

July 27, 2007



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 11883
(FIFTH REVISION)

EXPIRATION DATE: June 30, 2011

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Determan Brownie, Inc.
Minneapolis, MN
2. PURPOSE AND LIMITATIONS:
 - a. This special permit 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 special permit. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this special permit 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 special permit is based on the application of Determan Brownie, Inc., dated July 17, 2007, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification 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 Special Permits and Approvals (OHMSPA). 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 1,000 gallons to 1,500 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 special permit for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this special permit.

b. A person who is not a holder of this special permit, but receives a package covered by this special permit, 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 special permit and the HMR.

c. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

d. Each packaging manufactured under the authority of this special permit 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 Special Permits and Approvals for a specific manufacturing facility.

e. A current copy of this special permit must be maintained at each facility where the package is manufactured under this special permit. It must be made available to a DOT representative upon request.

f. Packagings permanently marked 'DOT-E 11883', prior to October 1, 2007 may continue to be used under this special permit for the remaining service life of the packaging or until the special permit is no longer valid. Packagings marked on or after October 1, 2007 must be marked 'DOT-SP 11883'.

g. Shipping papers displaying 'DOT-E 11883' may continue to be used until October 1, 2007, provided the special permit remains valid.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit 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 special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - 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 special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when the special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term 'exemption' to 'special permit' and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator

for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington D.C. on:



for Theodore L. Willke
Associate Administrator
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: sln