

August 04, 2021



U.S. Department
of Transportation

East Building, PHH-30

1200 New Jersey Avenue
S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 12240
(NINTH REVISION)

EXPIRATION DATE: 2025-03-31

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Joseph H. Spence
dba Spence Air Service
Enterprise, OR
FAA Certificate Number: SHCA949B (Part 135)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of propane, Division 2.1, in certain DOT specification cylinders aboard passenger-carrying aircraft, when other means of transportation are impractical or not available. This special permit provides no relief from the Hazardous Materials Regulation (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.200 in that shipping papers are waived; § 172.301(c) in that marking the special permit number on each package is waived;

August 04, 2021

§ 172.301(d) in that marking the consignee's or consignor's name and address on each package is waived; § 175.310 in that propane is not authorized, except as specified herein, and § 175.75(b) in that the material may be transported in a passenger cabin.

5. BASIS: This special permit is based on the application of Joseph H. Spence dba Spence Air Service dated May 20, 2021, submitted in accordance with § 107.105 and the public proceeding thereon.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Propane see also Petroleum gases, liquefied	2.1	UN1978	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING: Packagings prescribed are DOT specification 4BA, 4BW, and 39 cylinders. Prior to loading the cylinders aboard the aircraft, the pilot must check the cylinders for possible leakage, ensure that the valves are closed tightly, and perform a visual check for cylinder integrity. The cylinders must be loaded and secured in a manner that will prevent shifting during transportation.

b. OPERATIONAL CONTROLS: No more than 60 pounds net weight of propane may be transported aboard each aircraft.

c. This special permit authorizes the use of small passenger-carrying aircraft operating within or into a remote area in the United States to carry, in other than scheduled passenger operations, not more than 60 pounds net weight of propane if:

- (1) Transportation of propane aboard passenger-carrying aircraft is authorized when other means of transportation are impractical or not available;

- (2) Carriage is necessary to meet the needs of a passenger on the same aircraft;
- (3) Each area or compartment in which the propane is loaded is suitably ventilated to prevent the accumulation of vapors;
- (4) Before each flight, the pilot-in-command:
 - (i) Informs each passenger of the location of the propane and the hazards involved; and
 - (ii) Prohibits smoking, lighting matches, the carrying of any lighted cigar, pipe, or cigarette, flame, or electronic cigarette or the use of any device which may cause an open flame or spark in flight.
- (5) No person may fill a container with propane or discharge propane from a container while that container is inside or within 15 m (50 feet) of the aircraft;
- (6) During loading and unloading, no person may light matches, smoke, carry a lighted cigarette, cigar, pipe, or electronic cigarette, or operate any device capable of causing an open flame or spark within 15 m (50 feet) of the aircraft;
- (7) Each package must be properly marked and labeled in accordance with Subparts D and E of Part 172 (§ 172.301(c) and (d) are waived); and
- (8) In lieu of shipping papers, the aircraft operator must maintain the following record aboard the aircraft in which propane is carried under the authority of this special permit. This record must be maintained for two years after the hazardous material is accepted by the aircraft operator and must be available at its principal business office to representatives of the FAA and submitted to the Office of Hazardous Materials Safety upon request. The record must include:
 - (i) Name of the shipper(s).

- (ii) Origin airport(s).
- (iii) En-route airport(s).
- (iv) Destination airport(s).
- (v) The proper shipping name and Division for propane.
- (vi) Net weight of propane aboard the aircraft.
- (vii) Name of each pilot and any other person aboard the aircraft.
- (viii) Registration number of the aircraft.

d. This special permit does not grant the authority to use foreign controlled airspace or airports outside the United States.

e. Alternative pilot-in-command notification procedures for § 175.33, may be established subject to the written approval of the FAA Office of Hazardous Materials Safety.

f. The grantee must comply with 49 CFR 175.310(e).

- 8. SPECIAL PROVISIONS: Hazardous materials transported under the terms of this special permit may be carried in the passenger cabin.
- 9. MODES OF TRANSPORTATION AUTHORIZED: Passenger-carrying aircraft.
- 10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each aircraft 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.
- 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

August 04, 2021

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 William Schoonover

Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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: Andrew Eckenrode/NICKS