U.S. Department
of Transportation

**Research and
Special Programs
Administration**

APR 29 1999

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

DOT-E 12265

EXPIRATION DATE: JUNE 30, 1999

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Blu-Gas Company, Inc. of Gastonia
Gastonia, North Carolina

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the transportation in commerce of Propane in certain MC-331 cargo tanks that were not retested and inspected by a registered inspector. This exemption provides no relief from any regulation other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 173.33(a)(3) and 180.407(c) in that the MC-331 cargo tanks were not retested and inspected by a registered inspector; and the marking requirements in § 172.203(a) and § 172.302(c).

5. BASIS: This emergency exemption is based on a recommendation of the Federal Highway Administration and the application of Blu-Gas Company, Inc. of Gastonia, dated April 28, 1999, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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

7. PACKAGING: Authorized packagings are eight(8) MC-331 cargo tanks owned and operated by Blu-Gas Company, Inc. of Gastonia meeting the following information:

SERIAL NUMBER	TRUCK NUMBER	TANK CAPACITY (gal.)
119135	30	3000
119792	66	2800
118865	65	2800
115329	64	2500
12425-1	74	2800
12425-2	75	2800
T5032A2	Tanker 1	11,600
T5032A1	Tanker 2	11,600

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

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo tank 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. 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 at Washington, D.C.:

APR 29 1999

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, 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.

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