JUN 10

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

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

DOT-E 12090

EXPIRATION DATE: **September 6, 1998**

1. GRANTEE: Forcenergy, Inc.
Anchorage, Alaska

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the transportation in commerce of nitrogen in a bulk cryogenic tank that exceeds the package quantity limitation when transported by cargo aircraft. This exemption provides no relief from any Hazardous Materials Regulation (HMR) other than as specifically stated herein.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 172.101(9B) in that the quantity limitation for nitrogen by cargo aircraft is exceeded.

5. BASIS: This emergency exemption is based on the application of Forcenergy, Inc. dated June 8, 1998, submitted in accordance with 49 CFR 107.117 and a determination that it is necessary to preclude serious economic loss.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Nitrogen, refrigerated liquid	2.2	UN1977	n/a

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a 2000 gallon, custom built, insulated, bulk cryogenic liquid tank.

b. The tank will be secured within the aircraft prior to transportation.

c. The transportation will be from Anchorage, Alaska, to the Beluga Power Plant Airstrip by Lockheed L-100 cargo aircraft operated by Lyndon Air Cargo, FAA Certificate LR7A-113H.

d. All crewmembers will be on 100% oxygen at all times when the aircraft is closed.

e. No deviations from FAA approved Hazardous Materials procedures are proposed.

8. SPECIAL PROVISIONS: The shipper using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo aircraft only.

10. MODAL REQUIREMENTS: A copy of this exemption must be carried aboard each aircraft used to transport packages covered by this exemption. The shipper shall furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

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. Section 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by 49 CFR 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in 49 CFR 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 49 CFR 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.

APPENDIX A

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with 49 CFR 107.107 or 107.109, as appropriate:

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. (49 CFR 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 at Washington, D.C.:

JUN 10 1998

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

(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.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, Washington, DC 20590-0001, Attention: Docket Section, 202-366-5046.

Dist: FAA
PO: am