



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

SEP 14 2004

DOT-E 11386
(FIFTH REVISION)

EXPIRATION DATE: August 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Beaver Island Boat Company
Charlevoix, MI

2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of certain liquefied petroleum gases and acetylene, contained in DOT Specification cylinders, on board passenger ferry vessels, which are carrying more than 25 passengers. 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 § 172.101 Column (10A) for the hazardous materials descriptions: Petroleum gases, liquefied; Propane; and Acetylene.

5. BASIS: This exemption is based on the application of the Beaver Island Boat Company dated August 31, 2004, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Acetylene, dissolved	2.1	UN1001	N/A
Petroleum gases, liquefied or Liquefied petroleum gas	2.1	UN1075	N/A
Propane see also Petroleum gases, liquefied	2.1	UN1978	N/A

7. SAFETY CONTROL MEASURES: The materials must be packaged in the appropriate cylinders required by the Hazardous Materials Regulations. A maximum of two cylinders containing acetylene may be carried on each voyage.

8. SPECIAL PROVISIONS: None as a requirement of this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED: Passenger ferry vessel.

10. MODAL REQUIREMENTS:

a. Carriage of Propane, Petroleum gas, liquefied, or Acetylene, dissolved contained in DOT Specification cylinders having capacities not exceeding 100 pounds water capacity on board a passenger ferry carrying more than 25 passengers is subject to the following conditions:

(1) The hazardous material must be stowed only on the open weather deck in a location 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 and 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 may not remain in the area where these materials are stowed.

(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 materials.

(6) All applicable provisions of 49 CFR 176, including those contained in § 176.76, § 176.89, and § 176.200 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 current copy of this exemption must be carried on board each ferry vessel used to transport the hazardous materials 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:

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

Each "Hazmat employee", as defined in § 171.8, who perform a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training 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: The carrier is required to report any incident involving fire, explosion, or 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 incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

Robert A. McGuire

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Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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(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.

PO: sln