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

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

NOV 12 2002

DOT-E 13168
(FIRST REVISION)

EXPIRATION DATE: December 1, 2002 **or upon completion of construction/maintenance of the gas supply pipeline, whichever occurs first**

1. GRANTEE: Cleco Energy LLC
Lufkin, TX

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of compressed natural gas in certain DOT Specification MC 331 cargo tank motor vehicles. 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: The marking requirements in §§ 172.203(a) and 172.302(c) are waived; and § 173.302(a) in that MC 331 cargo tank motor vehicles are not authorized packagings for the material listed in paragraph 6 below, except as specified herein.

5. BASIS: This emergency exemption is based on the application of Cleco Energy, LLC dated November 7, 2002, and additional information dated November 11, 2002, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons or property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Natural gas, compressed *(with high methane content)*	2.1	UN1971	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are four (4) DOT Specification MC 331 cargo tank motor vehicles owned by Martin Transport, Inc.

b. TESTING - The DOT Specification MC 331 cargo tank motor vehicles authorized by this exemption must be pressure tested and inspected by the wet fluorescent magnetic particle method as specified in § 180.407(g)(3) immediately after being used in natural gas service. Test results must be submitted to the Office of Hazardous Materials Exemptions and Approvals.

c. OPERATIONAL CONTROLS -

(1) The cargo tanks will service the cities of Port Aransas and portions of Corpus Christi, both located on Padre Island, all within the State of Texas.

(2) The cargo tank motor vehicles may not be charged to a pressure exceeding 240 psig at 70°F.

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. MARKING - The marking requirements of §§ 172.203(a) and 172.302(b) and (c) are waived.

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.:

NOV 12 2002

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

(DATE)

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: CHH/DL