

June 23, 2006



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 12038
(SEVENTH REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of certain DOT Specification 2Q containers containing liquefied petroleum gas. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, or other uses not associated with transportation in commerce.
 - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.304a(d)(3)(ii) in that the authorized pressures for DOT Specification 2Q containers are exceeded and § 178.33a-8 except as specified herein.
5. BASIS: This special permit is based on the application of Duracool Refrigerants, Inc. dated June 30, 2003, submitted in accordance with § 107.109 and supplemental information dated December 17, 2003.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Petroleum gases, liquefied or Liquefied petroleum gas	2.1	UN1075	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT Specification 2Q container not exceeding 380 ml (23.2 cubic inches) capacity. The container must conform to Sexton Can Company, Inc. Drawing 211 x 406 Plain Bottom dated June 20, 1997 and technical specifications on file with the Office of Hazardous Materials Special Permits and Approvals (OHMSPA) and are not equipped with a pressure relief device.

b. TESTING - § 178.33a-8 Tests.

(1) Four containers out of each lot of 3,040 containers or less, successively produced each day, must be pressure tested to determine the burst pressure. The containers must be complete with ends assembled. The end must reverse before any leakage or bursting. The minimum burst pressure may not be less than 350 psig.

(2) Each such 3,040 containers or less successively produced per day must constitute a lot. These containers must be complete with ends assembled, of the same material, size, design, construction and finish. If any of the test containers in a lot fail the pressure test, that lot must be rejected, or ten additional containers selected at random from the lot may be subjected to the pressure test. Should any of the ten additional test containers fail the test, the entire lot must be rejected.

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c. OPERATIONAL CONTROLS - Containers must be shipped as follows:

(1) Filling density must be in accordance with § 173.304a(d)(1). In addition, the liquid portion of the gas must not completely fill the container at any temperature up to and including 130°F.

(2) Each completed container filled for shipment must have been heated until the pressure in the container is equivalent to the equilibrium pressure of the contents at 130°F without evidence of leakage, distortion, or other defect.

(3) The pressure in the container must not exceed 72 psig at 70°F and 180 psig at 130°F.

(4) Each container must be packed in strong outside packagings as prescribed in § 173.301(a)(9).

(5) Each outside packaging must be marked "INSIDE CONTAINERS CONFORM WITH DOT-SP 12038".

(6) Each package may not exceed 66 pounds gross weight.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modifications or change are made to the package or its contents and it is reoffered for transportation in conformance with this special permit and the HMR.

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

c. Test data obtained under paragraph 7.b., §178.33a-8 Tests, of this special permit, must be kept on file and be made available upon request by the OHMESP. Additionally, the following information must be submitted to OHMSPA:

(1) Burst test results for the first 20 lots tested under paragraph 7.b. of this special permit.

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(2) Lading temperature and pressure test data for the first 20 lots to verify that each completed container has been heated until the pressure in the container is equivalent to the equilibrium pressure of the contents at 130°F without evidence of leakage, distortion, or other defect and that the pressure in the container does not exceed 180 psig at 130°F as specified in paragraphs 7.c.(2) and 7.c.(3) of this special permit. A description of the quality assurance controls used to assume compliance with the requirements of paragraph 7.c.(2).

- d. Packagings permanently marked 'DOT-E 12038', prior to October 1, 2007 may continue to be used under this special permit for the remaining service life of the packaging or until the special permit is no longer valid. Packagings marked on or after October 1, 2007 must be marked 'DOT-SP 12038'.
- e. Shipping papers displaying 'DOT-E 12038' may continue to be used until October 1, 2007, provided the special permit remains valid.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight and cargo vessel.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel used to transport packages covered by this special permit.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.

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- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when the special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term 'exemption' to 'special permit' and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit 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 special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: CWF/sln