U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

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

SEP 2 2005

DOT-E 14240

EXPIRATION DATE: December 31, 2005

1. GRANTEE: Mecury Marine, Inc.
Fond du Lac, WI

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the transportation in commerce of hazardous materials used to support the recovery and relief efforts to, from and within the Hurricane Katrina disaster areas not subject to certain requirements of the Hazardous Materials Regulations. This exemption provides no relief from any regulation 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 §§ 172.301 in that each package need not be marked with the exemption number, 173.220(f) and 175.305(a)(1) in that the engines must be purged of fuel, except as specified herein.

5. BASIS: This emergency exemption is based on the application of Mercury Marine Inc., dated September 1, 2005 submitted in accordance with § 107.117 and a determination that it is necessary to prevent risk to persons or property.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Engines, internal combustion (*flammable liquid powered*)	9	UN3166	N/A
Vehicle, flammable liquid powered	9	UN3166	N/A

7. SAFETY CONTROL MEASURES:

(a) Each hazardous material must be properly packaged, marked and labeled according to the HMR.

(b) Engines need not be drained of fuel or other fluids.

(c) The provisions of § 172.301(c) are 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.

c. This exemption also serves as an authorization of the Competent Authority of the United States (CA-2005090004) in accordance with Part 1, Chapter 1, paragraph 1.1.2 of the International Civil Aviation Organization's Technical Instructions for the Safe Transportation of Dangerous Goods by Air.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo vessel and cargo aircraft only.

10. MODAL REQUIREMENTS: The shipper must furnish a current copy of this exemption to each 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. 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- 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.
- Registration required by 49 CFR 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 the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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(DATE)

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Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-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.
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