



U.S. Department
of Transportation

Research and
Special Programs
Administration

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

JUL 12 2004

DOT-E 10049
(TENTH REVISION)

EXPIRATION DATE: May 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Enderby Gas, Inc.
Gainesville, Texas

(See Appendix A of this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the use of a polyurethane insulated cargo tank conforming with MC 331 built prior to 1984 to transport the hazardous materials prescribed in paragraph 6 below. This exemption provides no relief from any Hazardous Materials Regulation (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, 173.318, 173.320, 173.337, 177.840 except as specified herein.

5. BASIS: This exemption is based on the application of Enderby Gas, Inc. dated June 24, 2004, submitted in accordance with § 107.109.

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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 (or) Liquefied petroleum gas	2.1	UN1075	N/A
Ethane	2.1	UN1035	N/A
Ethane, refrigerated liquid	2.1	UN1961	N/A
Ethane-Propane mixture, refrigerated liquid	2.1	NA1961	N/A
Ethylene, refrigerated liquid (cryogenic liquid)	2.1	UN1038	N/A
Methane, compressed gas	2.1	UN1971	N/A
Compressed gas, flammable, n.o.s.	2.1	UN1954	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are polyurethane insulated, non-DOT specification cargo tanks bearing serial numbers 60978 through 60989. Each cargo tank is designed and constructed in accordance with Section VIII of the ASME Code with a design pressure of 275 PSIG for the internal tank.

1. Each cargo tank conforms with Evans Tank Company's drawings TR-1811-A Rev. 0, TR-1811-A1 Rev. C, TR-1811-A2 Rev. B, TR-1811-A3 Rev. A, TR-1811-A4X Rev. 0, TR-1811-A5 Rev. 0 on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA), and to DOT Specification MC 331 (§ 178.337), except for specification marking.

2. Each cargo tank must be marked "DOT-E 10049" instead of "MC 331". The mark "DOT-E 8842" must be removed or obliterated. No new construction is authorized.

b. Design temperature is -130°F for the inner tank. Water capacity is 9,600 gallons for the inner tank. Tank material is SA 240 type 304 stainless steel for the inner tank and outer jacket.

8. SPECIAL PROVISIONS.

a. Each cargo tank must be reinspected and retested once every 5 years in accordance with § 180.407(c) at a pressure (in PSIG) of 14.7 plus one and one-half times the sum of the design pressure plus the static head as prescribed for DOT Specification MC 331 cargo tanks.

b. Each cargo tank must be plainly marked "DOT-E 10049", on the right side near the middle, in letters at least two inches high on a contrasting background.

c. Each cargo tank must be prepared and shipped as required in §§ 173.315 or 173.318, as applicable for the lading.

d. No person may transport or offer for transportation a charged cargo tank unless the pressure of the lading is equal to or less than that used to determine the marked rated holding time (MRHT) and the one way travel time is equal to or greater than the elapsed time between the start and termination of travel.

e. The actual holding time for each cargo tank must be determined after each shipment. If it is determined that the actual holding time is less than 90 percent of the MRHT of the cargo tank, it may not be refilled until it is restored to its MRHT or the tank is re-marked with the holding time determined by this examination.

f. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

- g. 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. A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.
- b. Carriers transporting cargo tanks authorized under the terms of this exemption must hold a "Conditional" or "Satisfactory" safety rating, as prescribed in Part 385 of 49 CFR.
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 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.:



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUL 12 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.

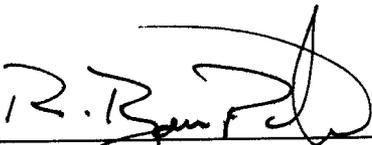
Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO:PTOlson:DL

JUL 12 2004

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Martin Transport, Inc. Kilgore, TX	May 3, 2004	JUL 12 2004	May 31, 2006



fa Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUL 12 2004

Date