U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JAN 11 2005

DOT-E 14116

EXPIRATION DATE: March 31, 2005

1. GRANTEE: Green's Blue Flame Gas Co., Inc.
Houston, TX

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time, one-way transportation in commerce of a 500-gallon water capacity non-DOT specification storage tank containing approximately 350 gallons of propane. 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(j)(4) in that the transportation of storage containers charged to more than 5 percent of their water capacity is not authorized except as specified herein and § 172.302(c) in that the exemption number need not be marked on the tank.

5. BASIS: This emergency exemption is based on the application of Green's Blue Flame Gas Co., Inc., dated January 10, 2005, 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): JAN 11 2005

Hazardous Materials Description			
Proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Propane	2.1	UN1978	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are non-DOT specification storage containers for propane, designed for permanent installation on a consumer premises. Each container must conform to the following description:

(1) Be ASME Code "U" stamped; and

(2) Have a water capacity not exceeding 500 gals.

b. OPERATIONAL CONTROLS:

(1) The storage container may not be charged to more than 90 percent of its water capacity.

(2) No other hazardous material may be transported on the motor vehicle during the one-time movement.

(3) For loading, all lifting must be by sling only. The storage container must be placed on the vehicle in a cradle so that supporting legs will not have any weight placed on them during transportation.

(4) Bracing of the storage container must conform with the requirements of § 177.834(g) and National Fire Protection Association(NFPA)Publication 58, Section 6-5.2 (*Transportation of containers*).

(5) The motor vehicle must be placarded with the FLAMMABLE GAS placards.

(6) The marking requirements of 49 CFR 172.302(c) are waived.

8. SPECIAL PROVISIONS: Only the one-way transportation by private carrier is authorized, from the consumer premises to the tank owner's bulk plant facility, a distance of approximately 16 miles.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard the motor vehicle used to transport the package 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.

    - Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.

    - 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: Shipments or operations conducted under this exemption 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

exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:

JAN 11 2005

(DATE)

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Robert A. McGuire
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.

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: LaValle