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

AUG 3 0 2001

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

DOT-E 12528
(FIRST REVISION)

EXPIRATION DATE: May 31, 2002

1. GRANTEE: Permagas, Inc.
Lake Stevens, WA

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes one round-trip transportation in commerce of liquefied petroleum gas in a DOT Specification 51 portable tank between the states of Washington and Alaska. 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 § 178.245-4(e) in that a DOT Specification 51 portable tank which meets the definition of a container in § 450.3(a)(2) without having been prototype tested is authorized as specified herein.

5. BASIS: This emergency exemption is based on the application of Permagas, Inc. dated August 27, 2001 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):

Proper shipping name -- Hazardous materials description	Hazard Class/ Division	Identi- fication Number	Packing Group
Petroleum gases, liquefied	2.1	UN1075	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT Specification 51 portable tank bearing manufacturers serial number 86426 which meets the definition of a container in § 450.3(a)(2) without having been prototype tested as required by 49 CFR Parts 450 through 453.

b. OPERATIONAL CONTROLS -

(1) Transportation is limited to the portable tank owned by Permagas, Inc. which will be transported on barges owned by Northland Services, Inc. or cargo vessels owned by CSX Transportation.

(2) The DOT Specification 51 portable tank is limited to one (1) round-trip, leaving the State of Washington (WA) for Alaska in September, 2001 and returning from Alaska to the State of Washington in May, 2002.

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: Each portable tank must be marked "DOT-E 12528" in accordance with the provisions of §§ 172.302(b) and 172.302(c).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and cargo vessel.

10. MODAL REQUIREMENTS:

a. A current copy of this exemption must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this exemption.

b. For transportation by cargo vessel:

(1) Prior to each shipment, the shipper or shipper's representative must visually inspect the portable tank and provide written/signed certification, that is attached to the shipping papers, to verify that there are no visible signs of damage including the following:

(i) cracks in the corner fittings
(ii) dents in the corner posts
(iii) tears, breaks, holes in the overall framework, including saddles
(iv) external evidence of corrosion or other unsafe conditions
(v) damage to the tank and fittings.

(2) The stowage of the portable tank covered by this exemption must be approved by the United States Coast Guard prior to shipment.

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.:

Suzanne Hedgspeth

Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

AUG 30 2001
(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.

PO: CHHOCHMAN/KFW