U.S. Department
of Transportation

**Research and
Special Programs
Administration**

DEC 28 1995

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

DOT-E 11371

EXPIRATION DATE: December 7, 1997

(FOR RENEWAL, SEE 49 CFR SECTION 107.105)

1. GRANTEE: Liquid Carbonic Bulk Gases
Bozrah, CT

2. PURPOSE AND LIMITATION: This exemption authorizes the transportation in commerce of certain non-DOT specification cargo tanks containing liquefied oxygen on board passenger ferry vessels which are carrying more than 25 passengers, from New London, CT to Orient Point, Long Island, New York. 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 Part 172.101. Hazardous Materials Table Column 10A stowage category "D" for the hazardous material description oxygen, refrigerated liquid. The marking requirements of 49 CFR Part 107, Appendix B to Subpart B, paragraph (1) and 172.301(c).

5. BASIS: This exemption is based on the application of Liquid Carbonic Bulk Gases dated December 6, 1994, and supplemental information dated June 8, 1995, submitted in accordance with 49 CFR 107.103 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Oxygen, refrigerated liquid	2.2	UN1073	N/A

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - Authorized packaging is a non-DOT specification cargo tank trailer in compliance with 49 CFR 173.318, CGA Pamphlet 341, and ASME code requirements.

b. OPERATIONAL CONTROLS - Prior to the voyage, the driver of the transport vehicle must blow down the cargo tank so that the tank pressure remains at or below 5 psig for the duration of the voyage.

8. SPECIAL PROVISIONS:

a. Shippers and carriers 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.

b. **MARKING** - The marking requirements of 49 CFR Part 107, Appendix B to Subpart B, paragraph (1) and 172.301(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Passenger ferry vessel.

10. MODAL REQUIREMENTS:

a. Carriage of oxygen, refrigerated liquid in non-DOT specification cargo tank trailers on board a passenger ferry carrying more than 25 passengers is permitted subject to the following conditions:

1. The hazardous material must be stowed only on the open weather deck in a location on the stern of the vessel which is acceptable to the Captain of the Port, taking into account the proximity to spaces occupied by passengers and the need to provide physical protection of material.

2. If practical, the hazardous material must be loaded onto and unloaded from the ferry vessel either prior to or after the loading or unloading of other vehicles.

3. The vessel operator must assure that the hazardous material is under regular surveillance by a member of the crew.

4. Passengers, other than the vehicle operator, may not remain in the vicinity of the transport vehicle carrying hazardous material.

5. Arrangements must be made to provide for rapid response to a casualty or fire involving the materials. If weather and other conditions permit, a charged fire hose must be laid out in the vicinity of the material.

6. All applicable provisions of 49 CFR 176, including those contained in Sections 176.76 and 176.89 must be observed.

b. Compliance with the above provisions and any additional provisions must be to the satisfaction of the Captain of the Port.

c. A copy of this exemption must be carried aboard each ferry vessel used to transport the hazardous material 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. 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.

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. (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 incidents involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

DEC 28 1995

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.

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