



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

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

SEP 30 2002

DOT-E 11771
(THIRD REVISION)

EXPIRATION DATE: August 31, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109.)

1. GRANTEE: Cononco, Incorporated
Denver, Colorado
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the offering of tank cars, containing class 3 materials and combustible liquids, with no inspection of the top fittings and appurtenances and the unloading of these materials without opening and blocking the manway cover. 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 § 172.302(c) in that marking the exemption number on tank cars is waived; and § 173.31(d)(1)(ii), (iv), and (vi) and § 174.67 (b) and (c).
5. BASIS: This exemption is based on Conoco, Incorporated's application of September 4, 2002, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description/proper shipping name	Hazard Class/Division	Identification number	Packing Group
Gasoline	3	UN1203	II
Fuel, aviation, turbine engine	3	UN1863	III
Diesel fuel	3	NA1993	III

7. SAFETY CONTROL MEASURES:

a. Packagings prescribed are DOT specification tank cars authorized for the material specified and constructed in accordance with Union Tank Car Company's drawings, dated September 4, 1996, accompanying the original application or Trinity Industries, Incorporated's drawing SK-SLM-5, dated September 1, 1996.

b. Each tank car must be equipped with bottom discontinuity protection that conforms to the requirements of E9.00 and E10.00 of the AAR Specifications for Tank Cars.

c. Prior to offering, the shipper must conduct the visual inspection of each car in accordance with the provisions of § 173.31(d)(1) as applicable from the ground level.

d. The pressure relief devices and manway nozzle assembly of each tank car operating under the terms of this exemption must be inspected quarterly to ensure proper securement and the absence of corrosion or damage that may alter the intended operation of the device.

e. During unloading operations, the unloading facility must ensure that appropriate measures are taken to prevent damage to the tank car as a result of excessive pressure or vacuum.

8. SPECIAL PROVISIONS. The marking requirements of § 172.302(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.

10. MODAL REQUIREMENTS: None as a requirement of 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. 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 for 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 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 also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued in Washington, D.C.:



fe Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

SEP 30 2002

(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.

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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: AM