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

JUN 15

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

DOT-E 11772

EXPIRATION DATE: May 31, 2000

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Kleespie Tank & Petroleum Equipment
Morris, Minnesota

2. PURPOSE AND LIMITATIONS:

a. This exemption authorizes the manufacture, mark, sale and use of cargo tank motor vehicles conforming with all regulations applicable to a DOT Specification MC 331 cargo tank motor vehicle, except as specified herein, for the transportation in commerce of the materials authorized by this exemption. This exemption provides no relief from any Hazardous Materials Regulation 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 178.337-13(d) insofar as the mounting pads used for support and anchoring members are not the same material as the cargo tank shell; and the marking requirements of §§ 172.203(a) and 172.302(c).

5. BASIS: This exemption is based on the application of Kleespie Tank & Petroleum Equipment dated August 7, 1996, submitted in accordance with 49 CFR 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Proper Shipping Name/ Hazardous Material Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Those materials authorized for shipment in MC 331 cargo tanks.	As appropriate	As appropriate	As appropriate

For N.O.S. entries, the requirements of 49 CFR 172.203(k) must be met.

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are cargo tank motor vehicles meeting all requirements for MC 331 except that the material used for mounting pads is not the same as the cargo tank shell, as specified in § 178.337-13(d). Shells are fabricated from SA 517 grade B steel while the pads are SA 514 grade B steel.

b. TESTING - Testing is as required by 49 CFR 178.337 and Part 180 for MC 331 cargo tank motor vehicles.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of 49 CFR 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 modifications or changes are made to the package 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 manufactured under this exemption. It must be made available to a DOT representative upon request.

d. MARKING - The marking requirements of §§ 172.203(a) and 172.302(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

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10. MODAL REQUIREMENTS: A copy of this exemption must be carried aboard each motor vehicle 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.

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.

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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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, Washington, DC 20590-0001, Attention: Docket Section, 202-366-5046.

Dist: FHWA
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