U.S. Department
of Transportation

**Research and
Special Programs
Administration**

MAY 22 1998

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

DOT-E 11511

EXPIRATION DATE: **April 30, 2000**

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Brenner Tank, Inc.
Fond du Lac, WI

2. PURPOSE AND LIMITATIONS:

a. This exemption authorizes the manufacture, marking, sale and use of a piston carrying non-DOT Specification cargo tank motor vehicle conforming in part with the Specification DOT 407 cargo tank motor vehicle to be used for the transportation in commerce of printing ink, flammable. This exemption provides no relief from any regulation other than as specifically stated herein.

b. An exemption authorization to manufacture, mark, sell, and transport only represents certification of safety for a package when it is an article of commerce in transportation. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 178.345-3(b) in that the front head flanges do not meet the required minimum thickness and 49 CFR 178.345-10(c) in that the venting device is in the rear head of the tank.

5. BASIS: This exemption is based on the application of Brenner Tank dated September 5, 1995, and supplementary information dated January 30, 1998, submitted in accordance with 49 CFR 107.105 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
Printing ink, flammable	3	UN1210	II

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are non-DOT specification cargo tank motor vehicles having a Maximum Allowable Working Pressure (MAWP) of 25 psig and a maximum operating pressure of 3 psig which utilize a piston to unload the lading. Each cargo tank motor vehicle must be designed and constructed in accordance with Brenner Tank Inc. drawings IN-B-586 through IN-B-592 dated January 24, 1994, and calculations on file with the Office of Hazardous Materials Exemptions and Approvals and Specification DOT 407 (§§ 178.345 and 178.347) except as follows:

(1) § 178.345-3(b) in that the front head flanges do not meet the required minimum thickness.

(2) § 178.345-10(c) in that the venting device is in the rear head of the tank.

b. TESTING - Each cargo tank motor vehicle must comply with all test and inspection requirements of 178.345 and 178.347 for Specification DOT 407 cargo tank motor vehicles, and must meet all requirement for the periodic testing and inspections of Part 180 Subpart E for Specification DOT 407 cargo tank motor vehicle.

8. SPECIAL PROVISIONS:

a. 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 provided no modifications or changes are made to the packages, all terms of this exemption are complied with, and a copy of the current exemption is maintained at each facility from which such offering occurs.

b. 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

c. 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.

d. 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.

e. MARKING - Each cargo tank motor vehicle must be plainly and durably marked on the left side of the vehicle near the front of the cargo tank, in letters and numbers at least two inches high on a contrasting background, "DOT-E 11511".

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A 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. Section 5101 et seq:

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

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.

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.

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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.

MAY 22 1998

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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