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

JUL 13 2000

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

DOT-E 12500

EXPIRATION DATE: **September 30, 2000**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Persons represented by the National Propane Gas Association as their agent and other companies that have been granted party status and are listed in Appendix A of this exemption.

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time, one-way transportation in commerce of liquefied petroleum gas in certain non-DOT specification portable tanks which are empty but not cleaned and purged. 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 § 173.315(a) in that non-DOT specification portable tanks are authorized; and § 178.245-4(e) in that tanks which meet the definition of a container in § 450.3(a)(2) without each design having been prototype tested are authorized as specified herein.

JUL 13 2000

5. BASIS: This emergency exemption is based on the application of the National Propane Gas Association dated June 30, 2000 submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons or property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper shipping name -- Hazardous materials description	Hazard Class/ Division	Identi- fication Number	Packing Group
Petroleum gases, liquefied	2.1	UN1075	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are certain non-DOT specification portable tanks which also meet the definition of a container in § 450.3(a)(2) without each design having been prototype tested as required by 49 CFR Parts 450 through 453.

b. OPERATIONAL CONTROLS - The non-DOT specification portable tanks authorized by this exemption are:

(1) limited to one-time, one-way transportation between Alaska and Washington; and

(2) empty but not cleaned and purged.

8. SPECIAL PROVISIONS:

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

b. MARKING: Each portable tank must be marked "DOT-E 12500" in accordance with the provisions of §§ 172.302(b) and 172.302(c).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and cargo vessel.

10. MODAL REQUIREMENTS:

a. A current copy of this exemption must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this exemption.

b. For transportation by cargo vessel:

(1) Prior to each shipment, the shipper or shipper's representative must visually inspect each portable tank and provide written/signed certification that there are no visible signs of damage including the following:

(i) cracks in the corner fittings
(ii) dents in the corner posts
(iii) tears, breaks, holes in the overall framework, including saddles
(iv) external evidence of corrosion or other unsafe conditions
(v) damage to the tank and fittings.

(2) A copy of the signed certification required in paragraph 10.b.(1) must be attached to the shipping papers.

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 this 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.:

JUL 13 2000
(DATE)

Robert A. McGuire
Acting Associate Administrator
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, 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.

PO: CHHOCHMAN