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

JUL 12 1995

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

DOT-E 11207

EXPIRATION DATE: July 12, 1997

(FOR RENEWAL, SEE 49 CFR SECTION 107.105)

1. GRANTEE: Duke Power Company, Charlotte, North Carolina. (See Appendix A of this exemption).

2. PURPOSE AND LIMITATION: This exemption authorizes the transportation in commerce of certain Class 3 liquids in packagings with a capacity not greater than 5 gallons on service vehicles. 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 Part 107, Appendix B Subpart B, Paragraph (2); Sections 172.301 (c); 173.28 (b)(2); and 173.202.

5. BASIS. This exemption is based on Duke Power Company's application dated January 13, 1994 and additional information dated May 2, and June 8, 1995 submitted in accordance with § 107.103 and the public process thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description / proper shipping name	Hazard Class/ Division	ID number	Packing Group
Gasoline-Engine oil mixture/ Flammable liquids n.o.s.	3	UN1993	II
Gasoline	3	UN1203	II

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING -

(i). *Packaging of 2.5 gallons through 5 gallons capacity.* Packaging prescribed is a metal or plastic UN standard packaging which has a maximum capacity of 5 gallons and is authorized in 49 CFR Part 173 for the transportation of gasoline. The packaging must be marked in a permanent manner in millimeters with the thickness of the packaging material, and conform with the minimum thickness criteria of § 173.28(b)(4). Each packaging must meet all requirements of § 173.28 for reuse except for the leak test required by § 173.28(b)(2). A packaging which, upon visual inspection, shows evidence of a reduction in integrity must be reconditioned and leak tested prior to reuse.

(ii). *Packagings of less than 2.5 gallons capacity.* Packagings prescribed may be as authorized in 7.(a)(i) or may be a metal or plastic safety can suitable for gasoline conforming to requirements of Occupational Health and Safety Administration of the Department of Labor in 29 CFR 1910.106(d)(2); 1926.152(a); and 1926.155(l). Paragraph 7.b. of this exemption, and leakproofness and minimum thickness requirements of § 173.28, do not apply. However, a packaging which, upon visual inspection in accordance with § 173.28 shows evidence of a reduction in integrity must be reconditioned and leak tested prior to reuse.

b. TESTING - Packaging with a capacity of 2.5 gallons or more must be tested and certified in accordance with 49 CFR Subpart M of Part 178, at the Packing Group II level for liquids.

c. MARKING - The requirements of 49 CFR Section 172.301 (c) and Appendix B, Subpart B of 49 CFR Part 107, regarding marking an exemption number on a package, do not apply to this exemption.

d. Packages may only be transported in company vehicles, or vehicles under contract with the company, by drivers who have been trained in the hazards of the materials involved and trained to assess the suitability of the packagings for reuse.

e. The aggregate quantity of gasoline transported on a vehicle under the terms of this exemption may not exceed 10 gallons.

f. During transport, all containers covered by this

exemption must be tightly sealed, and placed either within an internal storage space or bin on the vehicle, or otherwise physically secured to assure that they will be protected from damage and will not shift or move during transportation.

8. SPECIAL PROVISIONS. Persons using packaging covered under this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

9. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle.

10. MODAL REQUIREMENTS: A 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 Federal hazardous materials transportation law, 49 U.S.C. Section 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.

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 unless a regulation has been amended making the exemption no longer necessary.

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. (49 CFR 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 incidents involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

JUL 12 1995

(DATE)

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

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.

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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