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

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

MAR 7 2003

DOT-E 13205

EXPIRATION DATE: August 31, 2003

1. GRANTEE: Western Propane Gas Association
(On behalf of Amerigas, Staub Energy and
Lassen Plumas Gas)
Sacramento, CA

(See Appendix A for a list of these companies)

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-way transportation in commerce of certain non-DOT specification storage tanks containing 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.

5. BASIS: This emergency exemption is based on the application of Western Propane Gas Association dated February 13, 2003, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons or property.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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:

i be ASME Code "U" stamped,
ii have a water capacity not exceeding 500 gals.,
iii not contain liquid propane lading of a quantity that exceeds 90% of its water capacity.

b. OPERATIONAL CONTROLS:

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

(2) Only one storage container tank at a time may be transported on a motor vehicle.

(3) For loading, all lifting must be by sling only. Storage containers 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*).

8. SPECIAL PROVISIONS:

a. Only private carriers are authorized under this exemption. They are the following propane dealers in Susanville, California:

Amerigas
Staub Energy
Lassen Plumas Gas

b. Only one-way transportation is authorized, from the consumer premises to the tank owner's bulk plant facility, a distance of approximately 8 miles.

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 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.:

MAR 7 2003
(DATE)

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: PTOlson