemption for the transportation of such hazardous materials so long as no modifications or changes are made to the packages, and all terms of this exemption are met.

d. A copy of this exemption must be attached to the certification documents provided to the owner of each cargo tank motor vehicle as required in §178.346-15 and must be retained by the owner as specified in §180.417(a).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: None as a requirement of 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. Section 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, Parts 171-180.

- o 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 unless a regulation has been amended making the exemption no longer necessary.

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

Issued at Washington, D.C.

OCT 3 1995

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(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.

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