U.S. Department
of Transportation

**Research and
Special Programs
Administration**

AUG 2 6 2004

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

DOT-E 13836

EXPIRATION DATE: September 30, 2004

1. GRANTEE: Crossett, Inc.
Warren, PA

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time one-way transportation in commerce of a DOT Specification 406 cargo tank that has been damaged and contains the residue of gasoline. The cargo tank has been patched to prevent leakage during transportation. 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: 49 CFR § 173.242 in that a specification cargo tank is required, except as provided herein and 172.302(c) in that the exemption number need not be marked on the cargo tank.

5. BASIS: This emergency exemption is based on the application of Crossett, Inc., dated August 26, 2004, 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):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identi- fication Number	Packing Group
Gasoline	3	UN1203	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a DOT Specification 406 cargo tank, serial number 4J8T04436YT006301, that has 2 or 3 small holes in the upper portion of the shell. Each hole must be plugged and sealed with fiberglass prior to transport.

b. OPERATIONAL CONTROLS -

(1) The cargo tank described above is authorized to be transported one-time, one-way from Shortsville, NY to Warren, PA for repair.

(2) Transportation must be by private or contract motor carrier.

8. SPECIAL PROVISIONS: The marking requirements of § 172.302(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard the motor vehicle used to transport the package 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.

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- 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 § 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.:

AUG 2 6 2004

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, Department of Transportation, 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.

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