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

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

MAR 1 3 2003

DOT-E 13156
(SECOND REVISION)

EXPIRATION DATE: March 31, 2004

1. GRANTEE: Phelps Sungas, Inc.
Geneva, NY

(See Appendix A for a list of additional grantees.)

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of certain MC-331 cargo tank motor vehicles, containing propane, that have specification plates that are missing certain required information and may not meet the size requirement for marking which are supplemented with written information carried in the cab of the motor vehicle. 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.

c. This exemption will not be renewed.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 178.337-17 in that the specification plate for each cargo tank motor vehicle must be marked with certain information and must meet certain size requirements except as provided herein and § 172.302(c) in that the exemption number need not be marked on each cargo tank.

5. BASIS: This emergency exemption is based on the application of Phelps Sungas, Inc., dated October 25, 2002, and additional information dated January 24, 2003, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Propane	2.1	UN1978 or UN1075	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a DOT Specification MC-331 cargo tank meeting all requirements of the HMR except that a specification plate may be used that does not meet the requirements of § 178.337-17 with regard to size, the vehicle manufacturer's name, and the vehicle manufacturer's serial number.

b. TESTING - Each cargo tank must be in conformance with the requalification requirements in Part 180 of the HMR for an MC-331 cargo tank.

c. CERTIFICATION - The current certification by the cargo tank assembly manufacturer (**vehicle manufacturer**) must be carried in the cab of the vehicle at all times, and must be made available to representatives of the Department upon request. The certification must include the following information:

(1) Cargo tank manufacturer;
(2) Cargo tank manufacturer's serial number;
(3) Vehicle manufacturer;
(4) Vehicle manufacturer's serial number;
(5) Vehicle manufacturer's certification to DOT MC-331; and
(6) Date of vehicle manufacturer's certification.

d. The marking requirement of § 172.302(c) is waived.

8. SPECIAL PROVISIONS:

a. 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.

b. 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:

- 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 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.:

MAR 1 3 2003

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, 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: DL