



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

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

AUG 15 2003

DOT-E 12039
(FOURTH REVISION)

EXPIRATION DATE: July 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Sunoco, Inc.
Marcus Hook, PA
(Former grantee: Sun Company, Inc.)

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

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of DOT 113C120W tank cars containing Ethylene, refrigerated liquid, at an internal pressure of 20 psig instead of the maximum 10 psig. This exemption provides no relief from any 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 § 173.319(d)(2) in that a maximum pressure, when offered for transportation, of 20 psig is not authorized, except as specified herein.

5. BASIS: This exemption is based on Sunoco, Inc.'s application dated August 11, 2003, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Ethylene, refrigerated liquid (<i>cryogenic liquid</i>)	2.1	UN1038	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGINGS: Prescribed packagings are DOT Specification 113C120W tank cars.

b. TESTING: If the average daily pressure rises during any shipment and exceeds 2.5 psig per day, the tank must be tested for thermal integrity as specified in § 173.319(e)(2) prior to any subsequent shipments.

8. SPECIAL PROVISIONS:

a. Tank cars containing only the residue of product may not be offered for transportation above 10 psig.

b. MARKING: Each tank car must be marked "DOT-E 12039" in letters and numerals at least 4 inches high on a contrasting background above the DOT specification marks.

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 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 Registration required by § 107.601 et seq., when applicable.

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Each "Hazmat employee", as defined in § 171.8 who performs a function subject to this exemption must receive training on the requirements and condition 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 incidents 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

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(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: Schoonover/sln

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.

NOV 25 2003

Company Name City/State	Application Date	Issue Date	Expiration Date
Lyondell Chemical Company Houston, TX	Nov 17, 2003	NOV 25 2003	Jul 31, 2005
Equistar Chemicals, LP Houston, TX	Nov 17, 2003	NOV 25 2003	Jul 31, 2005

Ann Mazzullo
Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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