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

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

FEB 3 2003

DOT-E 12138
(SECOND REVISION)

EXPIRATION DATE: **January 31, 2005**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Duke Energy Field Services
Former Grantee: Gas Supply Resources, Inc.
Albany, NY

2. PURPOSE AND LIMITATION:

a. This exemption authorizes certain unloading attachments to remain attached to tank cars when no unloading is being conducted. 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); § 174.67(i) and (j) in that tank cars are not allowed to stand with unloading connections attached after unloading, except as specified herein.

5. BASIS: This exemption is based on the application of Duke Energy Field Services dated January 17, 2003, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Liquefied petroleum gas	2.1	UN1075	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are DOT specification tank cars authorized for materials listed in § 173.314 with an unloading pipe connected and protective cap installed.

b. OPERATIONAL CONTROLS - The piping and protective cap described in paragraph 7.a. must be manufactured from compatible metal constructed to schedule 80 or greater. The piping must extend outside of the protective housing in a manner that prevents the pipe from being struck by the protective housing cover.

c. MARKING - The marking requirements of § 172.302(c) are waived.

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. After connecting the pipe and prior to transferring any product, the facility representative must conduct an inspection to ensure that the protective housing cover cannot strike the piping when in the fully opened position.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: None as a condition 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 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 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. (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.:

FEB 3 2003

(DATE)

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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: SCHOONOVER/AM