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

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

NOV 18 2002

DOT-E 10228
(THIRD REVISION)

EXPIRATION DATE: October 31, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: KOCH Industries, Inc.
Wichita, Kansas

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the use of a non-DOT specification container described as mechanical displacement meter prover assemblies mounted on a truck chassis or trailer for the shipment of certain Class 3 flammable liquids. 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 § 173.242 except as specified herein.

5. BASIS: This exemption is based on the application of KOCH Industries, Inc. dated September 24, 2002, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Petroleum crude oil	3	UN1267	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are non-DOT specification packagings described as mechanical displacement meter prover assemblies mounted on a truck chassis or trailer. The meter provers have nominal water capacities between 15 and 1000 gallons and must be designed to ANSI Standards B 31.4. The pressure vessels are made up of 4 inch, 8 inch, 10 inch, or 16 inch outside diameter ASTM SA 53 Gr. B or A 106 Gr. B, schedule 40, seamless or welded steel pipe. Pipe assembly is by 150 pounds, 300 pounds, or 600 pounds ANSI welded flange joints. The maximum service pressure is 285 psig for assemblies with 150 pounds flanges, 740 psig for assemblies with 300 pounds flanges and 1480 psig for assemblies with 600 pounds flanges at ambient temperature. Pressure relief devices are not required. The motor vehicle also contains a 20 to 40 gallon capacity sump tank. The sump tank is equivalent to DOT specification steel drums authorized for flammable liquids. The provers must be as shown on sketches submitted with the application on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

In addition:

1. The bumper for the truck or trailer must meet the requirements of §§ 178.340-8(b) and 393.86.

2. The pressure rating as determined from the prover component with the lowest pressure rating must be marked on each truck or trailer.

3. The prover must be drained to atmospheric pressure prior to transportation.

4. During transportation, the pressure in the prover may not exceed 25 percent of the pressure rating determined in paragraph b. above and the maximum amount of lading in the prover may not exceed 30 percent of its capacity.

b. TESTING -

1. Each prover must be visually inspected once a year and retested at least once every 5 years at not less than 75 percent of the prover's design pressure in accordance with § 173.32(e). Only meter provers requalified after May 31, 2000 are required to be in conformance with § 173.32(e).

2. The sump tank must be visually reinspected once a year and pressure retested at least once every five years at a minimum pressure of 15 psig.

c. OPERATIONAL CONTROLS -

1. Drivers must have been instructed as to necessary safeguards and proper procedure in the event of unusual delay, fire, or accident.

2. Motor carriers operating under the terms of this exemption must have a "Satisfactory" or "Conditional" safety rating as prescribed in 49 CFR Part 385.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who 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 reoffered for transportation in conformance with this exemption and the HMR.

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

c. MARKING - The outside of each meter prover must be plainly and durably marked "DOT-E 10228".

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*:

    - All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

    - 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 inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

for Ann Mazzullo

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

NOV 18 2002
(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: sdc