



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

SEP 16 2004

DOT-E 11209
(SIXTH REVISION)

EXPIRATION DATE: August 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Persons represented by their agent, The National Propane Gas Association, Arlington, VA
(On File with the Office Hazardous Materials Exemptions and Approvals)
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of liquefied petroleum gas (LPG) in non-DOT specification cargo tank motor vehicles exclusively for agricultural purposes when operated by a private carrier. 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(a) insofar as the proposed cargo tank is not an authorized packaging except as specified herein; and the marking requirements in §§ 172.200, 172.203(a), and 172.302(c).
5. BASIS: This exemption is based on the application of National Propane Gas Association (NPGA), as an agent for its members and others, dated August 16, 2004, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101): SEP 16 2004

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication 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 non-DOT specification cargo tank motor vehicle commonly known as a moveable fuel storage tender used exclusively for agricultural purposes. In order to qualify for this exemption, cargo tanks must:

- (i) have a minimum design pressure of 250 psig and meet the requirements of the ASME Code in effect at the time of manufacture and be marked accordingly;
- (ii) have a water capacity of 1,200 gallons or less;
- (iii) conform to National Fire Protection Association Pamphlet No. 58; and
- (iv) be mounted securely on a motor vehicle.

b. MARKING - Each cargo tank must be painted white, aluminum or other light reflecting color. The marking requirements of §§ 172.203(a) and 172.302(c) are waived.

c. OPERATIONAL CONTROLS - The packaging covered by this exemption may only be operated by a private carrier exclusively for agricultural purposes provided:

- (i) The cargo tank when used is charged to appropriate filling limits as provided in § 173.315(b) of this subchapter for liquefied petroleum gas;
- (ii) The transportation of a filled cargo tank over public roads is limited to the movement between one field and another and then only by the shortest practical distance on public roads;

(iii) Transportation by a cargo tank between point of use and a propane distribution facility is limited to the tank containing no more than 5 percent of its water capacity.

8. SPECIAL PROVISIONS: A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.
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:
 - o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this exemption 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 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 the 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.

SEP 16 2004

(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.:



Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

SEP 16 2004

(DATE)

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.

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: sln